
Committee Stage: Tuesday 7 January 2025

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 Any withdrawn amendments are listed at the end of the document.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

New Amendments: 5 to 95 and NC1 to NC10

Resolution of the Programming Sub-Committee

The Programming Sub-Committee appointed by the Speaker in respect of the Bill agreed the following Resolution at its meeting on Monday 6 January (Standing Order No. 83C):

That—

1. the Committee shall (in addition to its first meeting at 9.25 am on Tuesday 7 January) meet—
 - (a) at 2.00 pm on Tuesday 7 January;
 - (b) at 11.30 am and 2.00 pm on Thursday 9 January;
 - (c) at 9.25 am and 2.00 pm on Tuesday 14 January;
 - (d) at 11.30 am and 2.00 pm on Thursday 16 January;
 - (e) at 9.25 am and 2.00 pm on Tuesday 21 January;
 - (f) at 11.30 am and 2.00 pm on Thursday 23 January;
 - (g) at 9.25 am and 2.00 pm on Tuesday 28 January;
 - (h) at 11.30 am and 2.00 pm on Thursday 30 January;
2. the Committee shall hear oral evidence in accordance with the following Table:

<i>Date</i>	<i>Time</i>	<i>Witness</i>
Tuesday 7 January	Until no later than 10.25 am	Chief Medical Officers for England, Wales, Northern Ireland and Scotland
Tuesday 7 January	Until no later than 10.55 am	Action on Smoking and Health; Action on Smoking and Health Scotland; Action on Smoking and Health Wales; Cancer Focus Northern Ireland
Tuesday 7 January	Until no later than 11.25 am	Cancer Research UK; Asthma + Lung UK
Tuesday 7 January	Until no later than 2.40 pm	Local Government Association; Association of Directors of Public Health; Professor Tracy Daszkiewicz, Executive Director of Public Health and Strategic Partnerships, Aneurin Bevan University Health Board
Tuesday 7 January	Until no later than 3.10 pm	Royal College of Paediatrics and Child Health; Royal College of General Practitioners
Tuesday 7 January	Until no later than 3.30 pm	National Trading Standards
Tuesday 7 January	Until no later than 3.50 pm	British Retail Consortium
Tuesday 7 January	Until no later than 4.10 pm	Department for Education's Secondary Headteacher Reference Group
Tuesday 7 January	Until no later than 4.30 pm	Medicines and Healthcare products Regulatory Agency
Tuesday 7 January	Until no later than 4.50 pm	Professor Linda Bauld OBE, Bruce and John Usher Chair in Public Health, University of Edinburgh
Tuesday 7 January	Until no later than 5.10 pm	Department of Health and Social Care

3. proceedings on consideration of the Bill in Committee shall be taken in the following order: Clauses 1 to 16; Schedule 1; Clause 17 and 18; Schedule 2; Clause 19; Schedule 3; Clauses 20 and 21; Schedule 4; Clauses 22 to 40; Schedule 5; Clause 41; Schedules 6 and 7; Clauses 42 to 64; Schedule 8; Clause 65; Schedule 9; Clauses 66 to 84; Schedule 10; Clause 85; Schedules 11 to 13; Clauses 86 and 87; Schedules 14 and 15; Clauses 88 to 127; Schedule 16; Clauses 128 to 141; Schedule 17; Clauses 142 to 146; Schedule 18; Clauses 147 to 152; Schedule 19; Clauses 153 to 157; Schedule 20; Clauses 158 to 160; Schedule 21; new Clauses; new Schedules; Clauses 161 to 171; 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 30 January.

Andrew Gwynne has given notice of his intention to move a motion in the terms of the Resolution of the Programming Sub-Committee [Standing Order No. 83C].

Andrew Gwynne

That, subject to the discretion of the Chair, any written evidence received by the Committee shall be reported to the House for publication.

Andrew Gwynne

That, at this and any subsequent meeting at which oral evidence is to be heard, the Committee shall sit in private until the witnesses are admitted.

Helen Maguire

17

- ★ Clause 1, page 1, line 5, leave out “born on or after 1 January 2009” and insert “under the age of 25”

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 25, rather than to people born on or after 1 January 2009.

Helen Maguire

18

- ★ Clause 1, page 1, line 13, leave out “shown on that document was before 1 January 2009” and insert “showed that the purchaser was not under the age of 25”

Member's explanatory statement

This amendment is linked to Amendment 17.

Dr Caroline Johnson

56

- ★ Clause 1, page 2, line 9, at end insert “, save if it is a first offence.”

Member's explanatory statement

See explanatory statement to Amendment 59.

Dr Caroline Johnson

57

- ★ Clause 1, page 2, line 9, at end insert—

“(4A) A person who has admitted guilt of a first offence under this section is liable to a fine not exceeding level 3 on the standard scale or a caution.”

Member's explanatory statement

See explanatory statement to Amendment 59.

Helen Maguire

19

- ★ Clause 2, page 2, line 11, leave out “18” and insert “25”

Member's explanatory statement

This amendment makes it an offence to purchase tobacco products, herbal smoking products and cigarette papers on behalf of a person under the age of 25, rather than a person born on or after 1 January 2009.

Helen Maguire

20

- ★ Clause 2, page 2, line 12, leave out “born on or after 1 January 2009” and insert “under the age of 25”

Member's explanatory statement

This amendment is linked to Amendment 19.

