STATUTORY INSTRUMENTS

2026 No. 956

INVESTIGATORY POWERS, ENGLAND AND WALES

The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) (Amendment) Order 2026

Made - - - -	*1st September 2026*
Laid before Parliament	*2nd September 2026*
Coming into force	
Articles 1 to 4 (except article 4(2) and (4))	*29th October 2026*
Article 4(2) and (4)	*1st January 2027*

The Secretary of State makes this Order in exercise of the powers conferred by section 30(3)(b) and (6) of the Regulation of Investigatory Powers Act 2000(**a**).

Citation

1. This Order may be cited as the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) (Amendment) Order 2026.

Commencement

2.—(1) This Order comes into force on 29th October 2026, subject as follows.

(2) Article 4(2) and (4) comes into force on 1st January 2027.

Extent

3. This Order extends to England and Wales, Scotland and Northern Ireland.

Amendment to article 7A(3)(b) of the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010

4.—(1) Article 7A(3)(b) of the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 (restrictions on the granting of authorisations)(**b**) is amended in accordance with article 4(2) to (6).

(2) For paragraph (iv), substitute—

(**a**) 2000 c. 23.
(**b**) S.I. 2010/521; relevant amending instruments are S.I. 2012/1500, 2015/937.

"(iv) section 1 of the Tobacco and Vapes Act 2026 (sale of tobacco etc)(**a**);".

(3) In paragraph (v), omit ", nicotine products".

(4) For paragraph (v), substitute—

"(v) section 2 of the Tobacco and Vapes Act 2026 (purchase of tobacco etc on behalf of others);".

(5) For paragraph (vi), substitute—

"(vi) section 10 of the Tobacco and Vapes Act 2026 (sale of vaping or nicotine products to under 18s);".

(6) After paragraph (vi), insert—

"(vii) section 11 of the Tobacco and Vapes Act 2026 (purchase of vaping or nicotine products on behalf of under 18s).".

Signed by authority of the Secretary of State for Health and Social Care

Diana Johnson
Minister of State
Department of Health and Social Care

1st September 2026

(**a**) 2026 c. 18.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 (S.I. 2010/521) ("the 2010 Order"), to reflect the Tobacco and Vapes Act 2026 (c. 18) ("the 2026 Act"). The 2026 Act introduces new offences in respect of the sale, and the purchase on behalf of others, of tobacco products, herbal smoking products, cigarette papers, vaping products, and nicotine products.

The 2010 Order prescribes the offices, ranks and positions of the individuals within a public authority who have power to grant authorisations for the carrying out of directed surveillance (as defined by section 26(2) of the Regulation of Investigatory Powers Act 2000 (c. 23)). It also sets out the restrictions on the circumstances in which authorisations can be granted. Article 7A(3) of the 2010 Order sets out the criminal offences in respect of which the individuals listed in article 7A(1) (certain council officials) may authorise directed surveillance.

Article 4 of this Order amends the list of offences in article 7A(3)(b) of the 2010 Order, to remove offences that are repealed by the 2026 Act and insert in their place the relevant offences set out in that Act. The offences reflect that this Order and the restriction in article 7A of the 2010 Order apply only to individuals holding positions in councils in England and Wales.

On 29th October 2026, article 4(5) of this Order will replace the existing offence of selling nicotine products to persons under 18 with the new offence of selling vaping or nicotine products to under 18s. Article 4(3) will amend the description of the offence listed in article 7A(3)(b)(v) of the 2010 Order to remove the reference to purchasing nicotine products on behalf of persons under 18 (reflecting amendments made to section 91 of the Children and Families Act 2014 (c. 6) by the 2026 Act), and article 4(6) will add to the list the offence of purchasing vaping or nicotine products on behalf of under 18s.

On 1st January 2027, article 4(2) will replace the existing offence of selling tobacco etc to persons under 18 with the new offence of selling tobacco etc to a person born on or after 1st January 2009. Article 4(4) will replace the existing offence of purchasing tobacco etc on behalf of persons under 18 with the new offence of purchasing tobacco etc on behalf of a person born on or after 1st January 2009.

An impact assessment was produced in relation to the 2026 Act and copies can be obtained at h ttps://www.gov.uk/government/publications/the-tobacco-and-vapes-bill-impact-assessment or from the Department of Health and Social Care at 39 Victoria Street, London, SW1H 0EU. A full impact assessment has not been produced for this Order as no, or no significant, impact on the private or voluntary sectors is foreseen beyond that assessed in the impact assessment for the Act.

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ISBN 978-0-34-828669-4

£6.40

http://www.legislation.gov.uk/id/uksi/2026/956