

Tobacco and Vapes Bill

RUNNING LIST OF ALL AMENDMENTS IN COMMITTEE OF THE WHOLE HOUSE

*Tabled up to and including
29 April 2025*

The amendments are listed in accordance with the following Instruction –

Clauses 1 to 16	Clause 84
Schedule 1	Schedules 11 to 13
Clauses 17 and 18	Clauses 85 and 86
Schedule 2	Schedules 14 and 15
Clause 19	Clauses 87 to 126
Schedule 3	Schedule 16
Clauses 20 and 21	Clauses 127 to 140
Schedule 4	Schedule 17
Clauses 22 to 40	Clauses 141 to 145
Schedule 5	Schedule 18
Clause 41	Clauses 146 to 151
Schedules 6 and 7	Schedule 19
Clauses 42 to 64	Clauses 152 to 156
Schedule 8	Schedule 20
Clause 65	Clauses 157 to 159
Schedule 9	Schedule 21
Clauses 66 to 83	Clauses 160 to 170
Schedule 10	Title

[Amendments marked ★ are new or have been altered]

After Clause 1

LORD BETHELL

After Clause 1, insert the following new Clause –

“Complete prohibition of tobacco products from 2040

- (1) In addition to the prohibition in section 1 regarding individuals born on or after 1 January 2009, the sale of tobacco products to any person is prohibited in the United Kingdom from 1 January 2040.

- (2) All licences to sell tobacco and tobacco retail registrations will be invalid as of 00:01am on 1 January 2040.
- (3) The Secretary of State must, within 12 months of the day on which this Act is passed, lay before Parliament a strategy for –
 - (a) implementing the complete prohibition under subsection (1),
 - (b) supporting tobacco retailers and businesses in transitioning away from tobacco product sales,
 - (c) strengthening enforcement mechanisms to prevent illicit trade of tobacco products, and
 - (d) enhancing smoking cessation services to support individuals ahead of the 2040 prohibition.
- (4) The strategy under subsection (3) must include provision for a phased reduction in tobacco product availability beginning not later than 1 January 2030.
- (5) Nothing in this section affects the operation of section 1 of this Act, which applies to individuals born on or after 1 January 2009 regardless of the prohibition in subsection (1).”

Member's explanatory statement

This amendment preserves the generational approach to phasing out tobacco while establishing a backstop date of 1 January 2040 for complete prohibition. The amendment also requires the Secretary of State to develop a comprehensive implementation strategy.

After Clause 9

LORD KAMALL
EARL HOWE

After Clause 9, insert the following new Clause –

“Ban on manufacture of high-strength oral nicotine products

- (1) It is an offence to manufacture a high-strength oral nicotine product.
- (2) In this section “high-strength oral nicotine product” means a nicotine product that –
 - (a) is intended for oral use,
 - (b) is not intended to be inhaled or chewed, and
 - (c) contains more than 20 milligrams of nicotine per portion.
- (3) 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 amendment bans the manufacture of nicotine pouches containing more than 20mg of nicotine.

LORD KAMALL
EARL HOWE

After Clause 9, insert the following new Clause—

“Ban on sales of high-strength oral nicotine products

- (1) It is an offence to—
 - (a) sell a high-strength oral nicotine product, or
 - (b) offer or expose a high-strength oral nicotine product for sale.
- (2) In this section “high-strength oral nicotine product” has the same meaning as in section (*Ban on manufacture of high-strength oral nicotine products*).
- (3) 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.
- (4) 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 amendment creates an offence of selling nicotine pouches containing more than 20mg of nicotine.

LORD KAMALL
EARL HOWE

After Clause 9, insert the following new Clause—

“Possession of high-strength oral nicotine products with intent to supply

- (1) It is an offence for a person to have a high-strength oral nicotine product in their possession with intent to supply it to another in the course of business.
- (2) In this section “high-strength oral nicotine product” has the same meaning as in section (*Ban on manufacture of high-strength oral nicotine products*).
- (3) 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 amendment makes it an offence to possess with intent to supply nicotine pouches containing more than 20mg of nicotine.