Helen Maguire

21

- ★ Clause 2, page 2, line 18, leave out “born on or after 1 January 2009” and insert “under the age of 25”

Member's explanatory statement

This amendment is linked to Amendment 19.

Dr Caroline Johnson

58

- ★ Clause 2, page 2, line 23, at end insert “, save if it is a first offence.”

Member's explanatory statement

See explanatory statement to Amendment 59.

Dr Caroline Johnson

59

★ Clause 2, page 2, line 23, at end insert—

“(4A) A person who has admitted guilt of a first offence under this section is liable to a fine not exceeding level 3 on the standard scale or provides for a discretionary caution.”

Member's explanatory statement

This amendment, together with Amendments 56, 57, and 58, prevents penalties under sections 1 and 2 beyond level 3 for a first offence and provides for a discretionary caution.

Helen Maguire

22

★ Clause 5, page 3, line 8, leave out “born on or after 1 January 2009” and insert “under the age of 25”

Member's explanatory statement

This amendment is linked to Amendment 17.

Helen Maguire

23

★ Clause 6, page 3, line 30, leave out “born on or after 1 January 2009” and insert “under the age of 25”

Member's explanatory statement

This amendment is linked to Amendment 17.

Helen Maguire

24

★ Clause 6, page 3, line 32, leave out “a anwyd ar neu ar ôl 1 Ionawr 2009” and insert “dan 25 oed”

Member's explanatory statement

This amendment is linked to Amendment 17.

Dr Caroline Johnson

60

★ Clause 9, page 5, line 10, at end insert “, save if it is a first offence.”

Member's explanatory statement

See explanatory statement to Amendment 62.

Dr Caroline Johnson

61

- ★ Clause 9, page 5, line 12, at end insert “, save if it is a first offence.”

Member's explanatory statement

See explanatory statement to Amendment 62.

Dr Caroline Johnson

62

- ★ Clause 9, page 5, line 12, at end insert—

“(3A) A person who has admitted guilt of a first offence under this section is liable to a fine not exceeding level 3 on the standard scale or a caution.”

Member's explanatory statement

This amendment, together with Amendments 60 and 61, prevents penalties for a first offence under section 9 being a fine beyond level 3 and provides for a discretionary caution.

Dr Caroline Johnson

63

- ★ Clause 10, page 5, line 33, at end insert “, save if it is a first offence.”

Member's explanatory statement

See explanatory statement to Amendment 66.

Dr Caroline Johnson

64

- ★ Clause 10, page 5, line 33, at end insert—

“(4A) A person who has admitted guilt of a first offence under this section is liable to a fine not exceeding level 3 on the standard scale or a caution.”

Member's explanatory statement

See explanatory statement to Amendment 66.

Dr Caroline Johnson

65

- ★ Clause 11, page 6, line 5, at end insert “, save if it is a first offence.”

Member's explanatory statement

See explanatory statement to Amendment 66.

Dr Caroline Johnson

66

★ Clause 11, page 6, line 5, at end insert—

“(3A) A person who has admitted guilt of a first offence under this section is liable to a fine not exceeding level 3 on the standard scale or a caution.”

Member's explanatory statement

This amendment, together with Amendment 63, 64, and 65, prevents penalties for a first offence under sections 10 and 11 being beyond level 3 and provides for a discretionary caution.

Dr Caroline Johnson

54

★ Clause 37, page 19, line 25, at end insert—

“(1A) In respect to sections (1) and (2) fixed penalties will not be issued where a person has admitted guilt, and it is a first offence.”

Member's explanatory statement

This amendment ensures that fixed penalty notices for an offence under sections 1 and 2 will not be issued if it is a first offence in England and Wales.

Helen Morgan

2

Liz Jarvis
Dr Danny Chambers

Clause 38, page 20, line 18, leave out from “*must*” to the end of line 19 and insert “*be allocated by the relevant Local Health and Wellbeing Board to public health projects.*”

Member's explanatory statement

This amendment would direct funds from Fixed Penalty Notice fines to public health initiatives, determined by Local Health and Wellbeing Boards.

Helen Morgan

3

Liz Jarvis
Dr Danny Chambers

Clause 38, page 20, line 20, leave out from “before” to the second “the” and insert “such sums are allocated by the relevant Local Health and Wellbeing Board”

Member's explanatory statement

This amendment is consequential upon Amendment 2.

Helen Maguire

44

- ★ Schedule 5, page 132, line 2, leave out, “a anwyd ar neu ar ôl 1 Ionawr 2009” and insert “dan 25 oed”

Member's explanatory statement

This amendment is linked to Amendment 17.

Helen Maguire

48

- ★ Schedule 5, page 132, line 7, leave out from “berson” to end of line 8 and insert “dan 25 oed (“B”)”

Member's explanatory statement

This amendment is linked to Amendment 17.

Helen Maguire

45

- ★ Schedule 5, page 132, line 12, leave out from “person” to end of line and insert “dan 25 oed”

Member's explanatory statement

This amendment is linked to Amendment 17.

Helen Maguire

46

- ★ Schedule 5, page 132, line 38, leave out from “rhei”, to “a” in line 39 and insert “yn 25 oed neu drosodd”

Member's explanatory statement

This amendment is linked to Amendment 17.

