



Directorate of Housing and Communities. Trading Standards Service Guidance on the Use of Fixed Penalty Notices by the City of Newcastle upon Tyne When Enforcing the Tobacco and Vapes Act 2026

The City of Newcastle upon Tyne is a regulator for the purposes of enforcing the Tobacco and Vapes Act 2026 (referred to as the Act in this guidance). As a regulator the council is publishing guidance on our use of the provisions in respect of Fixed Penalty Notices set out in the Act.

This guidance should be read in conjunction with the Act and with the City of Newcastle upon Tyne's enforcement policy.

<https://www.newcastle.gov.uk/sites/default/files/ENFORCEMENT%20AND%20PROSECUTION%20POLICY%201-6.pdf>

The Criminal Offences Related to Fixed Penalty Notices as set out in the Tobacco and Vapes Act 2026.

In line with our enforcement policy the City of Newcastle upon Tyne may take legal action against a person who allegedly breaches certain legislative provisions as contained within the Act. Legal action may include, but is not limited to, prosecuting someone in the Magistrates' Court, applying to review a premises licence under the Licensing Act 2003 or using the Fixed Penalty Notices explained in this guidance.

Summary

This guidance provides information about the Fixed Penalty Notices (FPNs) that apply to a range of offences related to:

- tobacco products
- herbal smoking products
- cigarette papers
- vaping products
- nicotine products

An FPN is a financial penalty. It gives the person the opportunity to avoid prosecution for an offence, if they pay the fine within a specified time period. FPNs already exist for a range of offences, from littering to parking. From **29 October 2026**, enforcement authorities across the UK will be able to issue FPNs for a range of offences relating to tobacco products, herbal smoking products, cigarette papers and vaping and nicotine products.

This guidance is mainly for retailers, who will need to understand the changes in the law. It may also be useful for:

- wholesalers
- business owners
- enforcement authorities
- people who use these products

This guidance should be read along with the guidance on other measures in the Tobacco and Vapes Act 2026, which provide further details on the offences for which FPNs will apply. These are:

- [Selling tobacco, herbal smoking products and cigarette papers](#)
- [Selling vaping and nicotine products](#)
- [Tobacco and vaping product vending machine ban](#)

Products in scope

The products in scope of the FPNs are:

- tobacco products
- herbal smoking products
- cigarette papers
- vaping products
- nicotine products

For vaping products, this includes but is not limited to:

- vape devices, such as vape pens
- substances to be vaped, such as e-liquid
- related components, such as coils and vape pods

For nicotine products, this includes but is not limited to:

- nicotine pouches (tobacco-free pouches containing nicotine powder that are placed between the gum and lip)

- nicotine strips (dissolvable films containing nicotine that are placed on the tongue or between the gum and lip)
- nicotine pearls (small dissolvable balls containing nicotine that dissolve under the tongue)

All types of nicotine are included in the scope, including synthetic nicotine produced in a lab, rather than extracted from plants.

Offences outlined in this guidance do not apply to:

- components such as batteries, charging devices and electrical leads (these products are covered by wider consumer protection and safety legislation)
- medical devices
- medicinal products

Offences for which an FPN can be issued

The City Council's Trading Standards service will be able to issue FPNs for a range of offences from **29 October 2026**. This will replace the existing FPN regime for proxy purchasing offences. Proxy purchasing is when someone aged 18 years or over buys, or attempts to buy, any product for a person under the age of sale.

Fixed penalty notices from 29 October 2026

From **29 October 2026**, a person may be issued with an FPN if they:

- sell tobacco (which includes herbal products for smoking) or cigarette papers to anyone under the age of 18 (that is, people aged 17 and under) (applies until **31 December 2026** - see section below for offences applying from **1 January 2027**)
- proxy purchase tobacco or cigarette papers on behalf of anyone under the age of 18 (applies until **31 December 2026** - see section below for offences applying from **1 January 2027**)
- sell vaping or nicotine products to anyone under the age of 18
- proxy purchase vaping or nicotine products on behalf of anyone under the age of 18
- give away any product or coupon to a member of the public where the purpose is or the effect will be to promote a tobacco product, herbal smoking product, cigarette paper, vaping product or nicotine product
- sell any product or coupon at a substantial discount where the purpose is or the effect will be to promote a tobacco product, herbal smoking product, cigarette paper, vaping product or nicotine product

Fixed penalty notices from 1 January 2027

From **1 January 2027**, a person may be issued with an FPN if they:

- sell tobacco products, herbal smoking products or cigarette papers to anyone born on or after **1 January 2009**
- proxy purchase tobacco products, herbal smoking products or cigarette papers on behalf of anyone born on or after **1 January 2009**

From **1 January 2027**, tobacco retailers may be issued with an FPN if they fail to display a tobacco age of sale sign in a prominent place that is visible at each point of sale of tobacco products. This sign must meet minimum size requirements, set out in the guidance 'Selling tobacco, herbal smoking products and cigarette papers'.

