
Report Stage: Wednesday 26 March 2025

Tobacco and Vapes Bill

(Report Stage Decisions)

This document sets out the fate of each clause, schedule, amendment and new clause considered at report stage.

A glossary with key terms can be found at the end of this document.

Secretary Wes Streeting

Added Gov NC11

To move the following Clause—

“Age verification in relation to tobacco and vaping products etc

- (1) The Tobacco and Primary Medical Services (Scotland) Act 2010 (asp 3) is amended as follows.
- (2) In section 4 (age restrictions on sale of tobacco products etc)—
 - (a) in subsection (2), for paragraph (b) substitute—

“(b) the accused had taken such steps as may be prescribed to establish the customer’s age.”;
 - (b) omit subsections (3) and (4).
- (3) In section 4A (age restrictions on sale of vaping products etc)—
 - (a) in subsection (2), for paragraph (b) substitute—

“(b) the accused had taken such steps as may be prescribed to establish the customer’s age.”;
 - (b) omit subsections (3) and (4).
- (4) In section 4B (age verification policy), in subsection (5) omit paragraph (b).”

Member's explanatory statement

Someone accused of selling things contrary to the age of sale restrictions in Scotland has a defence if they checked the customer’s age on certain documents. The clause allows other steps to be specified to establish a person’s age. The purpose is to accommodate digital methods of verification.

Wera Hobhouse

Not called NC1

Steve Darling
Ian Sollom
Caroline Voaden
Daisy Cooper
Helen Morgan
Helen Maguire

To move the following Clause—

“Review of contaminated e-liquid

- (1) Within six months of the passage of this Act, the Secretary of State must conduct a review into the prevalence of contaminated e-liquid in England, Wales, Scotland and Northern Ireland.
- (2) The review required under subsection (1), must include, but is not limited to an assessment of—
 - (a) the awareness of the issue of contaminated e-liquid,
 - (b) the extent of e-liquids found spiked with illegal substances,
 - (c) the measures in place to tackle the importation of contaminated e-liquid,
 - (d) measures used by other jurisdictions to combat the importation and prevalence of contaminated e-liquid, and
 - (e) options for further regulating e-liquid to limit the dangers of contamination.
- (3) In conducting the review required under subsection (1), the Secretary of State may consult with whoever they see fit.
- (4) The Secretary of State must report to Parliament following the conclusion of the review.
- (5) The Secretary of State has the power to make regulations under this section including the power to make—
 - (a) offences relating to the contamination of e-liquid, including the distribution, importation, supply and merchandising or tampering of such products,
 - (b) offences relating to the online sale of e-liquid containing illegal substances,
 - (c) provisions to improve the ability to identify, test and intercept contaminated e-liquid, and
 - (d) provisions recommended in the review implemented by subsection (1).
- (6) For the purposes of this section,
“contaminated e-liquid” means e-liquid which has been mixed with or includes an illegal substance.”

Member's explanatory statement

This new clause would require the Secretary of State to conduct a review and publish a report on the impact of contaminated e-liquid and ways to reduce its prevalence. It would give the Secretary

of State the powers to make regulations in relation to curbing the harm caused by contaminated e-liquid.

Dame Caroline Dinenage

Negatived on division NC2

Vikki Slade
Tim Farron
Mike Martin
Ellie Chowns
Freddie van Mierlo

Manuela Perteghella
Dr Danny Chambers
Martin Vickers
Mr Angus MacDonald
John Glen

Sir Edward Leigh
George Freeman
Daisy Cooper
Bradley Thomas
Sir Desmond Swayne

Rachael Maskell
Charlie Dewhurst
Mary Glendon
Wera Hobhouse

To move the following Clause—

“Ban on the supply of plastic 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 12 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, within two years, 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.

Jim Allister

Not called NC3

Gavin Robinson
Sammy Wilson
Jim Shannon
Alex Easton
Robin Swann

Carla Lockhart

Mr Gregory Campbell

To move the following Clause—

“Amendment of the European Union (Withdrawal) Act 2018

- (1) The European Union (Withdrawal) Act 2018 is amended as follows.
- (2) In section 7A of the European Union (Withdrawal) Act 2018, after subsection (4), insert—
 - “(4A) This section does not apply in relation to Directive 2014/40/EU of the European Parliament and of the Council of 3 April 2014 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products and repealing Directive 2001/37/EC.”

Member's explanatory statement

This new clause asserts the primacy of the regulations made in this Bill which affect Northern Ireland in relation to the EU tobacco directive 2014/40/EU.

Mary Glendon

Not called NC4

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 2 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.

Catherine Atkinson

Not called NC5

To move the following Clause—

“Report on sale of vaping products to facilitate child sexual exploitation

- (1) Within six months of the passing of this Act, the Secretary of State must produce a report on—
 - (a) the potential prevalence of retailers with a personal or premises licence selling vaping products which facilitate child sexual exploitation; and
 - (b) whether licensing authorities have adequate powers to investigate retailers which may be connected to the sale of vaping products to facilitate child sexual exploitation.
- (2) A copy of this report must be laid before both Houses of Parliament.
- (3) In this section—
 - “vaping” has the same meaning as in Part 1 (see section 48),
 - “licensing authority” has the same meaning as in Part 1 (see section 16),
 - “personal licence” has the same meaning as in Part 1 (see section 16),
 - “premises licence” has the same meaning as in Part 1 (see section 16).”

Mary Glendon

Not called NC6

Euan Stainbank

To move the following Clause—

“Requirement for retailers of vapes in England to include age-verification technology

- (1) The Secretary of State may make regulations making it an offence for a tobacco retailer who sells vapes on premises in England to sell vapes that do not contain approved age-gating technology.
- (2) The Secretary of State may by regulations specify the requirements with which any age-gating technology must comply, which must include (but need not be limited to)—
 - (a) the information, including biometric information, that a user must provide to the age-gating technology in order to be able to use the vape;
 - (b) the steps that the age-gating technology must require the user to take in order to verify their identity and that they are aged 18 or over before first activating the vape for use;
 - (c) the steps which the age-gating technology must require the user to take in order to verify their identity following activation of the vape,

- and the frequency with, and circumstances in, which the age-gating technology must require these steps to be taken;
- (d) the requirements with which the age-gating technology must comply in order to ensure the security of the information, including personal data, provided to it by users;
 - (e) the technical specifications which the age-gating technology must meet in order to ensure that it is compatible with vapes made by different manufacturers.
- (3) The Secretary of State may by regulations under this section make further provision about requirements with which tobacco retailers must comply.
 - (4) In this section, “age-gating technology” means technology designed to prevent the use of vaping products by persons aged under 18.
 - (5) Before making regulations under this section the Secretary of State must consult any persons the Secretary of State considers it appropriate to consult.
 - (6) Regulations under this section are subject to the affirmative resolution procedure.”

Member's explanatory statement

This new clause would introduce a requirement for retailers of vapes in England to include age-verification technology.