Helen Maguire

47

- ★ Schedule 5, page 133, line 2, leave out from “person” to end of line 3 and insert “dan 25 oed”

Member's explanatory statement

This amendment is linked to Amendment 17.

Helen Maguire

39

- ★ Schedule 5, page 133, line 16, leave out “born on or after 1 January 2009” and insert “under the age of 25”

Member's explanatory statement

This amendment is linked to Amendment 17.

Helen Maguire

40

- ★ Schedule 5, page 133, line 21, leave out “born on or after 1 January 2009” and insert “under the age of 25”

Member's explanatory statement

This amendment is linked to Amendment 17.

Helen Maguire

41

- ★ Schedule 5, page 133, line 26, leave out “born on or after 1 January 2009” and insert “under the age of 25”

Member's explanatory statement

This amendment is linked to Amendment 17.

Helen Maguire

42

- ★ Schedule 5, page 134, line 9, leave out “born before 1 January 2009” and insert “over the age of 25”

Member's explanatory statement

This amendment is linked to Amendment 17.

Helen Maguire

43

- ★ Schedule 5, page 134, line 14, leave out “born on or after 1 January 2009” and insert “under the age of 25”

Member's explanatory statement

This amendment is linked to Amendment 17.

Helen Maguire

25

- ★ Clause 50, page 25, line 30, leave out “born on or after 1 January 2009” and insert “under the age of 25”

Member's explanatory statement

This amendment is linked to Amendment 17.

Helen Maguire

26

- ★ Clause 50, page 25, line 33, leave out from “substitute” to end of line 34 and insert “under the age of 25 (“the customer”) to be aged 25 or over”

Member's explanatory statement

This amendment is linked to Amendment 17.

Dr Caroline Johnson

67

- ★ Clause 50, page 25, line 34, at end insert—

“(ba) in subsection (5), at end insert “, save if it is a first offence.”

(b) after subsection (5) insert—

“(5A) A person who has admitted guilt of a first offence under subsection (1) is liable to a fine not exceeding level 3 on the standard scale or a recorded police warning.””

Member's explanatory statement

This amendment prevents penalties for a first offence of selling tobacco products to person under 18 in Scotland being a fine not beyond level 3 and provides for a discretionary recorded police warning.

Helen Maguire

27

- ★ Clause 50, page 25, line 37, leave out “born on or after 1 January 2009” and insert “under 25”

Member's explanatory statement

This amendment is linked to Amendment 17.

Dr Caroline Johnson

68

- ★ Clause 50, page 25, line 38, at end insert—

“(2A) In section 4A (Sale of nicotine vapour products to persons under 18) insert—

(a) in subsection (5), at end insert “, save if it is a first offence.”

(b) after subsection (5) insert—

“(5A) A person who has admitted guilt of a first offence under subsection (1) is liable on summary conviction to a fine not exceeding level 3 on the standard scale or to a recorded police warning.””

Member's explanatory statement

This amendment prevents penalties for a first offence pertaining to the sale of nicotine vapour products to persons under 18 in Scotland being a fine not beyond level 3 and provides for a discretionary recorded police warning.

Helen Maguire

28

- ★ Clause 50, page 26, line 1, leave out subsection (3)

Member's explanatory statement

This amendment is linked to Amendment 17.

Dr Caroline Johnson

69

- ★ Clause 50, page 26, line 26, at end insert—

“(ba) in subsection (7), at end insert “, save if it is a first offence.”

(bb) after subsection (7) insert—

“(7A) A person who has admitted guilt of a first offence under subsection (1) is liable to a fine not exceeding level 2 on the standard scale or a recorded police warning.””

Member's explanatory statement

This amendment prevents penalties for a first offence pertaining to a failure to operate an age verification policy in Scotland being a fine not beyond level 2 and provides for a discretionary recorded police warning.

Helen Maguire

29

- ★ Clause 50, page 26, line 28, leave out from “substitute” to end of line 29 and insert “under the age of 25”;

Member's explanatory statement

This amendment is linked to Amendment 17.

Helen Maguire

30

- ★ Clause 50, page 26, line 30, leave out from “substitute” to end of line 31 and insert “under 25”.

Member's explanatory statement

This amendment is linked to Amendment 17.

Helen Maguire

31

- ★ Clause 50, page 26, line 33, leave out from “substitute” to end of line and insert “under 25.”

Member's explanatory statement

This amendment is linked to Amendment 17.

Dr Caroline Johnson

55

- ★ Clause 50, page 26, line 33, at end insert—

“(5A) In section 27 (Fixed penalties), in paragraph (1) at end insert ‘, save if an offence under section 4, 4A, and 4B is a first offence for which a person has admitted guilt”

Member's explanatory statement

This amendment ensures that fixed penalty notices for an offence under section 50 will not be issued if it is a first offence in Scotland.

Dr Caroline Johnson

70

- ★ Clause 58, page 29, line 19, at end insert “, save if it is a first offence.”

Member's explanatory statement

See explanatory statement to Amendment 72.

Dr Caroline Johnson

71

- ★ Clause 58, page 29, line 21, at end insert “, save if it is a first offence.”

Member's explanatory statement

See explanatory statement to Amendment 72.