After Clause 12

LORD LANSLEY

★ After Clause 12, insert the following new 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.

LORD LANSLEY

★ After Clause 12, insert the following new 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.

Clause 13

LORD KAMALL
EARL HOWE

Clause 13, page 7, line 12, leave out from first “consult” to end and insert “and take into consideration the view of—

- (a) retailers of relevant products or their representatives, and
- (b) any other person the Secretary of State considers it appropriate to consult.”

Clause 14

LORD KAMALL
EARL HOWE

Clause 14, page 8, leave out line 2 and insert “and take into consideration the views of—

- (a) retailers of relevant products or their representatives, and
- (b) any other person the Welsh Ministers consider it appropriate to consult.”

Clause 16

LORD KAMALL
EARL HOWE

Clause 16, page 9, line 22, leave out from “consult” to end of line 23 and insert “and take into consideration the views of—

- (a) retailers of relevant products or their representatives, and
- (b) any other person the Secretary of State considers it appropriate to consult.”

LORD KAMALL
EARL HOWE

Clause 16, page 9, line 23, at end insert—

- “(5A) Draft regulations under this section must be published before the end of the period of six months from the passing of this Act.”

After Clause 18

LORD BETHELL

After Clause 18, insert the following new Clause—

“Prohibition of distribution of tobacco products etc in England without a licence

- (1) An individual must not do any of the following things in the course of business in England, except under the authority of and in accordance with a commercial distribution licence—
 - (a) distribute relevant products to any person;
 - (b) possess relevant products for the purpose of their distribution (by the individual or another person).
- (2) A person must not in the course of business use or permit the use of premises in England for any of the following except under the authority of and in accordance with a premises distribution licence—
 - (a) the storage of relevant products for the purpose of their distribution (by the person or another person);
 - (b) the supply of relevant products to businesses or wholesale purchasers.
- (3) The Secretary of State may by regulations create exceptions to the prohibition in subsection (1) or (2).
- (4) The Secretary of State must by regulations make provision for and in connection with the grant of commercial distribution licences and premises distribution licences.
- (5) Before making regulations under this section, the Secretary of State must consult any persons that the Secretary of State considers it appropriate to consult.
- (6) Schedule (*Distributor licensing scheme: England*) makes further provision about regulations under subsection (4).
- (7) Regulations under this section are subject to the affirmative resolution procedure.
- (8) In this section—
 - “commercial distribution licence” means a licence granted by a licensing authority that authorises a business to do the things mentioned in subsection (1);
 - “distribution” means the supply of products to retail businesses, wholesale distributors, and other forms of non-retail supply;
 - “grant” includes variation or renewal;
 - “licensing authority” has the meaning given by paragraph of Schedule (*Distributor licensing scheme: England*);
 - “premises distribution licence” means a licence granted by a licensing authority that authorises the use of premises for the purposes listed in subsection (2);
 - “relevant products” means—
 - (a) tobacco products;

- (b) herbal smoking products;
 - (c) cigarette papers;
 - (d) vaping products;
 - (e) nicotine products;
- “supply” includes despatch;
- “wholesale distributors” are businesses that offer goods for sale that are sold to persons for resale by them or for processing and resale by them, to members of the general public for their use or consumption.”

LORD BETHELL

After Clause 18, insert the following new Clause –

“Offences in connection with distribution licences: England

- (1) A person who breaches the prohibition in section (*Prohibition of distribution of tobacco products etc in England without a licence*)(1) or (2) commits an offence.
- (2) A person commits an offence if –
 - (a) the person provides information to a licensing authority –
 - (i) in, or in connection with, an application for the grant of a commercial distribution licence or a premises distribution licence, or
 - (ii) in pursuance of any other obligation imposed by or under regulations made under section (*Prohibition of distribution of tobacco products etc in England without a licence*)(4), and
 - (b) the information is false or misleading in a material respect, and
 - (c) the person knows, or ought to know, that the information is false or misleading in a material respect.
- (3) A person who commits an offence under this section is liable on summary conviction to a fine.
- (4) The court by which a person is convicted of an offence under subsection (1) may order the relevant products to which the offence relates, and any container for them, to be forfeited and either destroyed or dealt with in such other manner as the court may order.
- (5) In this section –
 - “grant” includes variation or renewal;
 - “licensing authority” has the meaning given by paragraph 2 of Schedule (*Distributor licensing scheme: England*);
 - “commercial distribution licence” has the meaning given by section (*Prohibition of distribution of tobacco products etc in England without a licence*)(8);
 - “premises distribution licence” has the meaning given by section (*Prohibition of distribution of tobacco products etc in England without a licence*)(8);
 - “relevant products” has the meaning given by section (*Prohibition of distribution of tobacco products etc in England without a licence*)(8).”

