
Report Stage: Wednesday 22 May 2024

Tobacco and Vapes Bill, As Amended (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 Any withdrawn amendments are listed at the end of the document.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.

New Amendments: 4 to 28 and NC3 to NC10

Dr Caroline Johnson

NC1

Steve Brine
Sir John Hayes
Matt Warman
Richard Graham
Sir David Davis

Sir Robert Goodwill
Lia Nici
Dehenna Davison
Sir David Evennett
Sir Paul Beresford
Fiona Bruce

Sir Julian Lewis
Siobhan Baillie
Sir Peter Bottomley
Mrs Flick Drummond
Trudy Harrison

Miriam Cates
Sally-Ann Hart
Andrew Selous
Mr Ranil Jayawardena
Sir William Cash

To move the following Clause—

“Application of Part I of the Health Act 2006 to vaping

- (1) The Health Act 2006 is amended as follows.
- (2) After section 1 (Introduction) insert—

“1A Application of restrictions on smoking in public places to vaping

- (1) In this Part, and in any regulations made under this Part, where a provision applies to smoking, it should also be taken to apply to vaping.
- (2) For the purposes of this section, “vaping” means the use of a vape or vaping product to vaporise a vaping substance.

- (3) For the purposes of this section, “vape”, “vaping product”, “vaping substance” and “vaporises” have the meanings given in section 69 of the Tobacco and Vapes Act 2024.””

Member's explanatory statement

This new clause would amend the Health Act 2006, which banned smoking in public places and certain vehicles, to include vaping.

Craig Whittaker

NC2

To move the following Clause—

“Meaning of “tobacco” (Northern Ireland)

- (1) Article 7 of the Health and Personal Social Services (Northern Ireland) Order 1978 is amended as follows.
- (2) Leave out from “intended” to the end and insert “to be smoked, sniffed, sucked or chewed”.”

Member's explanatory statement

This new clause changes part of the definition of “tobacco” in the Health and Personal Social Services (Northern Ireland) Order 1978 from “any product containing tobacco and intended for oral or nasal use” to “any product containing tobacco and intended to be smoked, sniffed, sucked or chewed”.

Dr Caroline Johnson

NC3

Trudy Harrison
Nickie Aiken
Sir John Hayes
Matt Warman
Richard Graham

Sir Julian Lewis
Siobhan Baillie
Mrs Flick Drummond
Will Quince
Sir Peter Bottomley
Fiona Bruce

Miriam Cates
Sally-Ann Hart
Dame Caroline Dinenage
Sir Paul Beresford
Jo Gideon
Vicky Ford

Lia Nici
Dehenna Davison
Andrew Selous
Dame Andrea Jenkyns
Tom Hunt

★ To move the following Clause—

“Objectives for advertisements: vaping products

- (1) The Communications Act 2003 is amended as follows.
- (2) After section 321A (Objectives for advertisements: less healthy food and drink) insert—

“321B Objectives for advertisements: vaping products

- (1) OFCOM must set standards by virtue of section 321(1)(b) prohibiting television programme services provided between 5.30am and 9.00pm from including advertisements for vaping products.

- (2) OFCOM must ensure that the prohibition provided for by the first standards set by virtue of subsection (1) takes effect from the beginning of 1 January 2025.
- (3) For the purposes of this section—
 - (a) “advertisements” includes advertisements under a sponsorship agreement and anything else which, under a sponsorship agreement, is included in a television programme service, other than in a television programme;
 - (b) a product is “identifiable”, in relation to advertisements, if persons in the United Kingdom (or any part of the United Kingdom) could reasonably be expected to be able to identify the advertisements as being for that product;
 - (c) “Vaping product” has the meaning given in section 69 of the Tobacco and Vapes Act 2024.””

Member's explanatory statement

This new clause would amend the Communications Act 2003 so that advertising of vaping products on TV is banned before the watershed.

Dr Caroline Johnson

NC4

Trudy Harrison
 Andrew Selous
 Sir Robert Goodwill
 Sir David Davis
 Dame Caroline Dinenage

Sir Julian Lewis
 Siobhan Baillie
 Richard Graham
 Damian Collins
 Sir Paul Beresford
 Sir Peter Bottomley

Miriam Cates
 Sir John Hayes
 Dehenna Davison
 Will Quince
 Mrs Flick Drummond
 Jo Gideon

Lia Nici
 Sally-Ann Hart
 Matt Warman
 Dame Andrea Jenkyns
 Sir William Cash
 Fiona Bruce

★ To move the following Clause—

“Vaping product vending machines

- (1) A person commits an offence if the person has the management or control of a premises on which a vaping product or nicotine product vending machine is available for use.
- (2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (3) In this section “vaping product vending machine” means an automatic machine for the sale of vaping products.
- (4) In this section “nicotine product vending machine” means an automatic machine for the sale of nicotine products.
- (5) This section comes into force on 1 January 2025.”