Dr Caroline Johnson

72

- ★ Clause 58, page 29, line 21, at end insert—

“(3A) A person who has admitted guilt of a first offence under subsection (1) is liable to a fine not exceeding level 3 on the standard scale or a recorded police warning.”

Member's explanatory statement

This amendment, together with Amendments 70 and 71, prevents penalties for a first offence under Section 58 (pertaining to restrictions on the possession of snus with an intent to supply in Scotland) being beyond level 3 and provides for a discretionary recorded police warning.

Helen Maguire

32

- ★ Clause 68, page 35, line 28, leave out “born on or after 1 January 2009” and insert “under the age of 25”

Member's explanatory statement

This amendment is linked to Amendment 17.

Helen Maguire

33

- ★ Clause 68, page 35, line 37, leave out “shown on that document was before 1 January 2009” and insert “showed that the purchaser was not under the age of 25”

Member's explanatory statement

This amendment is linked to Amendment 17.

Dr Caroline Johnson

73

- ★ Clause 68, page 36, line 12, at end insert “, save if it is a first offence.”

Member's explanatory statement

See explanatory statement to Amendment 76.

Dr Caroline Johnson

74

- ★ Clause 68, page 36, line 12, at end insert—

“(4A) A person who has admitted guilt of a first offence under this Article is liable to a fine not exceeding level 3 on the standard scale or a conditional caution.”

Member's explanatory statement

See explanatory statement to Amendment 76.

Helen Maguire

34

- ★ Clause 69, page 36, line 16, leave out “born on or after 1 January 2009” and insert “under the age of 25”

Member's explanatory statement

This amendment is linked to Amendment 19.

Helen Maguire

35

- ★ Clause 69, page 36, line 18, leave out “18” and insert “25”

Member's explanatory statement

This amendment is linked to Amendment 19.

Helen Maguire

36

- ★ Clause 69, page 36, line 19, leave out “born on or after 1 January 2009” and insert “under the age of 25”

Member's explanatory statement

This amendment is linked to Amendment 19.

Helen Maguire

37

- ★ Clause 69, page 36, line 26, leave out “born on or after 1 January 2009” and insert “under the age of 25”

Member's explanatory statement

This amendment is linked to Amendment 19.

Dr Caroline Johnson

75

- ★ Clause 69, page 36, line 31, at end insert “, save if it is a first offence.”

Member's explanatory statement

See explanatory statement to Amendment 76.

Dr Caroline Johnson

76

- ★ Clause 69, page 36, line 31, at end insert—

“(4A) A person who has admitted guilt of a first offence under this Article is liable to a fine not exceeding level 3 on the standard scale or a conditional caution.”

Member's explanatory statement

This amendment, together with Amendments 73, 74, and 75, prevents penalties for a first offence under Sections 68 and 69 being beyond level 3 and provides for a cautionary warning.

Helen Maguire

38

- ★ Clause 72, page 37, line 28, leave out “born on or after 1 January 2009” and insert “under the age of 25”

Member's explanatory statement

This amendment is linked to Amendment 17.

Dr Caroline Johnson

77

- ★ Clause 75, page 39, line 19, at end insert “, save if it is a first offence.”

Member's explanatory statement

See explanatory statement to Amendment 79.

Dr Caroline Johnson

78

- ★ Clause 75, page 39, line 21, at end insert “, save if it is a first offence.”

Member's explanatory statement

See explanatory statement to Amendment 79.

Dr Caroline Johnson

79

- ★ Clause 75, page 39, line 21, at end insert—

“(3A) A person who has admitted guilt of a first offence under this Article is liable to a to a fine not exceeding level 3 on the standard scale or conditional caution.”

Member's explanatory statement

This amendment, together with Amendments 77 and 78, prevents penalties for a first offence under Section 75 (pertaining to restrictions on the possession with an intent to supply of snus in Northern Ireland) being beyond level 3 and provides for a conditional caution.

Dr Caroline Johnson

80

- ★ Clause 76, page 40, line 9, at end insert “, save if it is a first offence.”

Member's explanatory statement

See explanatory statement to Amendment 83.

Dr Caroline Johnson

81

- ★ Clause 76, page 40, line 9, at end insert—

“(4A) A person who has admitted guilt of a first offence under this Article is liable to a fine not exceeding level 3 on the standard scale or conditional caution.”

Member's explanatory statement

See explanatory statement to Amendment 83.

Dr Caroline Johnson

82

- ★ Clause 77, page 40, line 22, at end insert “, save if it is a first offence.”

Member's explanatory statement

See explanatory statement to Amendment 83.

Dr Caroline Johnson

83

- ★ Clause 77, page 40, line 22, at end insert—

“(3A) A person who has admitted guilt of a first offence under this Article is liable to a fine not exceeding level 3 on the standard scale or a conditional caution.”

Member's explanatory statement

This amendment, together with amendments 80, 81, and 82, prevent penalties for a first offence under sections 76 and 77 (pertaining to age of sale restrictions for vaping and nicotine products in Northern Ireland) beyond level 3 and provides for a caution.

Mary Kelly Foy

5

- ★ Clause 91, page 51, line 26, at the end insert “and markings containing health warnings”

Member's explanatory statement

This amendment enables regulations to be made requiring health warnings to be marked on individual cigarettes and cigarette papers.