LORD BETHELL

After Clause 18, insert the following new Clause –

“Financial penalties for breach of distribution licence conditions: England

- (1) A local weights and measures authority in England may impose a financial penalty on a person if satisfied that –
 - (a) the person has breached a condition of a commercial distribution licence or premises distribution licence, and
 - (b) the breach does not constitute a criminal offence under section (*Offences in connection with distribution licences: England*).
- (2) The amount of the financial penalty must not exceed £100,000.
- (3) The Secretary of State may by regulations amend the amount specified in subsection (2) for the purpose of reflecting inflation.
- (4) Schedule (*Financial penalties for breach of distribution licence conditions: England*) makes further provision about the imposition of penalties under this section.
- (5) Regulations under this section are subject to the negative resolution procedure.
- (6) In this section “commercial distribution licence” and “premises distribution licence” have the meaning given by section (*Prohibition of distribution of tobacco products etc in England without a licence*)(8).”

After Schedule 2

LORD BETHELL

After Schedule 2, insert the following new Schedule –

“SCHEDULE

FINANCIAL PENALTIES FOR BREACHES OF DISTRIBUTION LICENCE CONDITIONS: ENGLAND

Introduction

- 1 This schedule makes further provision in connection with the imposition of financial penalties under section (*Financial penalties for breach of distribution licence conditions: England*).

Notices of intent

- 2 (1) A local weights and measures authority must, before imposing a financial penalty on a person, give the person written notice (a “notice of intent”) of the proposed financial penalty.
- (2) A notice of intent must specify –
 - (a) the amount of proposed financial penalty,
 - (b) the reasons for proposing to impose the penalty,

- (c) information about the right to make representations under paragraph 3, and
 - (d) the date by which any representations must be made.
- (3) The date specified under sub-paragraph (2)(d) must be a date more than 28 days after the day on which the notice of intent is given to the person.
- (4) The local weights and measures authority may at any time withdraw the notice of intent, or amend it to reduce the amount of the proposed financial penalty, by giving written notice to the person.

Right to make representations

- 3 (1) A person who is given a notice of intent under paragraph 2 may make written representations to the local weights and measures authority that issued the notice about the proposal to impose a financial penalty.
- (2) Any representations must be made within the period (“the period for representations”) ending with the date specified under paragraph 2(2)(d).

Final notices

- 4 (1) After the end of the period for representations the local weights and measures authority must decide whether to impose a financial penalty on the person.
- (2) If the local weights and measures authority decides to impose a financial penalty on the person, the authority must give the person written notice (a “final notice”) imposing the penalty.
- (3) A final notice must specify –
- (a) the amount of the financial penalty,
 - (b) the reasons for imposing the penalty,
 - (c) the date by which the penalty must be paid,
 - (d) information about the right of appeal under paragraph 5, and
 - (e) the consequences of failing to comply with the final notice.
- (4) The date specified under sub-paragraph (3)(c) must be a date more than 28 days after the day on which the final notice is given to the person.
- (5) The local weights and measures authority may at any time withdraw a final notice, or amend it to reduce the amount of the financial penalty, by giving written notice to the person.
- (6) A final notice may not be given more than 28 days after the last day of the period for representations.

Appeals

- 5 (1) A person on whom a financial penalty is imposed under section (*Financial penalties for breach of distribution licence conditions: England*) may appeal to the magistrates’ court against –
- (a) the decision to impose the penalty, or
 - (b) the amount of the penalty.