Member's explanatory statement

This new clause would create an offence of managing or being in control of a premises on which a vaping product vending machine is available for use.

Dr Caroline Johnson

NC5

Trudy Harrison
 Andrew Selous
 Dame Andrea Jenkyns
 Mrs Flick Drummond
 Nickie Aiken

Jo Gideon
 Fiona Bruce

Sir Peter Bottomley
 Sir John Hayes

Sir Paul Beresford

★ To move the following Clause—

“Prohibition of advertising on public transport

- (1) It is an offence to sell a nicotine product to a person who is under the age of 18.
- (2) After section 12 (Television and radio broadcasting) insert—

“12A Prohibition on publishing advertisements for vaping and nicotine products on public transport

- (1) The Secretary of State must by regulations make it an offence to display an advertisement for a vaping or nicotine product on public transport.
- (2) For the purposes of this section “public transport” must include—
 - (a) buses, trains, taxis, coaches and trams;
 - (b) any other vehicle which carries passengers for a fee; and
 - (c) any terminal, station or stop for such vehicles.
- (3) For the purposes of this section—
 - (a) “vaping product” has the meanings given in section 69 of the Tobacco and Vapes Act 2024;
 - (b) “nicotine product” has the meanings given in section 70 of the Tobacco and Vapes Act 2024.
- (4) 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.
- (5) Any regulations made under this section may not come into force before 1 January 2026.””

Member's explanatory statement

This new clause would require the Secretary of State to make regulations to create an offence of displaying an advertisement for a vaping or nicotine product on public transport.

Dr Caroline Johnson

NC6

Trudy Harrison
 Nickie Aiken
 Dame Andrea Jenkyns
 Jo Gideon
 Sir Peter Bottomley

Sir Paul Beresford
 Sir John Hayes

Andrew Selous
 Fiona Bruce

Mrs Flick Drummond
 Vicky Ford

★ To move the following Clause—

“Prohibition of advertising in sports grounds: vaping products and nicotine products

- (1) A person who, in the course of business, publishes or distributes an advertisement for a vaping product or nicotine product in a sports ground in the United Kingdom is guilty of an offence.
- (2) Distributing an advertisement for a vaping product or nicotine product includes transmitting it in electronic form.
- (3) For the purpose of this section, a sports ground is defined as a place in which a sport or game which promotes health by involving physical or mental skill or exertion is played.
- (4) This section comes into force on such day as the Secretary of State may by order appoint.
- (5) The day specified may not be later than one year from the date on which this Act is passed.”

Member's explanatory statement

This new clause would make it an offence to publish or distribute an advertisement for a vaping product or nicotine product in a sports ground.

Dr Caroline Johnson

NC7

Mrs Flick Drummond
 Nickie Aiken
 Trudy Harrison
 Sir Peter Bottomley
 Sir Paul Beresford

Jo Gideon
 Fiona Bruce

Andrew Selous
 Vicky Ford

Sir John Hayes

★ To move the following Clause—

“Prohibition of sports sponsorship: vaping products and nicotine products

- (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 product or nicotine product to those participating in or watching sport.

- (2) A sponsorship agreement is an agreement under which, in the course of 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) For the purpose of this section, sport is defined as a sport or game which promotes health by involving physical or mental skill or exertion.
- (4) 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 or nicotine product 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 or nicotine product in the United Kingdom, if the person could not reasonably have foreseen that that would be its effect.
- (5) 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 business.
- (6) This section comes into force on such day as the Secretary of State may by order appoint.
- (7) The day specified may not be later than one year from the date on which this Act is passed.”

Member's explanatory statement

This new clause would prohibit sponsorship agreements which have the purpose or effect of promoting vaping products or nicotine products to anyone watching or participating in sport.

Dr Caroline Johnson

NC8

Steve Brine
Will Quince
Sir Peter Bottomley
Trudy Harrison
Sir David Davis

Mr Ranil Jayawardena
Dame Andrea Jenkyns
Sir William Cash
Sir Robert Goodwill
Mrs Flick Drummond
Siobhan Baillie
Fiona Bruce

Sir Paul Beresford
Sir David Evennett
Caroline Ansell
Damian Collins
Dame Caroline Dinenage
Tom Hunt
Vicky Ford

Andrew Selous
Nickie Aiken
Jo Gideon
Sally-Ann Hart
Lia Nici
Sir John Hayes

★ To move the following Clause—

“Sale of nicotine products to under 18s

- (1) It is an offence to sell a nicotine product to a person who is under the age of 18.