Jim Dickson

6

- ★ Clause 96, page 54, line 24, leave out “may” insert “must within six month of the passing of this Act”

Jim Dickson

7

- ★ Clause 96, page 54, line 36, leave out “may” insert “must”

Jim Dickson

8

- ★ Clause 96, page 54, line 36, after “provision” insert “and publication”

Jim Dickson

9

- ★ Clause 96, page 54, line 38, at end insert “, including provision of data with reference to areas specified in the regulations, which may be local authority areas.”

Member's explanatory statement

These amendments require the Secretary of State to make regulations which would require producers of tobacco products and other products to provide sales data by geographical area and would require the publication of such data.

Dr Caroline Johnson

87

- ★ Clause 114, page 63, line 16, after "product," insert "except for the public health purpose of promoting vaping as a cessation tool for existing tobacco smokers,"

Member's explanatory statement

This amendment would allow vapes to be promoted as a quit-aid/public health measure.

Dr Caroline Johnson

88

- ★ Clause 115, page 64, line 3, after "product," insert "except for the public health purpose of promoting vaping as a cessation tool for existing tobacco smokers,"

Member's explanatory statement

This amendment would allow vapes to be promoted as a quit-aid/public health measure.

Dr Caroline Johnson

89

- ★ Clause 116, page 64, line 30, after "product," insert "except for the public health purpose of promoting vaping as a cessation tool for existing tobacco smokers,"

Member's explanatory statement

This amendment would allow vapes to be promoted as a quit-aid/public health measure.

Dr Caroline Johnson

90

- ★ Clause 117, page 65, line 18, after "product," insert "except for the public health purpose of promoting vaping as a cessation tool for existing tobacco smokers,"

Member's explanatory statement

This amendment would allow vapes to be promoted as a quit-aid/public health measure.

Dr Caroline Johnson

91

- ★ Clause 118, page 66, line 3, after "product," insert "except for the public health purpose of promoting vaping as a cessation tool for existing tobacco smokers,"

Member's explanatory statement

This amendment would allow vapes to be promoted as a quit-aid/public health measure.

Dr Caroline Johnson

92

- ★ Clause 119, page 67, line 8, after “product,” insert “except for the public health purpose of promoting vaping as a cessation tool for existing tobacco smokers,”

Member's explanatory statement

This amendment would allow vapes to be promoted as a quit-aid/public health measure.

Dr Caroline Johnson

93

- ★ Clause 119, page 67, line 24, after “product,” insert “except for the public health purpose of promoting vaping as a cessation tool for existing tobacco smokers,”

Member's explanatory statement

This amendment would allow vapes to be promoted as a quit-aid/public health measure.

Andrew Gwynne

Gov 1

Clause 122, page 70, line 12, after “section” insert “3 or”

Member's explanatory statement

This amendment ensures that no offence is committed under the advertising provisions by displays of prices that are subject to regulation under section 3 of the Tobacco and Primary Medical Services (Scotland) Act 2010. This makes the approach for Scotland consistent with the rest of the United Kingdom.

Jim Dickson

11

- ★ Clause 136, page 77, line 8, after “regulations” insert “and a local authority may (as respects its area) make byelaws”

Member's explanatory statement

This amendment would extend the power to designate areas as smoke-free to certain local authorities, by making byelaws. Any byelaws so made would need to be confirmed by the Secretary of State by virtue of section 236 of the Local Government Act 1972.

Helen Morgan

4

Liz Jarvis
Dr Danny Chambers

Clause 136, page 77, line 8, leave out from “*smoke-free*” to the end of line 15 and insert “*a place in England that is—*”

- (a) *an NHS property or hospital building,*
- (b) *a school, college or higher education premises,*

*(c) a children's play area or playground,
including outdoor public areas and frontages adjoining or surrounding such
premises or designated areas."*

Member's explanatory statement

This amendment would specify which places the Secretary of State has power to designate as additional smoke-free places in England on the face of the Bill.

Dr Caroline Johnson

95

★ Clause 136, page 77, line 12 at end insert—

"The Secretary of State may only make regulations designating external or open spaces as smoke-free in England outside—

- (a) an NHS property or hospital building,
- (b) a children's playground, or
- (c) a nursery, school, college or higher education premises."

Member's explanatory statement

This amendment restricts the Secretary of State to only being able to designate open or unenclosed spaces outside a hospital, children's playground, school or nursery.

Jim Dickson

12

★ Clause 136, page 77, line 14, after "regulations" insert "or byelaws"

Member's explanatory statement

This amendment is associated with amendment 11.

Jim Dickson

13

★ Clause 136, page 77, line 16, after "regulations" insert "or byelaws"

Member's explanatory statement

This amendment is associated with amendment 11.

Dr Caroline Johnson

94

★ Clause 136, page 77, line 21, at end insert—

"The Secretary of State may designate a place or description of place under this section only if in the Secretary of State's opinion there is a significant risk that, without a designation, persons present there would be exposed to significant quantities of smoke."

Member's explanatory statement

This amendment would re-instate existing section 4(3) in the Health Act 2006.

Jim Dickson

14

★ Clause 136, page 77, at the end of line 24, insert—

“(5) Before making byelaws under this section the local authority must consult any persons the local authority considers it appropriate to consult.

