
Report Stage: Tuesday 25 February 2025

Tobacco and Vapes Bill, As Amended (Amendment Paper)

This document lists all amendments tabled to the Tobacco and Vapes Bill. Any withdrawn amendments are listed at the end of the document. The amendments are arranged in the order in which it is expected they will be decided.

★ New Amendments.

New Amendment: NC8

Wera Hobhouse

NC1

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

NC2

Vikki Slade
Tim Farron

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

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

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

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

NC6

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

NC7

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

Sarah Bool

NC8

★ 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.

Sammy Wilson 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.

Sammy Wilson 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.

Sammy Wilson 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 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.

Sammy Wilson 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.

Sammy Wilson

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.

Sammy Wilson

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

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.

Helen Morgan

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

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.

Sammy Wilson

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

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

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

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.

Sammy Wilson

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

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

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.

Sammy Wilson

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.

Sammy Wilson 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.

Sammy Wilson 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 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 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.

Sammy Wilson 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.

Sammy Wilson 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.

Mary Glindon

36

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

37

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.

Helen Morgan

3

Dr Danny Chambers
Liz Jarvis
Alison Bennett
Jess Brown-Fuller

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

- (a) an NHS property or hospital building,
- (b) a 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.

Sammy Wilson

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

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

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

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

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.

Sammy Wilson 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 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 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.

Sammy Wilson 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 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.

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.