Mary Glendon

Not called NC7

Euan Stainbank

To move the following Clause—

“Requirement for retailers of vapes in Wales to include age-verification technology

- (1) The Welsh Ministers may make regulations making it an offence for a tobacco retailer who sells vapes on premises in Wales to sell vapes that do not contain approved age-gating technology.
- (2) The Welsh Ministers may by regulations specify the requirements, with which any age-gating technology must comply, which must include (but need not be limited to)—
 - (a) the information, including biometric information, that a user must provide to the age-gating technology in order to be able to use the vape;
 - (b) the steps that the age-gating technology must require the user to take in order to verify their identity and that they are aged 18 or over before first activating the vape for use;
 - (c) the steps which the age-gating technology must require the user to take in order to verify their identity following activation of the vape, and the frequency with, and circumstances in, which the age-gating technology must require these steps to be taken;

- (d) the requirements with which the age-gating technology must comply in order to ensure the security of the information, including personal data, provided to it by users;
 - (e) the technical specifications which the age-gating technology must meet in order to ensure that it is compatible with vapes made by different manufacturers.
- (3) The Welsh Ministers may by regulations under subsection (2) make further provision about requirements with which tobacco retailers must comply.
 - (4) In this section, “age-gating technology” means technology designed to prevent the use of vaping products by persons aged under 18.
 - (5) Before making regulations under this section the Welsh Ministers must consult any persons that the Welsh Ministers consider it appropriate to consult.
 - (6) Regulations under this section are subject to the affirmative resolution procedure.”

Member's explanatory statement

This new clause would introduce a requirement for retailers of vapes in Wales to include age-verification technology.

Jack Rankin

Not called NC8

Sarah Bool
Ben Obese-Jecty
Jim Shannon
Sir Desmond Swayne
Mary Glindon

Mr Peter Bedford
Mr Angus MacDonald

Andrew Rosindell
Sir Ashley Fox

Rupert Lowe

To move the following Clause—

“Prohibition of advertising of vaping, nicotine and heated tobacco products

- (1) The Secretary of State must within six months of this Act being passed make provisions by regulations for the prohibition of advertising of—
 - (a) a vaping product; or
 - (b) a nicotine product; or
 - (c) a heated tobacco product.
- (2) Before making regulations under this section the Secretary of State must consult any persons the Secretary of State considers it appropriate to consult.
- (3) 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 commits the government to consult on proposals for prohibiting the advertising of vaping, nicotine or heated tobacco products.

Jack Rankin

Not called NC9

Jim Shannon
 Sir Desmond Swayne
 Mary Glendon
 Bradley Thomas
 Sarah Bool

Mr Peter Bedford
 Mr Angus MacDonald

Andrew Rosindell
 Sir Ashley Fox

Rupert Lowe

To move the following Clause—

“Marketing of products to existing smokers

- (1) The Secretary of State, or a person authorised by the Secretary of State, may make provision about the nature and inclusion of health warnings or disclaimers relating to a relevant product to ensure that the product is marketed exclusively to existing smokers as an alternative to smoking.
- (2) In this section, “relevant product” refers to—
 - (a) a vape, or
 - (b) a nicotine product.
- (3) Compliance with this section is considered a defence to a charge in relation to an offence under Part 6.”

Member's explanatory statement

This new clause will allow the Secretary of State to place an additional disclaimer or warning on products.

Jack Rankin

Not called NC10

Jim Shannon
 Sir Desmond Swayne
 Mary Glendon
 Bradley Thomas
 Sarah Bool

Mr Peter Bedford
 Mr Angus MacDonald

Andrew Rosindell
 Sir Ashley Fox

Rupert Lowe

To move the following Clause—

“Displays of products or prices in England

- (1) The Secretary of State may by regulations impose limitations or requirements on retailers in relation to the display, in the course of business, of—
 - (a) relevant products in a place in England where the products are offered for sale,
 - (b) empty retail packaging of relevant products in a place in England where the products are offered for sale,
 - (c) prices of relevant products in a place in England where the products are offered for sale, or
 - (d) advertisements for relevant products.

- (2) In subsection (1), reference to a product includes anything that represents the product.
- (3) Regulations under this section—
- (a) must make provision—
 - (i) for ensuring that an adult is able to be informed that a premises sells a related product,
 - (ii) for ensuring that a consenting adult is able to view the related products and information relating to them,
 - (iii) relating to the appropriateness of a display to ensure that it does not appeal to children, and
 - (iv) relating to the location of a display in a place in England where the products are offered for sale;
 - (b) may create offences for a failure to comply with the regulations;
 - (c) must provide for any offence to be punishable—
 - (i) on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates' court, or a fine, or both;
 - (ii) on conviction or indictment, to imprisonment for a term not exceeding 2 years, or a fine, or both;
 - (d) are subject to public consultation;
 - (e) are subject to the affirmative resolution procedure.
- (4) Compliance with regulations made under subsection (3) is considered a defence to a charge in relation to an offence under Part 6.
- (5) For the purposes of this section—
- “consenting adult” means an adult who has entered any licensed premises that sells nicotine, vapes, and tobacco products;
 - “relevant products” mean—
 - (a) tobacco products,
 - (b) vaping products, or
 - (c) nicotine products.”

Member's explanatory statement

This new clause will allow for the Secretary of State to restrict how vapes and nicotine products are advertised in store windows and in store, while ensuring that adult smokers are still able to determine that a premises sells a product.

Sir John Hayes

Jack Rankin
Sir Edward Leigh
Mr Peter Bedford
Sammy Wilson
Jim Shannon

Not called NC12

To move the following Clause—

“Review of provisions

- (1) The Secretary of State must, in consultation with the appropriate ministers in Wales, Scotland and Northern Ireland—
 - (a) carry out a review of the provisions for relevant products in—
 - (i) sections 1 to 6 (sale of tobacco etc);
 - (ii) sections 50 to 55 (Part 2 Sale and Distribution: Scotland: sale of tobacco etc);
 - (iii) sections 68 to 72 (Part 2 Sale and Distribution Northern Ireland sale of tobacco etc);
 - (iv) sections 90 to 93 (Product requirements etc);
 - (v) section 94 (Non-compliant images);
 - (vi) sections 101 and 102 (Matters dealt with by 2016 Regulations);
 - (vii) Part 6 (Advertising and Sponsorship);
 - (b) prepare and publish a report setting out the conclusions of the review;
 - (c) lay the report before Parliament.
- (2) The review in subsection (1) must—
 - (a) set out the objectives intended to be achieved by the provisions as set out under subsection (1)(a),
 - (b) assess the extent to which those objectives have been achieved, and
 - (c) make a recommendation on whether the provisions as set out under subsection (1)(a) remain appropriate and necessary.
- (3) The first review under this section must be published and laid before Parliament before the end of the period of five years beginning with the day on which the Tobacco and Vapes Act 2025 is passed.
- (4) If the review recommends under subsection (2)(c) that one or more of the provisions set out under subsection (1)(a) are no longer appropriate or necessary, the Secretary of State must make arrangements for the motion mentioned in subsection (5) to be tabled in both Houses of Parliament within a period of 28 sitting days beginning immediately after the review is laid before Parliament under subsection (3).
- (5) The form of the motion in subsection (4) is—

“That the provisions of sections 1 to 6, 50 to 55, 68 to 72, 90 to 94, 101 and 102 and Part 6 (Advertising and Sponsorship) of the Tobacco and Vapes Act 2025 should expire.”
- (6) If both Houses of Parliament approve the motion in the form set out in subsection (5) (or in such form as may be subsequently amended by the House to specify one or more of the provisions of sections 1 to 6, 50 to 55, 68 to 72, 90 to 94, 101 and 102 and Part 6), moved by the Secretary of State in accordance with subsection (4), the provisions specified in the motion shall expire at the end of the period of 21 days beginning with the day on which the second House approves the motion.
- (7) Subsequent reports must be published at intervals not exceeding five years.