(6) In this section,

“local authority” means a county council in England, a district council, a London borough council, the Common Council of the City of London in its capacity as a local authority, the Council of the Isles of Scilly, a combined authority or a combined country authority.”

Member's explanatory statement

This amendment is associated with amendment 11.

Jim Dickson

10

★ Clause 136, page 77, leave out lines 26 to 29 and insert—

“(a) for subsection (1A) substitute—

“(1A) The Secretary of State must, no later than the end of the period of 6 months beginning with the day on which the Tobacco and Vapes Act 2025 is passed, lay draft regulations to be made under this section which have the effect of providing for all enclosed vehicles to be smoke-free, other than vehicles of the type described in subsection (3).

(1B) Regulations may make provisions about the meaning of “enclosed vehicle”, which may include vehicles which are partially enclosed or enclosed (or capable of being enclosed) for some but not all of the time.””

Member's explanatory statement

This amendment requires the Secretary of State to make regulations which would extend the existing prohibition on smoking in vehicles to all enclosed vehicles except ships and hovercraft which are regulated under other legislation. The prohibition currently only applies to workplace vehicles and vehicles carrying under 18s.

Dr Caroline Johnson

84

★ Clause 136, page 77, line 33, at end insert—

“(3A) In section 7 (Offence of smoking in smoke-free place)—

(a) in subsection (6), at end insert “, save if it is a first offence.”

(b) after subsection (6) insert—

“(6A) A person who has admitted guilt of a first offence under this section is liable to a fine not exceeding level 3 on the standard scale or a caution.”

(3B) In section 8 (Offence of failing to prevent smoking in smoke-free place)—

(a) in subsection (7), at end insert “, save if it is a first offence.”

(b) after subsection (7) insert—

“(7A) A person who has admitted guilt of a first offence under this section is liable to a fine not exceeding level 3 on the standard scale or a caution.”

Member's explanatory statement

This amendment prevents penalties for a first offence under sections 136 (pertaining to smoke-free area restrictions in England) being beyond a fine of level 3 and provides for a discretionary caution.

Dr Caroline Johnson

85

★ Clause 142, page 85, line 29, at end insert—

“(ya) in section 1 (Offence of permitting others to smoke in no-smoking premises)—

(i) in subsection (4), at end insert “, save if it is a first offence.”

(ii) after subsection (4) insert—

“(4A) A person who has admitted guilt of a first offence under this section is liable to a fine not exceeding level 3 on the standard scale or a recorded police warning.”

(za) in section (2) (Offence of smoking in no-smoking premises)—

(i) in subsection (3), at end insert “, save if it is a first offence.”

(ii) after subsection (3) insert—

“(3A) A person who has admitted guilt of a first offence under this section is liable to a fine not exceeding level 3 on the standard scale or a recorded police warning.”

Member's explanatory statement

This amendment prevents penalties for a first offence under sections 142 (pertaining to smoke-free area restrictions in Scotland) being beyond level 3 and provides for a discretionary caution.

Dr Caroline Johnson

86

★ Clause 153, page 109, line 9, at end insert—

“(3A) In Article 8 (Offence of smoking in smoke-free place)—

(a) in subsection (5), at end insert “, save if it is a first offence.”

(b) after subsection (5) insert—

“(5A) A person who has admitted guilt of a first offence under this Article is liable to a fine not exceeding level 3 on the standard scale or a conditional caution.”

(3B) In Article 9 (Offence of failing to prevent smoking in smoke-free place)—

(a) subsection (6), after “scale” insert “, save if it is a first offence.

(b) after subsection (6) insert—

“(6A) person who has admitted guilt of a first offence under this Article is liable to a fine not exceeding level 3 on the standard scale or a conditional caution.””

Member's explanatory statement

This amendment prevents penalties for a first offence under sections 153 (pertaining to smoke-free area restrictions in Northern Ireland) being beyond level 3 and provides for a conditional caution.

Mary Kelly Foy

NC1

★ To move the following Clause—

“Mandatory health warnings on cigarettes and cigarette rolling papers: consultation

- (1) The Secretary of State must consult on draft regulations (see section 91 (features of products)) which would, if made, include a requirement on producers of tobacco products and cigarette papers to print health warnings on individual cigarettes and individual cigarette papers.
- (2) In this section, “cigarette paper” and “tobacco product” have the same meaning as in section 112.”

Member's explanatory statement

This new clause commits the government to consult on regulations under clause 91 requiring the placing of specified health warnings on cigarettes and rolling papers by tobacco manufacturers and importers.

Mary Kelly Foy

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 producer or importer of tobacco products for the supply of any tobacco products,
 - (b) limiting the profits which may accrue to any producer or importer in connection with the manufacture or supply of tobacco products,

- (c) providing for any producer 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.
- (2) In this section—
 - “importer”, in relation to tobacco products, and “tobacco products” have the meaning as in Part 5 (see section 112),
 - “producer”, in relation to tobacco products, is to be construed in accordance with the meaning of “production” in Part 5 (see section 112).”

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.

