New Legal Requirements on Vaping and Nicotine Products

Overview

From 29th October 2026 new regulatory changes come into force across vaping and nicotine products as part of the Tobacco and Vapes Act.

Age of Sale for Vaping and Nicotine Products

Existing restrictions will be extended to cover all vaping and nicotine products, including nicotine pouches, pearls and any other novel nicotine product not licensed as a medicine. Non-nicotine vaping products are included for the first time in the age of sale restrictions in addition to nicotine vaping products. The legal age of sale for all vaping and nicotine products across the UK will be 18 years and over. It will be an offence to sell these products to anyone under the age of 18, and adults aged 18 or over will also commit an offence if they purchase, or attempt to purchase, these products on behalf of an underage person.

Retailers will be expected to verify a customer's age where there is any uncertainty that they are aged 18 or over.

Those under 18 attempting to purchase or using products will not be committing an offence.

Ban on Vending Machine Sales

The legislation will prohibit the sale of vaping products, nicotine products, tobacco products, herbal smoking products and cigarette papers through vending machines across the UK.

The offence will apply to any individual with management or control of premises where such a vending machine is located. It will also cover arrangements where products are dispensed from a machine as part of a sale, regardless of where payment is made.

Vending machines may continue to be used where they are located in areas intended primarily for inpatients aged 18 and over receiving treatment for mental health conditions.

The exemption is intended to support smoking cessation among inpatients. It is limited to adult mental health hospitals as defined in the Act and does not extend to mental health facilities in Scotland or Northern Ireland, nor to any other healthcare or clinical settings across the UK.

Restrictions on Free Distribution and Discounted Promotions

The legislation introduces new restrictions on promotional activity involving vaping, nicotine and tobacco-related products. It will become an offence to:

- Distribute these products free of charge.
- Sell them at a substantial discount.
- Provide or sell coupons that offer substantial discounts on these products.

These restrictions will apply where the purpose or likely effect is to promote a relevant product. They also extend to branded non-product items, such as vaping accessories, where their purpose or effect is to promote vaping or nicotine products.

Exemptions for smoking cessation purposes

The new restrictions do not prevent stop smoking services from providing vaping products, nicotine products or related vouchers where this forms part of arrangements made or funded by a public authority.

This means that local authorities, NHS organisations and other public bodies can continue to support smoking cessation programmes that provide free vaping products as a quitting aid. Stop smoking services may also continue to issue vouchers that can be redeemed for vaping products through participating retailers, provided this is done under an agreement with a public authority.

Fixed Penalty Notices

Enforcement authorities across the UK will be empowered to issue Fixed Penalty Notices (FPNs) for a range of offences relating to tobacco products, herbal smoking products, cigarette papers, and vaping and nicotine products. This is intended to support proportionate and consistent enforcement of the new regulatory framework. FPN regime is already in place in Scotland and Northern Ireland and is being extended to cover a wider range of offences.

From 29 October 2026, FPNs can be issued for:

- Selling tobacco products, herbal smoking products or cigarette papers to a person under the age of 18 (until 31 December 2026). [gov.uk]
- Purchasing or attempting to purchase tobacco products, herbal smoking products or cigarette papers on behalf of a person under the age of 18 (proxy purchasing) (until 31 December 2026). [gov.uk]
- Selling vaping products or nicotine products to a person under the age of 18. [gov.uk]
- Purchasing or attempting to purchase vaping or nicotine products on behalf of a person under the age of 18. [gov.uk]
- Giving away products or coupons where the purpose or effect is to promote tobacco, vaping or nicotine products. [gov.uk]
- Selling products or coupons at a substantial discount where the purpose or effect is to promote tobacco, vaping or nicotine products. [gov.uk]

Further guidance can be found at:

- Selling vaping and nicotine products - GOV.UK
- Selling tobacco, herbal smoking products and cigarette papers - GOV.UK
- Tobacco and vaping product vending machine ban - GOV.UK
- Tobacco, vaping and nicotine products: fixed penalty notices - GOV.UK