



Nigel Phillips CBE
Governor



ASCENSION

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AN ORDINANCE

to amend the Control of Tobacco Ordinance 2013 to make provision to prohibit the sale of vapes to persons younger than 18 years, and to prohibit the supply of single-use vapes, and for connected and incidental purposes.

Citation and commencement

1. (1) This Ordinance may be cited as the Control of Tobacco (Amendment) Ordinance 2026.
- (2) This Ordinance comes into force on 1 September 2026.

Amendment of the Control of Tobacco Ordinance 2013

2. (1) The Control of Tobacco Ordinance 2013 is amended as follows.
- (2) In section 2—
 - (a) after the definition of “authorised officer” insert—

“**“container”** means a cartridge, pod, tank, capsule or other any other receptacle designed to hold a vaping substance and to be used with a vape;

“medical device” means an instrument, apparatus, appliance, material or other article, whether used alone or in combination, together with any software necessary for its proper application, which—

- (a) is intended by the manufacturer to be used for human beings for the purpose of—
 - (i) diagnosis, prevention, monitoring, treatment or alleviation of disease,
 - (ii) diagnosis, monitoring, treatment, alleviation of or compensation for an injury or disability,
 - (iii) investigation, replacement, or modification of the anatomy or of a physiological process, or
 - (iv) control of conception, and
- (b) does not achieve its principal intended action in or on the human body by pharmacological, immunological, or metabolic means, even if it is assisted in its function by such means, and includes devices intended to administer a medicinal product or which incorporate as an integral part a substance which, if used separately, would be a medicinal product and which is liable to act upon the body with action ancillary to that of the device;

“medicinal product” means—

- (a) any substance or combination of substances presented as having properties of preventing or treating disease in human beings, or
- (b) any substance or combination of substances that may be used by or administered to human beings with a view to—
 - (i) restoring, correcting or modifying a physiological function by exerting a pharmacological, immunological or metabolic action, or
 - (ii) making a medical diagnosis.”.

- (b) after the definition of “smoke-free place” insert—

“supply” means supply, whether by sale or not, in the course of a business;”.

- (c) after the definition of “tobacco” insert—

“vape” means a device which—

- (a) vaporises substances, other than tobacco, for the purpose of inhalation through a mouthpiece (whether or not it also vaporises tobacco), and
- (b) is not a medical device or a medicinal product;

“vaping product” means—

- (a) a vape, or
- (b) a vaping substance.

“vaping substance” means a substance, other than tobacco, that is intended to be vaporised with a vape;

“vaporises” includes aerosolises (and “vaporised” is to be construed accordingly).”.

- (3) In section 11—
 - (a) in subsection (2)(a) after “tobacco” insert “or a vaping product”;
 - (b) in subsection (2)(b) after “tobacco” insert “or a vaping product”;
 - (c) in subsection (2)(c) after “tobacco” insert “or use a vaping product”.
- (4) In section 12, after “tobacco” insert “or a vaping product”.
- (5) In section 14, after “tobacco” wherever it occurs insert “or a vaping product”.
- (6) Omit Part VII.
- (7) After section 23 insert—

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PART VIIA
SINGLE USE VAPES

Meaning of single-use vape

- 23A. (1)** A single-use vape is a vape which is not designed or intended to be re-used (a “single-use vape”) and includes any vape which is—
- (a) not refillable,
 - (b) not rechargeable, or
 - (c) not refillable and not rechargeable.
- (2)** For the purposes of this Ordinance, a vape is not refillable unless it is designed to include—
- (a) a single-use container which is separately available and can be replaced, or
 - (b) a container which can be refilled.
- (3)** For the purposes of this Ordinance, a vape is not rechargeable if it is designed to contain—
- (a) a battery which cannot be recharged, or
 - (b) a coil which is not intended to be replaced by an individual user in the normal course of use, including any coil which is contained in a single-use cartridge or pod which is not separately available and cannot be replaced.

Offence: supply of single-use vapes

- 23B.** A person who supplies, offers to supply or has in their possession for supply a single-use vape commits an offence.
Penalty: A fine of £2,000.”

Explanatory Note

(This note is not part of the Ordinance)

This Ordinance amends the Control of Tobacco Ordinance, 2013 so that the supply of single-use vaping devices is prohibited. This Ordinance also prohibits the supply of vaping products to those who are below the age of 18.