Mary Kelly Foy

NC3

★ 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, vaping product or nicotine 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, vaping product or nicotine product business.
- (2) Subsection (1) does not apply to premises (“the business premises”) from which—
 - (a) tobacco products, herbal smoking products, cigarette papers, vaping products or nicotine products are, in pursuance of a sale, despatched for delivery to different premises, and
 - (b) no other tobacco, herbal smoking product, vaping product or nicotine 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, a vaping product or a nicotine product on the premises (the “customer”) if it appears to the person selling the tobacco product, cigarette papers, vaping product or nicotine 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 or nicotine product business, is a policy that steps are to be taken to establish the age of a person attempting to buy a vaping product, or a nicotine product, on the premises (the “customer”) if it appears to the person selling the 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, vaping product or nicotine 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, vaping product or nicotine 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, vaping product or nicotine 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,
- “nicotine product business” means a business involving the sale of nicotine 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 businesses to operate an age verification policy covering steps to be taken to establish the age of persons attempting to buy tobacco, herbal smoking, vaping/ nicotine products, or cigarette papers. It reflects provisions in place in Scotland to be amended by the Bill.

Jim Dickson

NC4

★ To move the following Clause—

“Ban on supply of cigarette filters

- (1) The Secretary of State must make regulations under section 140 of the Environmental Protection Act 1990 having the effect of prohibiting the supply of relevant cigarette filters or cigarettes containing relevant cigarette filters, whether by way of sale or not, in the course of a business.
- (2) The notice required under section 140(6)(b) of the Environmental Protection Act 1990 in relation to the regulations mentioned in subsection (1) must be published no later than the end of the period of 6 months beginning with the day on which this Act is passed.
- (3) In this section,
“relevant cigarette filter” means a filter which contains plastic and which is intended for use in a cigarette, whether as part of a ready made cigarette or to be used with hand rolling tobacco or other substances to be smoked in a cigarette.”

Member's explanatory statement

This new clause requires the Secretary of State to make regulations which would prohibit the supply of cigarette filters which contain plastic or cigarettes containing cigarette filters which contain plastic. The regulations would be made under section 140 of the Environmental Protection Act 1990.

Mary Glindon

NC5

★ To move the following Clause—

“Ban on manufacture and sales of high-strength nicotine pouches

- (1) It is an offence to manufacture a high-strength nicotine pouch.
- (2) It is an offence to—
 - (a) sell or expose for sale a high-strength nicotine pouch, or
 - (b) offer or expose a high-strength nicotine pouch for sale.
- (3) It is an offence for a person to have a high-strength nicotine pouch in their possession with intent to supply it to another in the course of business.
- (4) In this section “high-strength nicotine pouch” means a nicotine pouch that—
 - (a) is intended for oral use,
 - (b) is not intended to be inhaled,
 - (c) does not contain tobacco, and
 - (d) contains more than 20 milligrams of nicotine per pouch.
- (5) It is a defence for a person charged with an offence under subsection (2) to prove that they took all reasonable steps to avoid the commission of the offence.
- (6) A person who commits an offence under this section is liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates’ court, or a fine, or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years, or a fine, or both.”

Member's explanatory statement

This new clause provides for a ban on the manufacture and sale of high-strength nicotine pouches.

Dr Caroline Johnson

NC6

★ To move the following Clause—

“Consultation on licensing regulations

- (1) Within two months of the passing of this Act, the Secretary of State must publish draft regulations for the licensing of retail sale of tobacco products etc in England.
- (2) Following the publication of the draft regulation as set out in subsection (1) the Secretary of State must publish a call for evidence seeking views on the efficacy and suitability of the draft regulations and invite the House of Commons Business and Trade Committee to scrutinise the draft regulations.
- (3) After six months of the passing of this Act, the Secretary of State must lay before both Houses of Parliament a report setting out the Government’s formal response to evidence submitted in response to the call for evidence required

by subsection (2) and any recommendations of the Business and Trade Committee.

- (4) The Secretary of State may not make an order under section 168(4) bringing Sections 16 to 18 and Schedules 1 and 2 into force until the report specified in subsection (3) has been laid before both Houses of Parliament."

Member's explanatory statement

See explanatory statement to Amendment 51.

Dr Caroline Johnson

NC7

★ To move the following Clause—

"Consultation on registration and information requirements

- (1) Within two months of the passage of this Act, the Secretary of State must publish draft regulations relating to registration and information requirements relating to tobacco products etc.
- (2) Following the publication of the draft regulations as set out in subsection (1) the Secretary of State must publish a call for evidence seeking views on the efficacy and suitability of the draft regulations and invite the House of Commons Business and Trade Committee to scrutinise the draft regulations.
- (3) After six months of the passing of this Act, the Secretary of State must lay before both Houses of Parliament a report setting out the Government's formal response to evidence submitted in response to the call for evidence required by subsection (2) and any recommendations of the Business and Trade Committee.
- (4) The Secretary of State may not make an order under sections 169(1A) bringing Sections 95 to 98 into force until the report specified in subsection (3) has been laid before both Houses of Parliament."

Member's explanatory statement

See explanatory statement to Amendment 53.

Dr Caroline Johnson

NC8

★ To move the following Clause—

"Reports on illegal sale of tobacco and vaping products

- (1) The Secretary of State must—
 - (a) prepare reports on the scale of the illegal sale and availability of tobacco and vaping products in the United Kingdom; and
 - (b) lay a copy of each report before both Houses of Parliament.
- (2) Each report must provide details in the United Kingdom of—

- (a) the estimated amount and value of illegal, counterfeit and contraband cigarettes and other tobacco products available for sale;
 - (b) the estimated amount and value of illegal or non-compliant vapes available for sale;
 - (c) the action taken to tackle the illicit trade of tobacco, tobacco products, vaping devices and vaping products; and
 - (d) an assessment of the impact of the illicit trade of tobacco, vapes and nicotine products on public health and safety.
- (3) The first report must be laid within the period of 12 months of the passing of this Act.
 - (4) Each subsequent report must be laid annually beginning with the day on which the previous report was laid."