- (8) In this subsection, “Relevant products” refers to—
- (a) tobacco products;
 - (b) nicotine products.”

Member's explanatory statement

This new clause requires a review of the necessity of provisions relating to the sale restrictions for tobacco products and nicotine products. Published every 5 years, the review could recommend that certain provisions are no longer required, and Parliament would have an opportunity to expire them.

Mary Kelly Foy

Not called NC13

Bob Blackman
Dr Beccy Cooper

To move the following Clause—

“Reports on roadmap to a smoke-free United Kingdom

- (1) The Secretary of State must, on or before the relevant day and at least once every five years after that day, prepare and lay before Parliament a report setting out—
 - (a) how the Secretary of State expects the smoke-free target will be achieved;
 - (b) the steps proposed to achieve that target (which may include the setting of interim targets);
 - (c) an analysis of statistical data relating to the achievement of the smoke-free target.
- (2) The reports must set out targets and proposed steps relating to geographical areas or categories of people in respect of which there are higher than average rates of smoking.
- (3) The Secretary of State must consult the appropriate national authorities when preparing the reports.
- (4) In this section—
 - (a) “appropriate national authority” means—
 - (i) Welsh Ministers,
 - (ii) Scottish Ministers, and
 - (iii) Executive Ministers in Northern Ireland.
 - (b) “relevant day” means the last day before 25 December 2026 which is a sitting day for both Houses of Parliament;
 - (c) “the smoke-free target” means the end of the smoking of tobacco products in the United Kingdom.”

Member's explanatory statement

This new clause requires the Secretary of State to prepare and lay before Parliament five-yearly reports containing a roadmap to a smoke-free country including targets and specific interventions for populations with high prevalence rates.

Jim Dickson

Not called NC14

Bob Blackman
Mary Kelly Foy
Dr Beccy Cooper

To move the following Clause—

“Prohibition on supply of cigarette filters

- (1) The Secretary of State must make regulations having the effect of prohibiting the supply of cigarette filters or cigarettes containing cigarette filters, whether by way of sale or not, in the course of a business.
- (2) Subsections (6), (8), (9), (10), (10A), (10B), (10C) and (10D) of section 140 of the Environmental Protection Act 1990 apply to regulations under this section as they apply to regulations under those sections.
- (3) The notice required under section 140(6)(b) of the Environmental Protection Act 1990 as applied by subsection (2) in relation to the regulations mentioned in subsection (1) must be published no later than the end of the period of 12 months beginning with the day on which this Act is passed.
- (4) In this section, “cigarette filter” means a filter 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.
- (5) Regulations under this section are subject to the affirmative resolution procedure.”

Member's explanatory statement

This new clause requires the Secretary of State to make regulations which would prohibit the supply of cigarette filters or cigarettes containing cigarette filters.

Mary Glendon

Not called NC15

To move the following Clause—

“Advertising exemptions for specialist vaping retailers

- (1) A person does not commit an offence under any of the sections 114 to 118 in relation to an advertisement whose purpose or effect is to promote a vaping product if the advertisement—
 - (a) Is in a specialist vaping shop
 - (b) Is not visible from outside the specialist vaping shop
 - (c) Complies with the requirements (if any) specified by the appropriate national authority in regulations as to the inclusion of health warnings and information.
- (2) Regulations under subsection (1) are subject to the negative resolution procedure.
- (3) In this section—

“appropriate national authority”—

- (a) In relation to specialist vaping shops in England, means the Secretary of State,
- (b) In relation to specialist vaping shops in Wales, means Welsh Ministers,
- (c) In relation to specialist vaping shops in Scotland, means Scottish Ministers, and
- (d) In relation to specialist vaping shops in Northern Ireland, means the Department of Health for Northern Ireland;

“shop” includes a self-contained part of a shop (and, in relation to a self-contained part of a shop,

“premises” means that self-contained part);

“specialist vaping shop” means a shop selling vaping products by retail (whether or not it sells other things) more than 90% of whose sales on the premises in quest derive from the sale of vaping products and vaping accessories.

- (4) For the purposes of determining whether a shop is a specialist vaping shop the sales are to be measured by the sale price—
 - (a) During the most recent period of 12 months for which accounts are available, or
 - (b) During the period for which the shop has been established, if it has not been established long enough for 12 months’ accounts to be available.”

Member's explanatory statement

This new clause would enable specialist vaping retailers to operate and provide free advice and consultations to smokers who are trying to find the right product for them to quit.

Bob Blackman

Not called NC16

Mary Kelly Foy

To move the following Clause—

“Online sale of tobacco products

- (1) It is an offence to supply a tobacco product through an internet service, whether by way of sale or not.
- (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 who commits an offence under this section is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (4) For the purposes of this section—
 - “internet service” means a service that is made available by means of the internet, even if it’s made available using a combination of the internet and an electronic communications service as defined in Section 32(2) of the Communications Act 2003.”

Member's explanatory statement

This new clause creates an offence of selling tobacco products online.

Bob Blackman

Not called NC17

Mary Kelly Foy

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.

Edward Argar

Not called NC18

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 House of Commons 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

This new clause would require the Secretary of State to publish draft regulations for the licensing of retail sale of tobacco products etc in England and ensure they receive parliamentary scrutiny.

Edward Argar

Negatived on division NC19

To move the following Clause—

"Reports on illegal sale of tobacco and vaping products

- (1) The Secretary of State must—
 - (a) prepare an annual report 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.

Edward Argar

Not called NC20

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) continues to operate 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.

Jenny Riddell-Carpenter

Not called NC21

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) Vaping devices must not be designed or manufactured in a way that allows refill containers, modular attachments, or third-party modifications that increase e-liquid capacity beyond the limit of 2ml per tank or pod, which includes, but is not limited to detachable extensions, multi-pod configurations, and external refill reservoirs.
 - (b) Any vaping device must contain a fixed, non-modifiable single-use tank or pod with a maximum capacity of 2ml.
 - (c) Refill e-liquid containers must be limited to a maximum of 10ml per bottle and must not be sold in forms that enable direct integration with a vaping device as an extended tank or automated refill mechanism.
 - (d) No manufacturer or retailer shall promote, sell, or advertise modification kits, refill systems, or accessory attachments designed to contravene the Tobacco and Related Products Regulations 2016 restrictions on vaping device capacity.
- (2) A person commits an offence if they—
 - (a) Manufacture, import, distribute, or sell a vaping device or accessory that does not comply with the regulatory requirements set out in subsection (1).
 - (b) Advertise, market, or sell components that facilitate increasing a device’s effective e-liquid capacity beyond the legal limit.
- (3) A person who is guilty of an offence under subsection (2)(a) shall be liable on summary conviction to a fine of £20,000 per violation or a ban on further sales within the UK market.
- (4) A person who is guilty of an offence under subsection (2)(b) shall be liable on summary conviction to a fine of £10,000 per violation and may be subject to further regulatory action, including product recall or withdrawal from sale.”