The sign must state:

It is illegal to sell tobacco products to anyone born on or after 1 January 2009
Persistent offenders

Restricted Sale Orders and Restricted Premises Orders

Retailers who commit relevant offences on at least 3 occasions within 2 years can receive a restricted sale order or a restricted premises order. These orders ban a person or a premises from selling certain products for up to 12 months.

Further information

For more information on FPNs, see:

- [section 37 of the Tobacco and Vapes Act 2026](#)

The Criminal Offence of Failing to comply with an enforcement requirement

Fixed Penalty Notices

Where a person commits a relevant offence under the Act the City of Newcastle upon Tyne may issue a fixed penalty notice. **This is a fine issued by the City Council and is a penalty of £200.** Details of how to pay the fine are included in the notices.

When will we issue a fine?

The City of Newcastle upon Tyne has a zero-tolerance approach to any alleged breaches of the Tobacco and Vapes Act 2026. Unless there are aggravating circumstances, we will issue a penalty where there is evidence to show that a person has committed an offence under the Act.

Where there are aggravating circumstances we might take other action, even for a first offence. Examples of aggravating circumstances would include the supply of an age restricted product to a child or if someone commits a second offence.

In the case of a fine a person can clear their liability by paying £100 within 14 days of the issue of the FPN.

Details of how to pay a fine are detailed in the FPN.

Fixed Penalty Notices

Penalty notices may be issued as an alternative to prosecution in respect of a range of offences. Unlike conditional cautions, an admission of guilt is not a prerequisite to issuing a penalty notice.

An offender who is issued with a penalty notice may nevertheless be prosecuted for the offence if he or she:

- asks to be tried for the offence; or
- fails to pay the penalty within the period stipulated in the notice and the prosecutor decides to proceed with charges.

Appendix 1.

Tobacco and Vapes Act 2026

Section 37 Fixed penalty notices: England

(1) A relevant enforcement authority in England that has reason to believe that a person has committed an offence under, or under regulations made under, any of the following may give the person a fixed penalty notice in respect of the offence—

- [section 1](#) (sale of tobacco etc to people born on or after 1 January 2009);
- [section 2](#) (purchase of tobacco etc on behalf of others);
- [section 5](#) (age of sale notice at point of sale: England);
- [section 10](#) (sale of vaping or nicotine products to under 18s);
- [section 11](#) (purchase of vaping or nicotine products on behalf of under 18s);
- [section 13](#) (displays of products or prices in England);
- [section 15](#) (free distribution and discount of products);
- [section 17](#) (offences in connection with retail licences: England).

(2) A fixed penalty notice is a notice offering a person the opportunity to discharge any liability to conviction for the offence to which the notice relates by payment of an amount specified in the notice within the relevant period.

(3) The amount specified in a fixed penalty notice in respect of an offence under [section 17](#) must be an amount equal to level 4 on the standard scale of fines for summary offences.

(4) The amount specified in a fixed penalty notice in respect of any other offence must be £200.

(5) For the purposes of [this section](#) “the relevant period” is the period of 28 days beginning with the day on which the fixed penalty notice is given.

(6) A fixed penalty notice must explain—

(a) that the relevant enforcement authority in England has reason to believe that the person has committed the offence, and why,

(b) the effect of [subsection \(7\)](#), and

(c) when and how payment may be made.

(7) Where a fixed penalty notice has been given to a person (and has not been withdrawn)—

(a) no proceedings may be instituted for the offence before the end of the relevant period, and

(b) the person may not be convicted of the offence if the person pays—

(i) the full amount of the fixed penalty in the notice before the end of the relevant period, or

(ii) 50% of that amount before the end of the period of 14 days beginning with the day on which the relevant period starts.

(8) Where proceedings are instituted for the offence after the end of the relevant period, that period is to be disregarded for the purposes of calculating the period mentioned in section 127(1) of the Magistrates' Courts Act 1980.

(9) A fixed penalty notice given under [this section](#) may be withdrawn by the relevant enforcement authority in England that gave it at any time before a payment is made in pursuance of the notice.

Fixed penalties in England: use of proceeds

Section 38 (1) Any sums received by a relevant enforcement authority in England in pursuance of a fixed penalty notice must be used in connection with any functions they have under or under regulations made under—

(a) this Act;

(b) Part 1 of the Health Act 2006;

(c) the Tobacco and Related Products Regulations 2016 ([S.I. 2016/507](#)).

(2) In this section “fixed penalty notice” means a fixed penalty notice given under [section 37](#).

Further information can be obtained from the following websites:

1. Tobacco and Vapes Act 2026
<https://www.legislation.gov.uk/ukpga/2026/18/contents>
2. Selling tobacco, herbal smoking products and cigarette papers
<https://www.gov.uk/guidance/selling-tobacco-herbal-smoking-products-and-cigarette-papers>
3. Selling vaping and nicotine products: <https://www.gov.uk/guidance/selling-vaping-and-nicotine-products>
4. Tobacco, vaping and nicotine products: fixed penalty notices: <https://www.gov.uk/guidance/tobacco-vaping-and-nicotine-products-fixed-penalty-notices>
5. Tobacco and vaping product vending machine ban: <https://www.gov.uk/guidance/tobacco-and-vaping-product-vending-machine-...>