- (2) An appeal under this paragraph must be brought before the end of the period of 28 days beginning with the day after the day on which the final notice is given to the person in accordance with paragraph 4.
- (3) On an appeal under this paragraph the magistrates' court may confirm, reduce or cancel the penalty.
- (4) If a person appeals under this paragraph, the final notice is suspended until the appeal is finally determined, withdrawn or abandoned.

Recovery

- 6 (1) This paragraph applies if a person fails to pay the whole or part of a financial penalty before the end of the period within which the person is required to pay the penalty.
- (2) The local weights and measures authority that imposed the financial penalty may recover the unpaid amount of the penalty as if it were payable under an order of the county court.

Use of proceeds

- 7 (1) Any sums received in pursuance of final notices given under paragraph 4 must be paid into the Consolidated Fund.
- (2) But before paying such sums into the Consolidated Fund the local weights and measures authority may deduct—
 - (a) the costs of investigating the matters to which the final notices relate, and
 - (b) the costs of issuing the notices.”

LORD BETHELL

After Schedule 2, insert the following new Schedule—

“SCHEDULE

DISTRIBUTOR LICENSING SCHEME: ENGLAND

Introduction

- 1 This Schedule is about the provision that may be made by regulations under section (*Prohibition of distribution of tobacco products etc in England without a licence*)(4).

Licensing authority

- 2 The regulations must specify a description of local authority (a “licensing authority”) which is to grant licences.

Grant of licence

- 3 (1) The regulations may –
 - (a) prohibit a licensing authority from granting a licence unless satisfied as to a matter specified in the regulations;
 - (b) require a licensing authority to have regard, in deciding whether to grant a licence, to a matter specified in the regulations.
- (2) The provision that may be made under sub-paragraph (1)(a) includes –
 - (a) provision prohibiting a licensing authority from granting a premises distribution licence in respect of premises within an area of a description specified in the regulations;
 - (b) provision limiting the number of licensed premises within an area of a description specified in the regulations.
- (3) The regulations may make provision requiring a licensing authority not to grant a premises distribution licence unless the premises have been inspected in accordance with the regulations.

Licence fee

- 4 (1) The regulations may authorise a licensing authority to charge a fee in respect of an application for the grant of a licence (which may be set at a level that takes into account the cost of exercising functions under or in connection with sections (*Prohibition of distribution of tobacco products etc in England without a licence*), (*Offences in connection with distribution licences: England*), (*Financial penalties for breach of distribution licence conditions: England*) or the regulations.
- (2) Any such fee must not exceed an amount specified in, or determined in accordance with, the regulations.
- (3) The regulations may require a licensing authority to pay a proportion of any amount received by virtue of sub-paragraph (1) to any other person with functions under or in connection with sections (*Prohibition of distribution of tobacco products etc in England without a licence*), (*Offences in connection with distribution licences: England*), (*Financial penalties for breach of distribution licence conditions: England*) or the regulations.

Licence conditions

- 5 (1) The regulations may make provision for the grant of a licence subject to conditions.
- (2) Provisions of the kind mentioned in sub-paragraph (1) may –
 - (a) enable a licensing authority to attach conditions to a licence;
 - (b) require a licensing authority to attach to a licence a condition specified in the regulations.
- (3) The provision that may be made under sub-paragraph (1) includes provision prohibiting or restricting the commercial distribution of relevant products within an area of a description specified in the regulations.

Duration etc of licence

- 6 (1) The regulations may make provision about the duration, renewal, variation, suspension or revocation of licences.
- (2) The provision that may be made under sub-paragraph (1) includes provision conferring power on a court by which a person is convicted of an offence under section (*Offences in connection with distribution licences: England*) to vary, suspend or revoke a licence.

Publication of license information

- 7 The regulations may make provision for the publication by a licensing authority of information relating to licences granted by the licensing authority.

Reviews and appeals

- 8 (1) The regulations must specify the circumstances in which a person may request a review of a decision taken under the regulations.
- (2) The regulations must confer a right of appeal to the magistrates' court against a decision taken on a review.
- (3) The regulations may contain provision about time limits for requesting reviews or initiating appeals.