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.

Bob Blackman

Not selected NC22

To move the following Clause—

“Prohibition on sale of nicotine products to persons born after 1 January 2009

- (1) It is an offence to sell or supply any nicotine product to any person born on or after 1 January 2009.

- (2) For the purposes of this section, “nicotine product” means—
 - (a) a device which is intended to enable nicotine to be delivered into the human body,
 - (b) an item which is intended to form part of a device within paragraph (a),
 - (c) nicotine, or any substance containing nicotine, which is intended to be delivered into the human body, or
 - (d) an item containing anything within paragraph (c).
- (3) The Secretary of State may make regulations to—
 - (a) amend the definition of “nicotine product”,
 - (b) provide for exceptions to the prohibition in subsection (1) where necessary for medical or scientific purposes,
 - (c) establish a system for monitoring and reporting on the effectiveness of this section, and
 - (d) impose additional penalties for repeated offences.
- (4) It is a defence for a person charged with an offence under this section to prove—
 - (a) that they were shown what appeared to be an identity document belonging to the purchaser and that the date of birth shown on that document was before 1 January 2009, or
 - (b) that they otherwise took all reasonable steps to avoid the commission of the offence.
- (5) In subsection (2) “identity document” means—
 - (a) a passport,
 - (b) a UK driving licence,
 - (c) a driving licence issued by any of the Channel Islands or the Isle of Man,
 - (d) a European Union photocard driving licence, or
 - (e) an identity card issued by the Proof of Age Standards Scheme and bearing its hologram (a PASS card).
- (6) A person who commits an offence under this section is liable on summary conviction to a fine not exceeding level 4 on the standard scale.”

Member's explanatory statement

This new clause would make it an offence to sell or supply nicotine products to anyone born on or after 1 January 2009.

Nigel Farage

Richard Tice
Lee Anderson
James McMurdock

Not called 103

Member's explanatory statement

This amendment removes the generational ban on selling tobacco products to people born on or after 1 January 2009.

Sammy Wilson

Not called 4

Sir John Hayes

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.

Andrew Rosindell

Not called 38

Clause 1, page 1, line 7, leave out "a tobacco product" and insert "cigarettes or hand rolling tobacco within the meaning of the Standardised Packaging of Tobacco Products Regulations 2015 (S.I. 2015/829)"

Member's explanatory statement

This amendment exempts tobacco products other than cigarettes and hand rolling tobacco from the offence of selling tobacco products to a person born on or after 1 January 2009.

Secretary Wes Streeting

Agreed to Gov 47

Clause 1, page 1, line 12, leave out paragraph (a) and insert—

"(a) that they took such steps as may be specified in regulations made by the Secretary of State to verify that the customer was born before 1 January 2009, or"

Member's explanatory statement

This amendment allows regulations to specify steps that a seller may take to benefit from the defence in clause 1(2) of the Bill. The Bill currently focusses on paper documents. The purpose of the new power is to accommodate digital methods of verification as well as methods involving paper documents.

Sammy Wilson

Not called 5

Sir John Hayes

Clause 1, page 1, line 13, leave out "shown that document was before 1 January 2009" and insert "showed that the purchaser was not under the age of 21"

Member's explanatory statement

This amendment is linked to Amendment 4.

Secretary Wes Streeting

Agreed to Gov 48

Clause 1, page 1, line 16, at end insert—

“(2A) Before making regulations under subsection (2)(a) the Secretary of State must obtain the consent of the Welsh Ministers if the regulations contain provision which would be within the legislative competence of Senedd Cymru if contained in an Act of the Senedd.

(2B) Regulations under subsection (2)(a) are subject to the negative resolution procedure.”

Member's explanatory statement

This is consequential to Amendment 47.

Secretary Wes Streeting

Agreed to Gov 49

Clause 1, page 1, line 17, leave out subsection (3)

Member's explanatory statement

This is consequential to Amendment 47.

Nigel Farage

Not called 104

Richard Tice
Lee Anderson
James McMurdock

Page 2, line 10, leave out Clause 2

Member's explanatory statement

This amendment is linked to Amendment 103.

Sammy Wilson

Not called 6

Clause 2, page 2, line 11, leave out “18” and insert “21”

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.

Sammy Wilson

Not called 7

Clause 2, page 2, line 12, 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 6.

Andrew Rosindell

Not called 39

Clause 2, page 2, line 13, leave out “a tobacco product” and insert “cigarettes or hand rolling tobacco within the meaning of the Standardised Packaging of Tobacco Products Regulations 2015 (S.I. 2015/829)”

Member's explanatory statement

This amendment is linked to Amendment 38.

Sammy Wilson

Not called 8

Clause 2, page 2, line 18, 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 6.

Secretary Wes Streeting

Agreed to Gov 50

Clause 3, page 2, line 29, leave out from “means” to end of line 30 and insert “a machine from which any of the following products may be bought or from which they are dispensed to a customer in connection with a sale—”

Member's explanatory statement

This is one of a number of amendments extending prohibitions on vending machines to cover machines from which products are dispensed in connection with a sale (for example if payment for cigarettes is made at a self-service till and the customer gets a code which is input into a machine which dispenses the cigarettes).

Nigel Farage

Not called 105

Richard Tice
Lee Anderson
James McMurdock

Page 3, line 3, leave out Clause 5

Member's explanatory statement

This amendment is linked to Amendment 103.

Sammy Wilson**Not called 9**

Sir John Hayes

Clause 5, page 3, line 8, 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 4.

Nigel Farage**Not called 106**Richard Tice
Lee Anderson
James McMurdock

Page 3, line 25, leave out Clause 6

Member's explanatory statement

This amendment is linked to Amendment 103.

Sammy Wilson**Not called 10**

Sir John Hayes

Clause 6, page 3, 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 4.

Sammy Wilson**Not called 11**

Sir John Hayes

Clause 6, page 3, line 32, 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 4.

Secretary Wes Streeting**Agreed to Gov 51**

Clause 10, page 5, line 19, leave out paragraph (a) and insert—

- “(a) that they took such steps as may be specified in regulations made by the Secretary of State to verify that the customer was at least 18 years old, or”

Member's explanatory statement

This amendment allows regulations to specify steps that a seller may take to benefit from the defence in clause 10(2) of the Bill. The Bill currently focusses on paper documents. The purpose of the new power is to accommodate digital methods of verification as well as methods involving paper documents.

Secretary Wes Streeting**Agreed to Gov 52**

Clause 10, page 5, line 23, at end insert—

- “(2A) Before making regulations under subsection (2)(a) the Secretary of State must obtain the consent of the Welsh Ministers if the regulations contain provision which would be within the legislative competence of Senedd Cymru if contained in an Act of the Senedd.
- (2B) Regulations under subsection (2)(a) are subject to the negative resolution procedure.”

