EXPLANATORY MEMORANDUM TO

THE TOBACCO RETAILER (MISCELLANEOUS AMENDMENTS) REGULATIONS (NORTHERN IRELAND) 2026

S.R. 2026 No. 156

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department of Health to accompany the above-named Statutory Rule which is laid before the Northern Ireland Assembly.

1.2 The Tobacco Retailer (Miscellaneous Amendments) Regulations (Northern Ireland) 2026 (the Regulations) are made under sections 2(2), 8(5), 12(7) and 24(3) of the Tobacco Retailers Act (Northern Ireland) 2014. It is subject to the negative resolution procedure.

1.3 The Regulations are to come into operation on 29th October 2026, except for Regulation 3(2)(b), which is to come into operation on 1st January 2027.

2. Purpose

2.1 The purpose of the Regulations is to make minor consequential amendments such that the terminology and statutory references within existing tobacco retail secondary legislation in Northern Ireland is updated to reflect the expanded range of tobacco, vape and nicotine products now regulated under the Tobacco Retailers Act (Northern Ireland) 2014, as a result of amendments made by the Tobacco and Vapes Act 2026 to that Act.

2.2 Specifically, the Regulations—

- Amend The Tobacco Retailer (Registration and Display of Notices) Regulations (Northern Ireland) 2016 by updating the information required for applications for registration and revising the prescribed wording of the Restricted Premises Order notice, to ensure requirements apply to tobacco products, herbal smoking products, vaping products, nicotine products and cigarette papers;

- Amend the return postal address and email address for the tobacco register of Northern Ireland to reflect the updated contact details.

- Amend The Tobacco Retailer (Fixed Penalty) (General) Regulations (Northern Ireland) 2016 by revising the form of fixed penalty notices, removing obsolete statutory references, and updating payment methods to include electronic or online payment; and

- Revoke The Tobacco Retailer (Fixed Penalty) (General) (Amendment) Regulations (Northern Ireland) 2021, as the amendments contained in those Regulations are now superseded.

3. Background

Legislative background

3.1 Sections 1–12 of the Tobacco Retailers Act (Northern Ireland) 2014 provide for the mandatory register of tobacco retailers, prohibited sales, and enforcement powers. Supporting Regulations made in 2016— the Tobacco Retailer (Registration and Display of Notices) Regulations (Northern Ireland) 2016 (S.R. 2016 No. 97) and the Tobacco Retailer (Fixed Penalty) (General) Regulations (Northern Ireland) 2016 (S.R. 2016 No. 98) — prescribe the registration process and set out the form for fixed penalty notices.

3.2 The Tobacco and Vapes Act 2026 ("the Act") received Royal Assent on 29th April 2026. The Act contains several provisions in Part 3 (sections 72-84 refer) that are inserted into the Part 2 of the Health and Personal Social Services (Northern Ireland) Order 1978, which restate and amend the existing tobacco control legislation including those offences in respect of which a district council may issue a Fixed Penalty Notice (FPN).

Section 87 (extension of retailer register) of the Act (commenced on order by the Department of Health for Northern Ireland) introduces Schedule 10 (extension of retailer register: Northern Ireland). Schedule 10 amends the Tobacco Retailers Act (Northern Ireland) 2014 to extend the mandatory register of tobacco retailers so that it will also apply to retailers of vaping products and nicotine products.

The Act also provides several new offences related to the retail of vape and nicotine products, including age of sale offences, sale from vending machines, free distribution and the display of products and pricing, and the new age of sale for tobacco from January 2027, in respect of which a council may issue an FPN.

Schedule 14 to the Act amends section 12 of the Tobacco Retailers Act (Northern Ireland) 2014 to incorporate these revised and new fixed penalty offences.

Policy Background

3.3 Smoking is one of the most important preventable causes of disparities in health and a significant contributor to the gap in life expectancy. Although vaping is less harmful than smoking, the main ingredient of vapes that poses a health risk to young people is nicotine. When inhaled, nicotine is a highly addictive drug. The addictive nature of nicotine means that a user can become

dependent on vapes when they use them regularly. Vaping amongst local children has been increasing.

The Act aims to protect children and future generations by creating a smoke-free generation through prohibiting the sale of tobacco to anyone born on or after 1st January 2009. It also seeks to reduce youth vaping by restricting the marketing, branding, flavours and packaging of vapes that appeal to children.

3.4 The Regulations are consequential upon the provisions of Part 3, section 87 of, and Schedule 10 to, the Act. These provisions amend the Health and Personal Social Services (Northern Ireland) Order 1978 and the Tobacco Retailers Act (Northern Ireland) 2014. The Regulations are necessary to amend the existing secondary legislation namely The Tobacco Retailer (Registration and Display of Notices) Regulations (Northern Ireland) 2016 and The Tobacco Retailer (Fixed Penalty) (General) Regulations (Northern Ireland) 2016. The Regulations amend information to be provided on an application for the purposes of registration and amends the tobacco retailer restricted premises order notice and fixed penalty notice.

This ensures alignment with the enlarged number of product categories now regulated under the Tobacco Retailers Act (Northern Ireland) 2014, including herbal smoking products, vaping products and nicotine products.

4. Consultation

4.1 The amendments introduced by this Rule are technical and consequential in nature. They do not introduce new policy and therefore did not require public consultation.

4.2 Relevant stakeholders, including district councils have been informed of the forthcoming changes. District councils are designated as the enforcement authorities in Northern Ireland for tobacco-related offences under the Tobacco Retailers Act (Northern Ireland) 2014.

5. Equality Impact

5.1 In accordance with its duty under section 75 of the Northern Ireland Act 1998, the Department conducted a screening exercise on the proposals and concluded that they do not have any significant implications for equality of opportunity. The Rule will not affect any of the section 75 groups disproportionately. In light of this, the Department considers that an equality impact assessment is not necessary.

6. Regulatory Impact

6.1 The Regulations do not impose additional costs on businesses, voluntary organisations, or the public sector. The Department considers that a regulatory impact assessment is not necessary.

7. Rural Needs

7.1 The Department has assessed the proposals in line with the Rural Needs Act (Northern Ireland) 2016 and has determined they will not have an adverse impact on rural communities.

8. Data Protection

8.1 The Department does not consider that these Regulations affect the obtaining, handling or use of personal information relating to retailers of tobacco, vape, or nicotine products such as these relate to the requirements of the Data Protection Act 2018 and the GDPR and that the Regulations are consistent with the data protection principles set out in therein.

9. Financial Implications

9.1 The amended Regulations will have no financial implications for the Department of Health or district councils.

10. Section 24 of the Northern Ireland Act

10.1 The Department is satisfied that the regulations are compatible with Section 24 of the Northern Ireland Act 1998.

11. EU Implications

11.1 Not applicable.

12. Parity or Replicatory Measure

12.1 This Statutory Rule applies only to Northern Ireland.