
Committee Stage: Friday 3 May 2024

Tobacco and Vapes Bill (Amendment Paper)

This document lists all amendments tabled to the Tobacco and Vapes Bill. Any withdrawn amendments are listed at the end of the document. The amendments are arranged in the order in which it is expected they will be decided.

★ New Amendments.

☆ Amendments which will comply with the required notice period at their next appearance.

New Amendment: 25

Giles Watling

1

Clause 1, page 1, line 5, leave out “born on or after 1 January 2009” and insert “under the age of 21”

Member's explanatory statement

This amendment makes it an offence to sell tobacco products, herbal smoking products and cigarette papers to a person under the age of 21, rather than to people born on or after 1 January 2009.

Giles Watling

2

Clause 2, page 1, line 16, leave out “18” and insert “21”

Member's explanatory statement

This amendment is linked to Amendment 1.

Giles Watling

3

Clause 2, page 1, line 17, leave out “born on or after 1 January 2009” and insert “under the age of 21”

Member's explanatory statement

This amendment is linked to Amendment 1.

Giles Watling

4

Clause 2, page 2, line 2, leave out "born on or after 1 January 2009" and insert "under the age of 21"

Member's explanatory statement

This amendment is linked to Amendment 1.

Giles Watling

5

Clause 5, page 2, line 30, leave out "born on or after 1 January 2009" and insert "under the age of 21"

Member's explanatory statement

This amendment is linked to Amendment 1.

Giles Watling

6

Clause 6, page 3, line 15, leave out "born on or after 1 January 2009" and insert "under the age of 21"

Member's explanatory statement

This amendment is linked to Amendment 1.

Giles Watling

7

Clause 6, page 3, line 17, leave out "a anwyd ar neu ar ôl 1 Ionawr 2009" and insert "dan 21 oed"

Member's explanatory statement

This amendment is linked to Amendment 1.

Preet Kaur Gill

20

Clause 24, page 12, line 14, leave out "£100" and insert "£200"

Giles Watling

8

Schedule 1, page 44, line 24, leave out from "arall" to end of line and insert "21 oed neu drosodd"

Member's explanatory statement

This amendment is linked to Amendment 1.

Giles Watling

9

Schedule 1, page 45, line 12, leave out from "rhoi," to "a" in line 13 and insert "yn 21 oed neu drosodd"

Member's explanatory statement

This amendment is linked to Amendment 1.

Giles Watling

10

Schedule 1, page 45, line 18, leave out from "person" to end of line 19 and insert "dan 21 oed"

Member's explanatory statement

This amendment is linked to Amendment 1.

Giles Watling

11

Schedule 1, page 45, line 32, leave out "born on or after 1 January 2009" and insert "under the age of 21"

Member's explanatory statement

This amendment is linked to Amendment 1.

Giles Watling

12

Schedule 1, page 45, line 37, leave out "born on or after 1 January 2009" and insert "under the age of 21"

Member's explanatory statement

This amendment is linked to Amendment 1.

Giles Watling

13

Schedule 1, page 45, line 42, leave out "was born on or after 1 January 2009" and insert "is under the age of 21 "

Member's explanatory statement

This amendment is linked to Amendment 1.

Giles Watling

14

Schedule 1, page 46, line 24, leave out "was born on or after 1 January 2009" and insert "is under the age of 21"

Member's explanatory statement

This amendment is linked to Amendment 1.

Giles Watling

15

Schedule 1, page 46, line 30, leave out "was born on or after 1 January 2009" and insert "is under the age of 21"

Member's explanatory statement

This amendment is linked to Amendment 1.

Andrea Leadsom

Gov 25

★ Clause 53, page 26, line 32, leave out from "liable" to end of line 37 and insert "on summary conviction to a fine not exceeding level 5 on the standard scale."

Member's explanatory statement

This amendment changes the mode of trial and maximum penalty for an offence of free distribution of nicotine products or non-nicotine vaping products in Northern Ireland. It provides for the mode of trial to be summary only and for the maximum penalty to be a level 5 fine.

Preet Kaur Gill

18

Clause 58, page 30, line 5, leave out "may" and insert "must, within six months of the passage of this Act,"

Preet Kaur Gill

19

Clause 58, page 30, line 29, at end insert—

"(3A) The regulations must include—

- (a) a requirement for information to be provided on packaging or otherwise supplied with a product stating that smoking does not reduce stress and anxiety;
- (b) the specific wording of the statement to be displayed on the packaging or otherwise supplied with a product; and
- (c) requirements related to the size or appearance of the statement to be displayed on the packaging or otherwise supplied with a product."

Bob Blackman

22

☆ Clause 60, page 32, line 5, at end insert—

"(f) the markings on cigarette papers (including the use of branding, trademarks or logos)"

Member's explanatory statement

This amendment enables the introduction of health warnings on cigarette papers.