Member's explanatory statement

This is consequential to Amendment 51.

Secretary Wes Streeting**Agreed to Gov 53**

Clause 10, page 5, line 24, leave out subsection (3)

Member's explanatory statement

This is consequential to Amendment 51.

Secretary Wes Streeting**Agreed to Gov 54**

Clause 12, page 6, line 13, leave out from “means” to end of line 14 and insert “a machine—

- (a) from which nicotine products may be bought, or
(b) from which they are dispensed to a customer in connection with a sale.”

Member's explanatory statement

See the explanatory statement to Amendment 50.

Secretary Wes Streeting**Agreed to Gov 55**

Clause 12, page 6, line 15, leave out from “means” to end of line 16 and insert “a machine—

- (a) from which vaping products may be bought, or
- (b) from which they are dispensed to a customer in connection with a sale.”

Member's explanatory statement

See the explanatory statement to Amendment 50.

Secretary Wes Streeting**Agreed to Gov 56**

Clause 13, page 6, line 29, at end insert—

“(aa) tobacco related devices,”

Member's explanatory statement

Clause 13 confers a regulation-making power to impose prohibitions, requirements or limitations in relation to the display of products and prices in England. The amendment extends the power to cover tobacco related devices (which would include things like heated tobacco devices and pipes and bongos that enable tobacco to be consumed).

Secretary Wes Streeting**Agreed to Gov 57**

Clause 14, page 7, line 22, at end insert—

“(aa) tobacco related devices,”

Member's explanatory statement

Clause 14 confers a regulation-making power to impose prohibitions, requirements or limitations in relation to the display of products and prices in Wales. The amendment extends the power to cover tobacco related devices (which would include things like heated tobacco devices and pipes and bongos that enable tobacco to be consumed).

Secretary Wes Streeting**Agreed to Gov 58**

Clause 23, page 13, line 24, leave out paragraph (b)

Member's explanatory statement

This removes the express provision that prohibitions imposed by a restricted premises order apply to sales by means of a machine or other means. The natural meaning of “sales” includes sales by any means. Express provision here might make readers mistakenly think it is intended to have a narrower meaning elsewhere.

Secretary Wes Streeting**Agreed to Gov 59**

Clause 28, page 15, line 29, leave out paragraphs (c) and (d)

Member's explanatory statement

This removes certain consequences of a restricted sale order in relation to vending machines. Vending machines for tobacco, vapes and nicotine products are in any event banned by clauses 3 and 12.

Helen Morgan**Negatived on division 1**

Dr Danny Chambers
Liz Jarvis
Alison Bennett
Jess Brown-Fuller

Clause 38, page 20, line 19, leave out from "be" to the end of line and insert "be allocated by the relevant Local Authority to public health projects."

Member's explanatory statement

This amendment would direct funds from Fixed Penalty Notice fines to public health initiatives as determined by Local Authorities.

Helen Morgan**Not called 2**

Dr Danny Chambers
Liz Jarvis
Alison Bennett
Jess Brown-Fuller

Clause 38, page 20, line 20, leave out from "before" to the second "the" and insert "such sums are allocated by the relevant Local Authorities"

Member's explanatory statement

This amendment is consequential upon Amendment 1.

Secretary Wes Streeting**Agreed to Gov 60**

Clause 45, page 23, line 4, leave out from second "to" to end of line 7 and insert "a tobacco related device."

Member's explanatory statement

This amendment changes the wording to reflect the new definition inserted by Amendment 62, but does not change the effect of clause 45.

Secretary Wes Streeting**Agreed to Gov 61**

Page 23, line 16, leave out Clause 46

Member's explanatory statement

This leaves out the power to amend lists of identity documents in clauses 1 and 10 since the lists are being removed (and replaced with enabling powers to accommodate digital methods of verification as well as methods involving paper documents).

Secretary Wes Streeting**Agreed to Gov 62**

Clause 48, page 24, line 21, at end insert—

““tobacco related device” means—

- (a) a device, other than a vape, which enables a tobacco product to be consumed (for example, a heated tobacco device or pipe), or
- (b) an item which is intended to form part of such a device;”

Member's explanatory statement

This is consequential to Amendments 56 and 57.

Secretary Wes Streeting**Agreed to Gov 63**

Clause 48, page 24, line 24, leave out from beginning to end of line 29

Member's explanatory statement

This is consequential to Amendments 47 and 51.

Nigel Farage**Not called 107**

Richard Tice
Lee Anderson
James McMurdock

Page 25, line 26, leave out Clause 50

Member's explanatory statement

This amendment is linked to Amendment 103.

Andrew Rosindell**Not called 40**

Clause 50, page 25, line 30, after “subsection (1)” insert—

- “(i) for “a tobacco product” substitute “cigarettes or hand rolling tobacco within the meaning of the Standardised Packaging of Tobacco Products Regulations 2015 (S.I. 2015/829)”, and
- (ii)”

Member's explanatory statement

This amendment exempts tobacco products other than cigarettes and hand rolling tobacco from the offence of selling tobacco products to a person born on or after 1 January 2009.

Sammy Wilson

Not called 12

Sir John Hayes

Clause 50, page 25, 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 4.

Sammy Wilson

Not called 13

Sir John Hayes

Clause 50, page 25, line 33, leave out “born on or after 1 January 2009 (‘the customer’) to have been born before that date” and insert “under the age of 21 (‘the customer’) to be aged 21 or over”

Member's explanatory statement

This amendment is linked to Amendment 4.

Sammy Wilson

Not called 14

Sir John Hayes

Clause 50, page 25, line 37, leave out “born on or after 1 January 2009” and insert “under 21”

Member's explanatory statement

This amendment is linked to Amendment 4.

Sammy Wilson

Not called 15

Sir John Hayes

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

Member's explanatory statement

This amendment is linked to Amendment 4.

Andrew Rosindell

Not called 41

Clause 50, page 26, line 6, leave out “a tobacco product” and insert “cigarettes or hand rolling tobacco within the meaning of the Standardised Packaging of Tobacco Products Regulations 2015 (S.I. 2015/829)”

Member's explanatory statement

This amendment is linked to Amendment 40.

Andrew Rosindell

Not called 42

Clause 50, page 26, line 28, after “subsection (1)” insert—

“(i) for “a tobacco product” substitute “cigarettes or hand rolling tobacco within the meaning of the Standardised Packaging of Tobacco Products Regulations 2015 (S.I. 2015/829)”, and

(ii)”

Member's explanatory statement

This amendment is linked to Amendment 40.

Sammy Wilson

Not called 16

Sir John Hayes

Clause 50, page 26, line 28, 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 4.

Sammy Wilson

Not called 17

Sir John Hayes

Clause 50, page 26, line 30, leave out ““born on or after 1 January 2009”” and insert ““under 21””

Member's explanatory statement

This amendment is linked to Amendment 4.

Sammy Wilson

Not called 18

Sir John Hayes

Clause 50, page 26, line 33, 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 4.

