STATUTORY INSTRUMENTS

2026 No. 996

PUBLIC HEALTH, ENGLAND

The Tobacco and Vapes Act 2026 (Age of Sale Notices and Consequential Amendments) (England) Regulations 2026

Made - - - -	*7th September 2026*
Laid before Parliament	*9th September 2026*
Coming into force - -	*1st January 2027*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 7B(3) of the Tobacco Advertising and Promotion Act 2002(**a**) and sections 5(4) and 168(1) and (2) of the Tobacco and Vapes Act 2026(**b**).

Citation and commencement

1.—(1) These Regulations may be cited as the Tobacco and Vapes Act 2026 (Age of Sale Notices and Consequential Amendments) (England) Regulations 2026.

(2) These Regulations come into force on 1st January 2027.

Extent

2.—(1) These Regulations extend to England and Wales, Scotland and Northern Ireland, subject as follows.

(2) Regulations 3 and 4 extend to England and Wales.

Age of sale notice at point of sale: minimum size

3. The size of the notice to be displayed in accordance with section 5(1) of the Tobacco and Vapes Act 2026(**c**) (age of sale notice: England) must be a minimum of 297 millimetres by 420 millimetres.

Age of sale notice at point of sale: size of statement

4. The size of the statement to be displayed on the notice referred to in regulation 3 must be such that each character is a minimum of 21 millimetres high.

(**a**) 2002 c. 36. Section 7B was inserted by section 21 of the Health Act 2009 (c. 21). The Secretary of State is the "appropriate Minister" in relation to England under section 21(1) of the Tobacco Advertising and Promotion Act 2002, which was substituted by section 24 of, and paragraphs 2 and 12 of Schedule 4 to, the Health Act 2009.
(**b**) 2026 c. 18.
(**c**) 2026 c. 18.

Amendment of the Tobacco Advertising and Promotion (Display) (England) Regulations 2010

5.—(1) The Tobacco Advertising and Promotion (Display) (England) Regulations 2010(**a**) are amended as follows.

(2) In regulation 4 (exemption for display to third persons), in paragraph (1), for "aged 18 or over" substitute "born before 1st January 2009".

(3) In regulation 5 (exemption for display in bulk tobacconists)—

(a) in paragraph (2), in sub-paragraph (b), for "under the age of 18" substitute "born on or after 1 January 2009";

(b) in paragraph (3), for "36" substitute "21".

Amendment of the Tobacco Advertising and Promotion (Display of Prices) (England) Regulations 2010

6. Regulation 7 of the Tobacco Advertising and Promotion (Display of Prices) (England) Regulations 2010(**b**) (price lists on request) is amended as follows—

(a) in paragraph (1)—

(i) in sub-paragraph (a), for "aged 18 or over" substitute "born before 1st January 2009";

(ii) in sub-paragraph (b), for "is aged 18 or over" substitute "was born before 1st January 2009";

(b) in paragraph (2)—

(i) in the words before sub-paragraph (a), for "is aged 18 or over" substitute "was born before 1st January 2009";

(ii) in sub-paragraph (a), for "aged under 18" substitute "born on or after 1st January 2009";

(iii) in sub-paragraph (b), for "age" substitute "date of birth".

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

Diana Johnson
Minister of State
Department of Health and Social Care

7th September 2026

(**a**) S.I. 2010/445. Regulation 4 was amended by S.I. 2012/677.
(**b**) S.I. 2010/863.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 1 of the Tobacco and Vapes Act 2026 (c. 18) ("the 2026 Act") changes the required age at which an individual can legally be sold tobacco products from 18 years or over, to having been born before 1 January 2009. Under section 5(1) of the 2026 Act tobacco retailers in England must display a notice on their premises which contains the statement in section 5(2) to reflect the new age of sale requirement. Regulation 3 prescribes the minimum size requirements for such a notice and regulation 4 prescribes the minimum size of the statement to be contained in that notice.

These Regulations also make amendments consequential to the 2026 Act to regulations governing the display of tobacco products and prices in England. Regulation 5(2) amends the Tobacco Advertising and Promotion (Display) (England) Regulations 2010 ("the Tobacco Products Display Regulations") to update the exemption available where display to a third person results from a requested display (as defined in section 7B(8) of the Tobacco Advertising and Promotion Act 2002), in consequence of the new age of sale requirement. Regulation 6 makes equivalent amendments to the requirements for the display of price lists in the Tobacco Advertising and Promotion (Display of Prices) (England) Regulations 2010.

Regulation 5(3) of these Regulations updates the exemption in the Tobacco Products Display Regulations for bulk tobacconists in England (as defined in regulation 2(1) of those Regulations) in consequence of the new age of sale requirement and amends the minimum size of the statement on the notice which bulk tobacconists must display for consistency with regulation 4 of these Regulations.

An impact assessment was produced in relation to the 2026 Act and copies can be obtained at https://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 instrument as no, or no significant impact on the private, voluntary or public sector is foreseen beyond that assessed in the impact assessment for the Act.

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