
Report Stage: Thursday 20 March 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 Any withdrawn amendments are listed at the end of the document.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 Amendments: 84 to 88, NC14 and NC15

Secretary Wes Streeting

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

NC1

Steve Darling
Ian Sollom
Caroline Voaden
Daisy Cooper

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
 Mike Martin
 Ellie Chowns
 Freddie van Mierlo

Manuela Perteghella
 Dr Danny Chambers
 Martin Vickers

Sir Edward Leigh
 George Freeman
 Daisy Cooper

Rachael Maskell
 Charlie Dewhurst

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

NC8

Sarah Bool

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

NC9

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

NC10

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

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

NC13

Bob Blackman

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

NC14

Bob Blackman

★ 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

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 question 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.

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.

Andrew Rosindell**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**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**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**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**Gov 49**

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

Member's explanatory statement

This is consequential to Amendment 47.

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.

Andrew Rosindell

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

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

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).

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.

Secretary Wes Streeting

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

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

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**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**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**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 bongs that enable tobacco to be consumed).

Secretary Wes Streeting**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 bongs that enable tobacco to be consumed).

Secretary Wes Streeting**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**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**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.

Secretary Wes Streeting**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**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**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**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.

Andrew Rosindell**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

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.

Andrew Rosindell 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 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 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.

Secretary Wes Streeting

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.

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.

Andrew Rosindell

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

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 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 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 Gov 67

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

Member's explanatory statement

This is consequential to Amendment 65.

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.

Andrew Rosindell

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

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

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.

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.

Secretary Wes Streeting**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**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**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**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**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**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**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**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**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**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**Gov 79**

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

Member's explanatory statement

This is consequential to Amendment 75.

Jim Dickson**86**

Bob Blackman

★ 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**87**

Bob Blackman

★ 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).

Mary Glendon**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 Glendon

37

Mr Lee Dillon

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 Glendon

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

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.

Jack Rankin

46

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.

Edward Argar

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

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.

Mary Kelly Foy

82

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

83

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.

Secretary Wes Streeting

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

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.

Andrew Rosindell 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 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.
-

Withdrawn Amendments

The following amendments were withdrawn on 19 March 2025:

3