Secretary Wes Streeting

Agreed to Gov 64

Clause 59, page 30, line 39, leave out from “means” to end of line 41 and insert “a machine from which any of the following products may be bought or from which they are dispensed to a customer in connection with a sale—”

Member's explanatory statement

See the explanatory statement to Amendment 50.

Nigel Farage

Not called 108

Richard Tice
Lee Anderson
James McMurdock

Page 35, line 24, leave out Clause 68

Member's explanatory statement

This amendment is linked to Amendment 103.

Sammy Wilson

Not called 19

Sir John Hayes

Clause 68, page 35, line 28, 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 4.

Andrew Rosindell

Not called 43

Clause 68, page 35, line 30, leave out “a tobacco product” and insert “cigarettes or hand rolling tobacco within the meaning of the Standardised Packaging of Tobacco Products Regulations 2015 (S.I. 2015/829)”

Member's explanatory statement

This amendment exempts tobacco products other than cigarettes and hand rolling tobacco from the offence of selling tobacco products to a person born on or after 1 January 2009.

Secretary Wes Streeting

Agreed to Gov 65

Clause 68, page 35, leave out lines 35 to 37 and insert—

“(a) that they took such steps as may be specified in regulations made by the Department to verify that the customer was born before 1 January 2009, or”

Member's explanatory statement

This amendment allows regulations to specify steps that a seller may take to benefit from the defence in new Article 3(2). The provision currently focusses on paper documents. The purpose of the new power is to accommodate digital methods of verification as well as methods involving paper documents.

Sammy Wilson

Not called 20

Sir John Hayes

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 21”

Member's explanatory statement

This amendment is linked to Amendment 4.

Secretary Wes Streeting

Agreed to Gov 66

Clause 68, page 36, line 2, at end insert—

“(2A) Regulations under paragraph (2)(a) are subject to negative resolution.”

Member's explanatory statement

This is consequential to Amendment 65.

Secretary Wes Streeting

Agreed to Gov 67

Clause 68, page 36, leave out lines 3 to 10

Member's explanatory statement

This is consequential to Amendment 65.

Nigel Farage

Not called 109

Richard Tice
Lee Anderson
James McMurdock

Page 36, line 13, leave out Clause 69

Member's explanatory statement

This amendment is linked to Amendment 103.

Sammy Wilson**Not called 21**

Clause 69, page 36, line 16, 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 6.

Sammy Wilson**Not called 22**

Clause 69, page 36, line 18, leave out "18" and insert "21"

Member's explanatory statement

This amendment is linked to Amendment 6.

Sammy Wilson**Not called 23**

Clause 69, page 36, line 19, 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 6.

Andrew Rosindell**Not called 44**

Clause 69, page 36, line 21, leave out "a tobacco product" and insert "cigarettes or hand rolling tobacco within the meaning of the Standardised Packaging of Tobacco Products Regulations 2015 (S.I. 2015/829)"

Member's explanatory statement

This amendment is linked to Amendment 43.

Sammy Wilson**Not called 24**

Clause 69, page 36, line 26, 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 6.

Secretary Wes Streeting

Agreed to Gov 68

Clause 70, page 37, line 3, leave out from “means” to end of line 4 and insert “a machine from which any of the following products may be bought or from which they are dispensed to a customer in connection with a sale—”

Member's explanatory statement

See the explanatory statement to Amendment 50.

Nigel Farage

Not called 110

Richard Tice
Lee Anderson
James McMurdock

Page 37, line 19, leave out Clause 72

Member's explanatory statement

This amendment is linked to Amendment 103.

Sammy Wilson

Not called 25

Sir John Hayes

Clause 72, page 37, line 27, 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 4.

Secretary Wes Streeting

Agreed to Gov 69

Clause 76, page 39, leave out lines 32 to 34 and insert—

“(a) that they took such steps as may be specified in regulations made by the Department to verify that the customer was at least 18 years old, or”

Member's explanatory statement

This amendment allows regulations to specify steps that a seller may take to benefit from the defence in new Article 4H(2). The provision currently focusses on paper documents. The purpose of the new power is to accommodate digital methods of verification as well as methods involving paper documents.

Secretary Wes Streeting**Agreed to Gov 70**

Clause 76, page 39, line 36, at end insert—

“(2A) Regulations under paragraph (2)(a) are subject to negative resolution.”

Member's explanatory statement

This is consequential to Amendment 69.

Secretary Wes Streeting**Agreed to Gov 71**

Clause 76, page 39, line 37, leave out from beginning to end of line 7 on page 40

Member's explanatory statement

This is consequential to Amendment 69.

Secretary Wes Streeting**Agreed to Gov 72**

Clause 78, page 41, line 1, leave out from “means” to end of line 2 and insert “a machine—

- (a) from which nicotine products may be bought, or
- (b) from which they are dispensed to a customer in connection with a sale;”

Member's explanatory statement

See the explanatory statement to Amendment 50.

Secretary Wes Streeting**Agreed to Gov 73**

Clause 78, page 41, line 3, leave out from “means” to end of line 4 and insert “a machine—

- (a) from which vaping products may be bought, or
- (b) from which they are dispensed to a customer in connection with a sale.”

Member's explanatory statement

See the explanatory statement to Amendment 50.

Secretary Wes Streeting**Agreed to Gov 74**

Clause 79, page 41, line 21, at end insert—

“(aa) tobacco related devices,”

Member's explanatory statement

Clause 79 confers a regulation-making power to impose prohibitions, requirements or limitations in relation to the display of products and prices in Northern Ireland. The amendment extends the

power to cover tobacco related devices (which would include things like heated tobacco devices and pipes and bongs that enable tobacco to be consumed).

Secretary Wes Streeting

Agreed to Gov 75

Page 43, line 24, leave out Clause 82

Member's explanatory statement

This leaves out the power to amend lists of identity documents in Articles 3 and 4H since the lists are being removed (and replaced with enabling powers to accommodate digital methods of verification as well as methods involving paper documents).

Secretary Wes Streeting

Agreed to Gov 76

Clause 83, page 44, line 26, at end insert—

““tobacco related device” means—

- (a) a device, other than a vape, which enables a tobacco product to be consumed (for example, a heated tobacco device or pipe), or
- (b) an item which is intended to form part of such a device;”

Member's explanatory statement

This is consequential to Amendment 74.

Secretary Wes Streeting

Agreed to Gov 77

Clause 83, page 44, line 29, leave out from beginning to end of line 33

Member's explanatory statement

This is consequential to Amendments 65 and 69.

Secretary Wes Streeting

Agreed to Gov 78

Clause 86, page 48, line 19, leave out from “to” to end of line 23 and insert “a tobacco related device”

Member's explanatory statement

This amendment changes the wording to reflect the new definition inserted by Amendment 76, but does not change the effect of clause 86.

Secretary Wes Streeting

Agreed to Gov 79

Clause 88, page 49, line 19, leave out subsection (2)

Member's explanatory statement

This is consequential to Amendment 75.