Giles Watling

16

Clause 62, page 33, line 42, leave out paragraph (b)

Member's explanatory statement

This amendment would remove the power of the Secretary of State to make regulations about flavours of vaping products and nicotine products.

Giles Watling

17

Clause 62, page 34, line 8, leave out subsection (3)

Member's explanatory statement

This amendment is linked to Amendment 16.

Bob Blackman

21

☆ Clause 63, page 34, line 36, leave out from “products” in the second place it occurs to the end of line 37 and insert—

“(f) any other features of vaping products or nicotine products.”

Member's explanatory statement

This amendment allows for changes to other features of vaping or nicotine products as set out in the TRPR 2016 section 36 which do not distinguish between different brands such as capacity of refills, cartridges or pods, and nicotine delivery.

Bob Blackman

23

☆ Clause 69, page 37, line 19, at end insert—

“cigarette papers” includes anything intended to be used for encasing tobacco products or herbal smoking products for the purpose of enabling them to be smoked;”

Member's explanatory statement

These amendment is linked to Amendment 22.

Bob Blackman

24

☆ Clause 79, page 42, line 16, leave out “and 8” and insert “, 8 and (*age verification policy*)”

Member's explanatory statement

This amendment to the commencement provisions would mean that NC6 (age verification policy in England and Wales) would come into force six months after Royal Assent.

Giles Watling

NC1

To move the following Clause—

“Licensable activities: sale by retail of tobacco products and vaping products

- (1) The Licensing Act 2003 is amended as follows.
- (2) After section 1(1)(d) insert—
 - “(e) the sale by retail of tobacco products,(f) the sale by retail of vaping products”
- (3) The Secretary of State may by regulations make provision that is consequential on this section.
- (4) Regulations under this section may amend, repeal or revoke provision made by or under an Act passed—
 - (a) before this Act, or
 - (b) later in the same session of Parliament as this Act.
- (5) Regulations under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

Member's explanatory statement

This new clause (to the Licensing Act 2003) would include tobacco products and vaping products as licensable activities and would therefore require retailers to apply for a premises licence from their local licensing authority.

Bob Blackman

NC2

☆ To move the following Clause—

“Tobacco products statutory scheme: consultation

- (1) The Secretary of State must consult and report on the desirability of making a scheme with one or more of the following purposes—
 - (a) regulating, for the purposes of improving public health, the prices which may be charged by any manufacturer or importer of tobacco products for the supply of any tobacco products;
 - (b) limiting the profits which may accrue to any manufacturer or importer in connection with the manufacture or supply of tobacco products;
 - (c) providing for any manufacturer or importer of tobacco products to pay to the Secretary of State an amount calculated by reference to sales or estimated sales of those products (whether on the basis of net prices,

average selling prices or otherwise) to be used for the purposes of reducing smoking prevalence and improving public health.”

Member's explanatory statement

This new clause would require the Secretary of State for Health and Social Care to consult on proposals for regulating the prices and profits of, and to raise funds from, tobacco manufacturers and importers.

Bob Blackman

NC3

☆ To move the following Clause—

“Notification fees

The Secretary of State may by regulations vary notification fees for novel tobacco, vaping and other nicotine products in order to include costs of enforcement and testing.”

Member's explanatory statement

This new clause would enable the Secretary of State to vary the level of notification fees collected by the competent authorities in order that fees may be used to cover the costs of enforcement including product testing.

Bob Blackman

NC4

☆ To move the following Clause—

“Mandatory health information inside tobacco packs

The Secretary of State must consult on draft regulations to require tobacco manufacturers to include within tobacco and cigarette packs an insert setting out—

- (a) warnings about the dangers of tobacco to a person’s health and wellbeing, and
- (b) information about sources of advice and support on stopping smoking.”

Member's explanatory statement

This new clause commits the government to consult on draft regulations to require mandatory pack inserts containing health information such as quit messaging.

Bob Blackman

NC5

☆ To move the following Clause—

“Mandatory health warnings on cigarettes and cigarette rolling papers

The Secretary of State must consult on draft regulations to require tobacco manufacturers to print health warnings on individual cigarette sticks and cigarette rolling papers.”

Member's explanatory statement

This new clause commits the government to consult on regulations to require the placing of specified health warnings on cigarettes and rolling papers by tobacco manufacturers and importers.