Member's explanatory statement

This new clause would require that the Government produce annual reports on the rate of sale and availability of illegal tobacco and vaping products and their impact on public health and safety.

Dr Caroline Johnson

NC9

★ To move the following Clause—

"Prohibition on manufacture and retail of high-capacity count vaping devices

- (1) The Secretary of State must produce regulations relating to the design, manufacture and sale of vaping devices and products that ensure—
 - (a) refill containers cannot be attached to a vaping device post-purchase to increase a device's overall capacity during use, or allow for multiple pods to be attached at the same time to a device to increase its functional capacity beyond a 2ml limit.
 - (b) devices only have a single pod or tank that does not exceed 2ml limit.
 - (c) refill devices do not exceed a 10ml capacity and must be sold separately and not in the form of a click-on tank.
- (2) A person commits an offence if the person—
 - (a) manufactures, designs for manufacture, imports or supplies for sale a vaping device that is contrary to the regulatory requirements set out in subsection (1).
 - (b) sells or retails a vaping device that is contrary to the regulatory requirements set out in subsection (1).
- (3) A person who is guilty of an offence under paragraph (2)(a) is liable on summary conviction to a fine of £20,000.
- (4) A person who is guilty of an offence under paragraph (2)(b) is liable on summary conviction to a fine of £10,000."

Member's explanatory statement

This new clause would seek the introduction of regulations and new offences to prohibit the manufacture, design and retail sale of high-capacity count vaping devices.

Dr Caroline Johnson

NC10

★ To move the following Clause—

“Age verification requirement for online sales of vaping devices and products

- (1) A person commits an offence if the person—
 - (a) carries on an online vaping product business, and
 - (b) fails to operate an age verification policy in respect of online sales of vaping products and devices.
- (2) An “age verification policy” is a policy that steps are to be taken to establish and ensure the age of a person attempting to buy a vaping product (the “customer”) is not under 18 years of age.
- (3) The appropriate national authority may by regulations amend the age specified in subsection (2).
- (4) 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 used as evidence of a customer’s age,
 - (c) training that should be undertaken by the person selling vaping products,
 - (d) the form and content of notices that should be displayed on websites; and
 - (e) the form and content of records that should be maintained in relation to an age verification policy.
- (5) 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.
- (6) Regulations under subsection (3) are subject to the affirmative resolution procedure.
- (7) 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,
 - “online vaping product business” means a business involving the sale of vaping products by retail online.”

Member's explanatory statement

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

Dr Caroline Johnson

50

- ★ Clause 168, page 120, line 30, after “3” insert “, save Sections 16 to 18 and Schedules 1 and 2,”

Member's explanatory statement

See explanatory statement to Amendment 51.

Dr Caroline Johnson

51

- ★ Clause 168, page 120, line 39, leave from “force” to end of line 41 and insert “on such a date as the Secretary of State may by regulation appoint following the consultation on licensing regulations (see section (Consultation on licensing regulations)).”

Member's explanatory statement

This amendment, together with Amendment 50 and NC6, would require the Secretary of State to consult on licensing scheme regulations before Sections 16 to 18 and Schedules 1 and 2 come into force.

Andrew Gwynne

Gov 15

- ★ Clause 168, page 121, line 1, after “force” insert “(so far as not in force by virtue of subsection (2))”

Member's explanatory statement

Clause 168(2) brings the regulation making powers under Part 1 into force on royal assent. This amendment indicates that the Welsh Ministers’ power to bring certain provisions into force is subject to that and is intended to ensure consistency with the drafting in clause 168(4).

Dr Caroline Johnson

52

- ★ Clause 169, page 121, line 21, after “etc)” insert “, save Sections 95 to 98,”

Member's explanatory statement

See explanatory statement to Amendment 53.

Dr Caroline Johnson

53

- ★ Clause 169, page 122, line 21, at end insert—

“(1A) Sections 95 to 98 (Registration and information requirements) come into force on such a date as the Secretary of State may by regulation appoint following the consultation on Registration and information requirements (see section (Consultation on Registration and information requirements)).”

Member's explanatory statement

This amendment, together with Amendment 52 and NC7, would require the Secretary of State to consult on registration and information requirements before Sections 95 to 98 come into force.

Andrew Gwynne

Gov 16

★ Clause 170, page 122, line 2, at end insert—

“(za) sections 19 to 22 and Schedule 3 and 4 (licensing of retail sales of tobacco products etc in Wales);”

Member's explanatory statement

This amendment confers power on the Welsh Ministers to make transitional or saving provision in connection with the commencement of certain provisions that they have power to bring into force by order under clause 168(5).

Helen Maguire

49

★ Title, line 2, leave out “born on or after 1 January 2009” and insert “under the age of 25”

Member's explanatory statement

This amendment is linked to Amendment 17.

Order of the House

[26 November 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 30 January 2025.
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.