Mr Angus MacDonald**Not selected 112**

Clause 90, page 50, line 29, after "tobacco products" insert "with the exception of cigars as defined in the Tobacco Products (Description of Products) Order 2003"

Member's explanatory statement

This amendment would exempt cigars from the product and information requirements of Part 5 of the Bill, in particular relating to retail packaging.

Jim Dickson**Not called 86**

Bob Blackman
Mary Kelly Foy

Clause 90, page 50, line 32, at end insert—

"(da) cigarette filters;"

Member's explanatory statement

This amendment enables the Secretary of State to make provisions about the retail packaging of cigarette filters and the composition of individual products contained in an individual pack of products outlined in Clause 90(1).

Jim Dickson**Not called 87**

Bob Blackman
Mary Kelly Foy

Clause 90, page 51, line 13, at end insert—

"(ja) the composition of individual products contained in an individual pack;"

Member's explanatory statement

This amendment enables the Secretary of State to make provisions about the retail packaging of cigarette filters and the composition of individual products contained in an individual pack of products outlined in Clause 90(1).

Mr Angus MacDonald**Not selected 113**

Clause 91, page 51, line 20, after "tobacco products" insert "with the exception of cigars as defined in the Tobacco Products (Description of Products) Order 2003"

Member's explanatory statement

This amendment would exempt cigars from the product and information requirements of Part 5 of the Bill, in particular relating to the features of products.

Mary Glindon

Not called 36

Seamus Logan

Clause 91, page 51, line 30, delete "shape" and insert "design, shape or interoperability"

Member's explanatory statement

This amendment empowers ministers to regulate the design and interoperability of products in order to prohibit the sale of very high-puff count vaping devices.

Mary Glindon

Not called 37

Mr Lee Dillon
Jack Rankin

Clause 92, page 52, line 3, after "flavour" insert "descriptors"

Member's explanatory statement

This amendment would give the Secretary of State powers to make provisions about the flavour descriptors of relevant products.

Mary Glindon

Not called 88

Clause 110, page 60, line 35, leave out from "consult" to end of line 36 and insert "any persons or bodies as appear to him or her representative of the interests concerned."

Member's explanatory statement

This amendment would ensure that the Secretary of State has to consult all relevant parties before making regulations, rather than just those that they deem appropriate.

Secretary Wes Streeting

Agreed to Gov 80

Clause 112, page 62, line 12, after "consumed" insert "(for example, a heated tobacco device or pipe)"

Member's explanatory statement

This amendment brings the wording of the definition of "tobacco related device" in clause 112 into line with that inserted by Amendments 62 and 76 but does not change the legal effect.

Edward Argar

Not called 90

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.

Jack Rankin

Not called 46

Jim Shannon
Sir Desmond Swayne
Mary Glendon
Bradley Thomas
Sarah Bool

Andrew Rosindell
Sir Ashley Fox

Rupert Lowe

Mr Angus MacDonald

Clause 120, page 68, line 22, at end insert—

“(ca) it is, when in relation to the advertising of vaping products or nicotine products, in a location in which it would be reasonable to expect that everyone present is aged 18 or over.”

Member's explanatory statement

This amendment would allow for the advertising of vaping or nicotine products within locations where it is reasonable to expect that everyone present is over 18.

Nigel Farage

Not called 91

Richard Tice
Lee Anderson
James McMurdock

Clause 125, page 73, line 2, at end insert—

“(4) No offence is committed under this Part if—

- (a) it is for the purposes of an interaction between a representative for the product and a member of the public, and
- (b) the representative for the product has taken reasonable measures to ensure that the member of the public is aged over 18 and is an existing tobacco or nicotine user.”

Member's explanatory statement

This amendment will allow for vapes and nicotine products to be promoted through one-to-one interaction between individuals representing the product and adults who are already existing smokers or nicotine users.

Edward Argar

Negatived on division 85

Dr Caroline Johnson

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

- (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, nursery, school, college or higher education premises as smoke-free areas.

Helen Morgan

Not called 84

Dr Danny Chambers
Liz Jarvis
Alison Bennett
Jess Brown-Fuller

Clause 136, page 77, line 9, leave out from “place” to the end of line 12 and insert “or description of place in England that is not smoke-free under section 2.

- (1A) The place, or places falling within the description, need not be enclosed or substantially enclosed.
- (1B) The Secretary of State may designate a place or description of place under this section only if they are advised by the Department for Health and Social Care's Chief Scientific Adviser that there is a significant risk that, without a designation, persons present there would be exposed to significant quantities of smoke or, if said place is—
 - (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 would restrict the Secretary of State to only being able to designate open or unenclosed spaces outside a hospital, children’s playground, nursery, school, college or higher education premises, or places with significant risk of second-hand smoke as smoke-free areas.

Nigel Farage

Not called 92

Richard Tice
Lee Anderson
James McMurdock

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

“(1A) 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 provides that regulations to designate places as smoke-free may only be made if the Secretary of State is satisfied that they are necessary to avoid persons being exposed to significant quantities of smoke.

Mary Kelly Foy

Not called 82

Dr Beccy Cooper

Clause 137, page 78, leave out lines 5 to 12

Member's explanatory statement

This amendment removes the proposed power for the Secretary of State to create defences for performances. This protects the health of actors in the workplace and prevents the promotion of smoking through artistic means.

Mary Kelly Foy

Not called 83

Dr Beccy Cooper

Clause 137, page 78, leave out lines 15 to 21

Member's explanatory statement

This amendment removes the proposed power for the Secretary of State to create defences for performances. This protects the health of actors in the workplace and prevents the promotion of smoking through artistic means.

Nigel Farage

Not called 93

Richard Tice
Lee Anderson
James McMurdock

Clause 139, page 79, line 13, at end insert—

“(1A) 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, the use of vapes may have adverse effects on the health of persons present there who are not using vapes.”

Member's explanatory statement

This amendment provides that regulations to designate places as vape-free may only be made if the Secretary of State is satisfied that they are necessary to avoid persons present there being exposed to adverse health effects.

Nigel Farage**Not called 94**

Richard Tice
Lee Anderson
James McMurdock

Clause 140, page 82, line 24, at end insert—

“(1A) 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, the use of heated tobacco devices may have adverse effects on the health of persons present there who are not using heated tobacco devices.”

Member's explanatory statement

This amendment provides that regulations to designate places as heated tobacco-free may only be made if the Secretary of State is satisfied that they are necessary to avoid persons present there being exposed to adverse health effects.

Nigel Farage**Not called 95**

Richard Tice
Lee Anderson
James McMurdock

Clause 142, page 85, line 33, at end insert—

“(2A) Premises may be prescribed as no-smoking premises only if in the Scottish Ministers’ opinion there is a significant risk that, without prescribing them, persons present there would be exposed to significant quantities of smoke.”

Member's explanatory statement

This amendment provides that regulations to prescribe premises as smoke-free may only be made if the Scottish Ministers are satisfied that they are necessary to avoid persons being exposed to significant quantities of smoke.