Bob Blackman

NC6

☆ To move the following Clause—

“Age verification policy

- (1) A person commits an offence if the person—
 - (a) carries on a tobacco, herbal smoking product or vaping product business, and
 - (b) fails to operate an age verification policy in respect of premises at which the person carries on the tobacco, herbal smoking product or vaping product business.
- (2) Subsection (1) does not apply to premises (“the business premises”) from which—
 - (a) tobacco products, herbal smoking products, cigarette papers or vaping products are, in pursuance of a sale, despatched for delivery to different premises, and
 - (b) no other tobacco, herbal smoking product or vaping product business is carried on from the business premises.
- (3) Before the specified date, an “age verification policy” is a policy that steps are to be taken to establish the age of a person attempting to buy a tobacco product, cigarette papers or a vaping product on the premises (the “customer”) if it appears to the person selling the tobacco product, cigarette papers or vaping product that the customer may be under the age of 25 (or such older age as may be specified in the policy).
- (4) After the specified date, an “age verification policy”—
 - (a) in relation to a tobacco business or herbal smoking product business, is a policy that steps are to be taken to establish the age of a person attempting to buy a tobacco product, cigarette papers, herbal smoking product or cigarette papers on the premises (the “customer”) if it appears to the person selling the tobacco product, cigarette papers, herbal smoking product or cigarette papers that the customer may have been born on or after 1 January 2009 (or such earlier date as may be specified in the policy);
 - (b) in relation to a vaping product business, is a policy that steps are to be taken to establish the age of a person attempting to buy a vaping product on the premises (the “customer”) if it appears to the person selling the vaping product that the customer may be under the age of 25 (or such older age as may be specified in the policy).
- (5) In relation to times before the end of 2033, the reference in subsection (4)(a) to the customer being born on or after 1 January 2009 (or such earlier date as

- may be specified in the policy) has effect as a reference to the customer being under the age of 25 (or such older age as may be specified in the policy).
- (6) The appropriate national authority may by regulations amend the age specified in subsection (3) or (4)(b).
 - (7) The appropriate national authority may publish guidance on matters relating to age verification policies, including, in particular, guidance about—
 - (a) steps that should be taken to establish a customer's age,
 - (b) documents that may be shown to the person selling a tobacco product, cigarette papers, herbal smoking product or a vaping product as evidence of a customer's age,
 - (c) training that should be undertaken by the person selling the tobacco product, cigarette papers, herbal smoking product or vaping product,
 - (d) the form and content of notices that should be displayed in the premises,
 - (e) the form and content of records that should be maintained in relation to an age verification policy.
 - (8) A person who carries on a tobacco, herbal smoking product or vaping product business must have regard to guidance published under subsection (7) when operating an age verification policy.
 - (9) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.
 - (10) Regulations under subsection (6) are subject to the affirmative resolution procedure.
 - (11) In this section—
 - “the appropriate national authority” means—
 - (a) in relation to England, the Secretary of State, and
 - (b) in relation to Wales, the Welsh Ministers,
 - “herbal smoking product business” means a business involving the sale of herbal smoking products by retail,
 - “the specified date” is 1 January 2027,
 - “tobacco business” means a business involving the sale of tobacco products by retail,
 - “tobacco, herbal smoking product or vaping product business” means a business which involves any one or more of the following—
 - (a) a tobacco business,
 - (b) a herbal smoking product business, or
 - (c) a vaping product business,
 - “vaping product business” means a business involving the sale of vaping products by retail.”

Member's explanatory statement

This new clause introduces a requirement on tobacco, herbal smoking or vaping product businesses to operate an age verification policy covering steps to be taken to establish the age of persons attempting to buy tobacco, herbal smoking or vaping products, or cigarette papers. It reflects provisions in place in Scotland.

Bob Blackman

NC7

☆ To move the following Clause—

“Retail licence for sale of tobacco, vaping and nicotine products

- (1) The Health Act 2006 is amended as follows.
- (2) After section 13 (Power to amend age for sale of tobacco etc.) insert—

“13A Retail licence for sale of tobacco, vaping and nicotine products

The Secretary of State may by regulations introduce a scheme in England to require a person to obtain a licence before selling tobacco, e-cigarettes, novel nicotine products and related goods.””

Member's explanatory statement

This new clause would enable the Secretary of State to introduce by regulation schemes to require the licensing of sale of tobacco, vaping or nicotine products.

Bob Blackman

NC8

☆ To move the following Clause—

“Sale of tobacco, vaping and nicotine products

The Secretary of State may by regulations limit the places in England where tobacco, vaping or nicotine products are available for retail sale.”

Member's explanatory statement

This new clause enables the Secretary of State to limit by regulation where tobacco, vaping or nicotine products can legally be made available for sale.

