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Report Stage: Thursday 23 May 2024

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## 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 Any withdrawn amendments are listed at the end of the document.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.

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

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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  
Caroline Nokes  
Alexander Stafford  
Daniel Kawczynski

Sir Julian Lewis  
Siobhan Baillie  
Sir Peter Bottomley  
Mrs Flick Drummond  
Trudy Harrison  
Mr Robin Walker  
Andrew Jones  
Jack Brereton  
Robin Millar

Miriam Cates  
Sally-Ann Hart  
Andrew Selous  
Mr Ranil Jayawardena  
Sir William Cash  
Derek Thomas  
Sir Alec Shelbrooke  
Elliot Colburn

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.

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**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”.

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**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.

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#### 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  
 James Grundy  
 John Stevenson  
 Andrew Jones  
 Caroline Nokes  
 Robin Millar

Miriam Cates  
 Sir John Hayes  
 Dehenna Davison  
 Will Quince  
 Mrs Flick Drummond  
 Jo Gideon  
 Mr Robin Walker  
 Mrs Heather Wheeler  
 Jane Stevenson  
 Alexander Stafford  
 Daniel Kawczynski

Lia Nici  
 Sally-Ann Hart  
 Matt Warman  
 Dame Andrea Jenkyns  
 Sir William Cash  
 Fiona Bruce  
 Derek Thomas  
 Sir Alec Shelbrooke  
 Kevin Foster  
 Elliot Colburn  
 Jack Brereton

☆ 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.

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#### Dr Caroline Johnson

NC5

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

Jo Gideon  
Fiona Bruce  
Caroline Nokes  
Robin Millar  
Jack Brereton

Sir Peter Bottomley  
Sir John Hayes  
Sir Alec Shelbrooke  
Elliot Colburn

Sir Paul Beresford  
Derek Thomas  
Alexander Stafford  
Daniel Kawczynski

☆ 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  
 Derek Thomas  
 Caroline Nokes  
 Alexander Stafford  
 Daniel Kawczynski

Andrew Selous  
 Fiona Bruce  
 Sir Alec Shelbrooke  
 James Grundy  
 Elliot Colburn  
 Jack Brereton

Mrs Flick Drummond  
 Vicky Ford  
 Andrew Jones  
 Robin Millar  
 Kevin Foster

☆ 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.

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**Dr Caroline Johnson**

NC7

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

Jo Gideon  
 Fiona Bruce  
 Sir Alec Shelbrooke  
 Caroline Nokes  
 Kevin Foster  
 Elliot Colburn

Andrew Selous  
 Vicky Ford  
 Andrew Jones  
 Jack Brereton  
 Robin Millar

Sir John Hayes  
 Derek Thomas  
 James Grundy  
 Daniel Kawczynski  
 Alexander Stafford

☆ 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.

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**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 Alec Shelbrooke  
 Derek Thomas  
 Mrs Heather Wheeler  
 Kevin Foster  
 Jack Brereton

Sir Paul Beresford  
 Sir David Evennett  
 Caroline Ansell  
 Damian Collins  
 Dame Caroline Dinenage  
 Tom Hunt  
 Vicky Ford  
 James Grundy  
 Mr Robin Walker  
 Robin Millar  
 Alexander Stafford

Andrew Selous  
 Nickie Aiken  
 Jo Gideon  
 Sally-Ann Hart  
 Lia Nici  
 Sir John Hayes  
 John Stevenson  
 Caroline Nokes  
 Andrew Jones  
 Elliot Colburn  
 Daniel Kawczynski

☆ 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.”

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**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.

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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.

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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.

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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.



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**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.

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**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.

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**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.

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**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.

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**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.

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**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.

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**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 hookah tobacco and shisha from the provisions of the bill relating to sale of tobacco products to those born after 1 January 2009.

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**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.

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**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.

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**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.

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**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.

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**Alexander Stafford****9**

- ☆ Clause 34, page 16, line 15, at end insert "not including pipe tobacco"

**Member's explanatory statement**

This amendment is linked to Amendment 5.

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**Alexander Stafford****10**

- ☆ Clause 34, page 16, line 15, at end insert "not including hookah tobacco or shisha"

**Member's explanatory statement**

This amendment is linked to Amendment 6.

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**Alexander Stafford****11**

- ☆ Clause 34, page 16, line 15, at end insert "not including snuff"

**Member's explanatory statement**

This amendment is linked to Amendment 7.

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**Craig Whittaker****2**

Page 17, line 8, leave out Clause 36

**Member's explanatory statement**

This amendment is linked to Amendment 1.

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**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.

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**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.

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**Giles Watling**

28

- ☆ Clause 62, page 34, line 1, leave out subsection (3)

**Member's explanatory statement**

This amendment is linked to Amendment 27

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**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.

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**Giles Watling**

20

- ☆ 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 12.

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**Giles Watling**

21

- ☆ 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 12.

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**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.

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**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.

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**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.

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**Giles Watling**

26

- ☆ Schedule 1, page 46, line 25, 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.

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**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.

[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.