Nigel Farage**Not called 96**

Richard Tice
Lee Anderson
James McMurdock

Clause 144, page 90, line 4, at end insert—

“(2A) Premises may be prescribed as vape-free premises only if in the Scottish Ministers’ opinion there is a significant risk that, without prescribing them, the use of vapes may have adverse effects on the health of persons present there who are not using vapes.”

Member's explanatory statement

This amendment provides that regulations to prescribe premises as vape-free may only be made if the Scottish Ministers are satisfied that they are necessary to avoid persons present there being exposed to a significant risk of adverse health effects.

Nigel Farage

Not called 97

Richard Tice
Lee Anderson
James McMurdock

Clause 145, page 92, line 22, at end insert—

“(2A) Premises may be prescribed as heated tobacco-free premises only if in the Scottish Ministers’ opinion there is a significant risk that, without prescribing them, the use of heated tobacco devices may have adverse effects on the health of persons present there who are not using heated tobacco devices.”

Member's explanatory statement

This amendment provides that regulations to prescribe premises as heated tobacco-free may only be made if the Scottish Ministers are satisfied that they are necessary to avoid persons present there being exposed to a significant risk of adverse health effects.

Nigel Farage

Not called 98

Richard Tice
Lee Anderson
James McMurdock

Clause 150, page 98, line 40, at end insert—

“(2A) The regulations may designate a place or vehicle as vape-free only if the Welsh Ministers are satisfied that doing so is likely to contribute towards the promotion of public health.”

Member's explanatory statement

This amendment provides that regulations to designate a place or vehicle as vape-free may only be made if the Welsh Ministers are satisfied that this is likely to contribute towards the promotion of public health.

Nigel Farage

Not called 99

Richard Tice
Lee Anderson
James McMurdock

Clause 151, page 105, line 22, at end insert—

“(2A) The regulations may designate a place or vehicle as heated tobacco-free only if the Welsh Ministers are satisfied that doing so is likely to contribute towards the promotion of public health.”

Member's explanatory statement

This amendment provides that regulations to designate a place or vehicle as heated tobacco-free may only be made if the Welsh Ministers are satisfied that this is likely to contribute towards the promotion of the health of the people of Wales.

Nigel Farage

Not called 100

Richard Tice
Lee Anderson
James McMurdock

Clause 153, page 108, line 25, at end insert—

“(1A) The Department may designate a place or description of place under this Article only if satisfied that, without the designation, persons present there would be likely to be exposed to significant quantities of smoke.”

Member's explanatory statement

This amendment provides that regulations to designate places as smoke-free may only be made if the Northern Ireland Department is satisfied that they are necessary to avoid persons being exposed to significant quantities of smoke.

Nigel Farage

Not called 101

Richard Tice
Lee Anderson
James McMurdock

Clause 155, page 110, line 6, at end insert—

“(1A) The Department may designate a place or vehicle under this Article only if the Department is satisfied there is a significant risk that, without a designation, the use of vapes may have adverse effects on the health of persons present there who are not using vapes.”

Member's explanatory statement

This amendment provides that regulations to designate places as vape-free may only be made if the Northern Ireland Department is satisfied that they are necessary to avoid persons present there being exposed to adverse health effects.

Nigel Farage

Not called 102

Richard Tice
Lee Anderson
James McMurdock

Clause 156, page 113, line 15, at end insert—

“(1A) The Department may designate a place or vehicle under this Article only if the Department is satisfied there is a significant risk that, without a designation, the use of heated tobacco devices may have adverse effects on the health of persons present there who are not using heated tobacco devices.”

Member's explanatory statement

This amendment provides that regulations to designate places as heated tobacco-free may only be made if the Northern Ireland Department is satisfied that they are necessary to avoid persons present there being exposed to adverse health effects.

Edward Argar

Not called 89

Clause 168, page 120, line 39, leave out 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

See explanatory statement for NC18.

Secretary Wes Streeting

Agreed to Gov 81

Clause 168, page 121, line 10, leave out subsection (7) and insert—

- “(7) The following provisions come into force (so far as not in force by virtue of subsection (2)) on such day as the Scottish Ministers may by regulations appoint—
- (a) section (*Age verification in relation to tobacco and vaping products etc*) (age verification in relation to tobacco and vaping products etc);
 - (b) section 65 and Schedule 9 (extension of retailer register etc in Scotland).”

Member's explanatory statement

This amendment produces the effect that NC11 will come into force on such day as the Scottish Ministers may by regulations appoint.

Sammy Wilson

Not called 26

Sir John Hayes

Schedule 5, page 132, line 2, 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 4.

Sammy Wilson**Not called 27**

Sir John Hayes

Schedule 5, page 132, line 7, leave out "a anwyd ar neu ar ôl 1 Ionawr 2009" and insert "dan 21 oed ("B")"

Member's explanatory statement

This amendment is linked to Amendment 4.

Sammy Wilson**Not called 28**

Sir John Hayes

Schedule 5, page 132, line 12, 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 4.

Sammy Wilson**Not called 29**

Sir John Hayes

Schedule 5, page 132, line 38, leave out "wedi cael ei eni cyn 1 Ionawr 2009" and insert "yn 21 oed neu drosodd"

Member's explanatory statement

This amendment is linked to Amendment 4.

Sammy Wilson**Not called 30**

Sir John Hayes

Schedule 5, page 133, line 2, leave out "wedi cael ei eni ar neu ar ôl 1 Ionawr 2009" and insert "dan 21 oed"

Member's explanatory statement

This amendment is linked to Amendment 4.

Nigel Farage

Not called 111

Richard Tice
Lee Anderson
James McMurdock

Schedule 5, page 133, line 15, leave out paragraph 5

Member's explanatory statement

This amendment is linked to Amendment 103.

Sammy Wilson

Not called 31

Sir John Hayes

Schedule 5, page 133, line 16, 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 4.

Sammy Wilson

Not called 32

Sir John Hayes

Schedule 5, page 133, line 21, 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 4.

Sammy Wilson

Not called 33

Sir John Hayes

Schedule 5, page 133, line 26, 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 4.

Andrew Rosindell

Not called 45

Schedule 5, page 133, line 37, at end insert—

“(1A) In this section, “tobacco products” means cigarettes or hand rolling tobacco within the meaning of the Standardised Packaging of Tobacco Products Regulations 2015 (S.I. 2015/829).”

Member's explanatory statement

This amendment is linked to Amendment 38.

Sammy Wilson

Not called 34

Sir John Hayes

Schedule 5, page 134, line 9, leave out “born before 1 January 2009” and insert “over the age of 21”

Member's explanatory statement

This amendment is linked to Amendment 4.

Sammy Wilson

Not called 35

Sir John Hayes

Schedule 5, page 134, line 14, 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 4.

Bill read a third time, and passed.

Glossary

Added: New Clause agreed without a vote and added to the Bill.

Agreed to: agreed without a vote.

Agreed to on division: agreed following a vote.

Negated: rejected without a vote.

Negated on division: rejected following a vote.

Not called: debated in a group of amendments, but not put to a decision.

Not moved: not debated or put to a decision.

Not selected: not chosen for debate by the Speaker.

Question proposed: debate underway but not concluded.

Withdrawn after debate: moved and debated but then withdrawn, so not put to a decision.