
Committee Stage: Thursday 30 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 Any withdrawn amendments are listed at the end of the document.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.

This document should be read alongside the Chair's provisional Selection and Grouping, which sets out the order in which the amendments will be debated.

Mary Kelly Foy

NC1

Bob Blackman

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

Bob Blackman

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

Bob Blackman

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 Glendon

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).

Andrew Gwynne

Gov 98

Clause 168, page 121, line 12, 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 3 into force on royal assent. This amendment indicates that the power of the Department of Health in Northern Ireland 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 3, 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.

Order of the Committee

[7 January 2025, as amended]

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
Tuesday 7 January	Until no later than 3.10 pm	Professor Linda Bauld OBE, Bruce and John Usher Chair in Public Health, University of Edinburgh
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 5.00 pm	Royal College of Paediatrics and Child Health; Royal College of General Practitioners
Tuesday 7 January	Until no later than 5.20 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.