Kirsten Oswald

NC9

☆ To move the following Clause—

“Prohibition of sponsorship: vaping substances containing nicotine

- (1) A person who is party to a sponsorship agreement is guilty of an offence if the purpose or effect of anything done as a result of the agreement is to promote a vaping substance containing nicotine in the United Kingdom.
- (2) A sponsorship agreement is an agreement under which, in the course of a business, a party to it makes a contribution towards something, whether the contribution is in money or takes any other form (for example, the provision of services or of contributions in kind).
- (3) A person does not commit an offence under this section—
 - (a) where it is alleged that the purpose of what was done as a result of the agreement was to promote a vaping substance containing nicotine in

the United Kingdom, if the person did not know, and had no reason to suspect, that that was its purpose, or

- (b) where it is alleged that the effect of what was done as a result of the agreement was to promote a vaping substance containing nicotine in the United Kingdom, if the person could not reasonably have foreseen that that would be its effect.
- (4) A person does not commit an offence under this section if he did not know and had no reason to suspect that the contribution referred to in subsection (2) was made in the course of a business.
 - (5) This section comes into force on such day as the Secretary of State may by order appoint.
 - (6) The day specified may not be later than 1 June 2026."

Order of the House

[16 April 2024]

That the following provisions shall apply to the Tobacco and Vapes Bill:

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Thursday 23 May.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Consideration and Third Reading

4. Proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and Third Reading.

Other proceedings

7. Any other proceedings on the Bill may be programmed.

Order of the Committee

[30 April 2024, as amended 1 May 2024]

That—

1. the Committee shall (in addition to its first meeting at 9.25 am on Tuesday 30 April) meet—
 - (a) at 2.00 pm on Tuesday 30 April;
 - (b) at 9.25 am and 2.00 pm on Wednesday 1 May;
 - (c) at 11.30 am and 2.00 pm on Thursday 9 May;
 - (d) at 9.25 am and 2.00 pm on Tuesday 14 May;
 - (e) at 11.30 am and 2.00 pm on Thursday 16 May;
 - (f) at 9.25 am and 2.00 pm on Tuesday 21 May;
 - (g) at 11.30 am and 2.00 pm on Thursday 23 May;
2. the Committee shall hear oral evidence in accordance with the following Table:

Date	Time	Witness
Tuesday 30 April	Until no later than 10.05 am	Cancer Research UK; Action on Smoking and Health; Action on Smoking and Health Scotland
Tuesday 30 April	Until no later than 10.40 am	British Heart Foundation; Asthma + Lung UK
Tuesday 30 April	Until no later than 11.10 am	Department for Education's Secondary Headteacher Reference Group; National Association of Schoolmasters Union of Women Teachers
Tuesday 30 April	Until no later than 11.25 am	Age UK
Tuesday 30 April	Until no later than 2.30 pm	Local Government Association; Association of Directors of Public Health
Tuesday 30 April	Until no later than 2.50 pm	Fresh and Balance North East
Tuesday 30 April	Until no later than 3.10 pm	British Retail Consortium
Tuesday 30 April	Until no later than 3.40 pm	The Chartered Trading Standards Institute

Date	Time	Witness
Tuesday 30 April	Until no later than 4.00 pm	Laura Young, Center for Water Law, Policy and Science, University of Dundee
Tuesday 30 April	Until no later than 4.20 pm	Professor Linda Bauld OBE, Bruce and John Usher Chair in Public Health, University of Edinburgh
Tuesday 30 April	Until no later than 4.50 pm	Professor Robert West, Professor Emeritus of Health Psychology, University College London; Professor Ann McNeill, Professor of Tobacco Addiction, King's College London
Wednesday 1 May	Until no later than 10.25 am	Chief Medical Officers for England, Wales, Northern Ireland and Scotland
Wednesday 1 May	Until no later than 10.55 am	NHS England
Wednesday 1 May	Until no later than 11.25 am	Royal College of General Practitioners; Royal College of Paediatrics and Child Health
Wednesday 1 May	Until no later than 2.40 pm	Royal College of Physicians; Royal College of Surgeons
Wednesday 1 May	Until no later than 3.00 pm	Mental Health Foundation
Wednesday 1 May	Until no later than 3.25 pm	Medicines and Healthcare products Regulatory Agency
Wednesday 1 May	Until no later than 3.45 pm	Inter Scientific
Wednesday 1 May	Until no later than 4.25 pm	Professor Anna Gilmore, Director, Tobacco Control Research Group, University of Bath; Dr Allison Ford, Associate Professor at the Institute for Social Marketing and Health, University of Stirling; Dr Rob Branston, Senior Lecturer, University of Bath
Wednesday 1 May	Until no later than 4.55 pm	Professor Robert West, Professor Emeritus of Health Psychology, University College London; Professor Ann McNeill, Professor of Tobacco Addiction, King's College London.

3. proceedings on consideration of the Bill in Committee shall be taken in the following order: Clauses 1 to 27; Schedule 1; Clause 28; Schedules 2 to 4; Clauses 29 to 55; Schedule 5; Clauses 56 to 81; new Clauses; new Schedules; remaining proceedings on the Bill;
4. the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Thursday 23 May.