- (2) It is a defence for a person charged with an offence under this section to prove that they took all reasonable steps to avoid the commission of the offence.
- (3) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 4 on the standard scale."

Alexander Stafford

NC9

★ To move the following Clause—

"Nicotine content of vapes

- (1) The Secretary of State may by regulations specify limits for the concentration of nicotine which can be contained within a vaping product.
- (2) Regulations under this section may not be made unless a draft of the instrument has been laid and approved by a resolution of each House of Parliament."

Member's explanatory statement

This new clause would give the Secretary of State the power to introduce regulations to specify limits for the concentration of nicotine which could be contained within a vaping product.

Giles Watling

NC10

★ 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.

Giles Watling

12

- ★ 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

13

- ★ Clause 2, page 1, line 16, leave out "18" and insert "21"

Member's explanatory statement

This amendment is linked to Amendment 12.

Giles Watling

14

- ★ 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 12.

Giles Watling

15

- ★ 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 12.

Giles Watling

16

- ★ 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 12.

Giles Watling

17

- ★ 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 12.

Giles Watling

18

- ★ 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 12.

Alexander Stafford

9

- ★ Clause 34, page 15, line 15, at end insert “not including pipe tobacco”

Member's explanatory statement

This amendment is linked to Amendment 5.

Alexander Stafford

10

- ★ Clause 34, page 15, line 15, at end insert “not including hookah tobacco or shisha”

Member's explanatory statement

This amendment is linked to Amendment 6.

Alexander Stafford

11

- ★ Clause 34, page 15, line 15, at end insert “not including snuff”

Member's explanatory statement

This amendment is linked to Amendment 7.

Alexander Stafford

4

- ★ Clause 34, page 15, line 36, at end insert—

““cigar” or “cigarillo” means a product made wholly of tobacco which is intended to be smoked.”

Member's explanatory statement

This amendment, together with Amendment 8 would exempt cigars and cigarillos from the provisions of the bill relating to sale of tobacco products to those born after 1 January 2009.

Alexander Stafford

6

★ Clause 34, page 16, line 3, at end insert—

““hookah tobacco” or “shisha” means a tobacco product which is intended to be inhaled when a hookah device or waterpipe is heated.”

Member's explanatory statement

This amendment, together with Amendment 10 would exempt hooka tobacco and shisha from the provisions of the bill relating to sale of tobacco products to those born after 1 January 2009.

Alexander Stafford

5

★ Clause 34, page 16, line 8, at end insert—

““pipe tobacco” means loose leaf tobacco which is intended to be smoked in a pipe.”

Member's explanatory statement

This amendment, together with Amendment 9 would exempt pipe tobacco from the provisions of the bill relating to sale of tobacco products to those born after 1 January 2009.

Alexander Stafford

7

★ Clause 34, page 16, line 13, at end insert—

““snuff” means a product made wholly of tobacco that is intended to be sniffed.”

Member's explanatory statement

This amendment, together with Amendment 11 would exempt snuff from the provisions of the bill relating to sale of tobacco products to those born after 1 January 2009.

Craig Whittaker

1

Clause 34, page 16, line 14, leave out “or consumed in any other way”

Member's explanatory statement

This amendment excludes a tobacco product which is intended to be consumed in a way that is not smoking, sniffing, sucking or chewing from the measures in Part 1 of the Bill.

Alexander Stafford

8

★ Clause 34, page 16, line 15, at end insert “not including cigars or cigarillos”

Member's explanatory statement

This amendment is linked to Amendment 4.

Craig Whittaker

2

Page 17, line 8, leave out Clause 36

Member's explanatory statement

This amendment is linked to Amendment 1.

Craig Whittaker

3

Clause 46, page 22, line 37, leave out "or consumed in any other way"

Member's explanatory statement

This amendment excludes a tobacco product which is intended to be consumed in a way that is not smoking, sniffing, sucking or chewing from the measures in Part 2 of the Bill.

Giles Watling

27

★ Clause 62, page 33, line 40, 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

28

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

Member's explanatory statement

This amendment is linked to Amendment 27

Giles Watling

19

★ 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 12.

Giles Watling

20

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

Member's explanatory statement

This amendment is linked to Amendment 12.

Giles Watling**21**

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

Member's explanatory statement

This amendment is linked to Amendment 12.

Giles Watling**26**

- ★ Schedule 1, page 45, line 30, leave out "was born on or after 1 January 2009" and insert "under the age of 21"

Member's explanatory statement

This amendment is linked to Amendment 12.

Giles Watling**22**

- ★ 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 12.

Giles Watling**23**

- ★ 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 12.

Giles Watling**24**

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

Member's explanatory statement

This amendment is linked to Amendment 12.

Giles Watling

25

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

Member's explanatory statement

This amendment is linked to Amendment 12.

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.