Guidance

- 9 The regulations may require a licensing authority, in carrying out functions under the regulations, to have regard to guidance published by the Secretary of State.

Sub-delegation

- 10 The regulations may confer discretions.

Interpretation

- 11 In this Schedule –
- “commercial distribution licence” has the meaning given by section (*Prohibition of distribution of tobacco products etc in England without a licence*)(8);
 - “grant” includes vary or renew;
 - “licence” means a commercial distribution licence or a premises distribution licence;
 - “licensing authority” has the meaning given by paragraph 2;
 - “local authority” means –
 - (a) a county council in England;
 - (b) a district council in England;
 - (c) a London borough council;

- (d) a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;
 - (e) a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023;
 - (f) the Common Council of the City of London (in its capacity as a local authority), the Sub-Treasurer of the Inner Temple or the Under Treasurer of the Middle Temple;
 - (g) the Council of the Isles of Scilly;
- “premises distribution licence” has the meaning given by section (*Prohibition of distribution of tobacco products etc in England without a licence*)(8);
- “relevant products” has the meaning given by section (*Prohibition of distribution of tobacco products etc in England without a licence*)(8).”

Clause 19

LORD KAMALL
EARL HOWE

Clause 19, page 11, leave out line 24 and insert “and take into consideration the views of—

- (a) retailers of relevant products or their representatives, and
- (b) any other person the Welsh Ministers consider it appropriate to consult.”

LORD KAMALL
EARL HOWE

Clause 19, page 11, line 24, at end insert—

- “(5A) Draft regulations under this section must be published before the end of the period of six months from the passing of this Act.”

After Schedule 4

LORD BETHELL

After Schedule 4, insert the following new Schedule—

“SCHEDULE

DISTRIBUTOR LICENSING SCHEME: WALES

Introduction

- 1 This Schedule is about the provision that may be made by regulations under section (*Prohibition of distribution of tobacco products etc in Wales without a licence*)(4).

Grant of Licence

- 2 (1) The regulations may –
 - (a) prohibit a licensing authority from granting a distribution licence unless satisfied as to a matter specified in the regulations;
 - (b) require a licensing authority to have regard, in deciding whether to grant a licence, to a matter specified in the regulations.
- (2) The provision that may be made under sub-paragraph (1)(a) includes –
 - (a) provision prohibiting a licensing authority from granting a premises distribution licence in respect of premises within an area of a description specified in the regulations;
 - (b) provision limiting the number of licensed distribution premises within an area of a description specified in the regulations.
- (3) The regulations may make provision requiring a licensing authority not to grant a premises distribution licence unless the premises have been inspected in accordance with the regulations

Licence fee

- 3 (1) The regulations may authorise a licensing authority to charge a fee in respect of an application for the grant of a licence (which may be set at a level that takes into account the cost of exercising functions under or in connection with sections (*Prohibition of distribution of tobacco products etc in Wales without a licence*), (*Offences in connection with licences: Wales*), (*Financial penalties for breach of distribution licence conditions: Wales*) or the regulations).
- (2) Any such fee must not exceed an amount specified in, or determined in accordance with, the regulations.
- (3) The regulations may require a licensing authority to pay a proportion of any amount received by virtue of sub-paragraph (1) to any other person with functions under sections (*Prohibition of distribution of tobacco products etc in Wales without a licence*), (*Offences in connection with licences: Wales*), (*Financial penalties for breach of distribution licence conditions: Wales*) or the regulations.

Licence conditions

- 4 (1) The regulations may make provision for the grant of a licence subject to conditions.
- (2) Provision of the kind mentioned in sub-paragraph (1) may –
 - (a) enable a licensing authority to attach conditions to a licence;
 - (b) require a licensing authority to attach to a licence a condition specified in the regulations.
- (3) The provision that may be made under sub-paragraph (1) includes provision prohibiting or restricting the commercial distribution of relevant products within an area of a description specified in the regulations.

Duration of Licence

- 5 (1) The regulations may make provision about the duration, renewal, variation, suspension or revocation of licences.
- (2) The provision that may be made under sub-paragraph (1) includes provision conferring power on a court by which a person is convicted of an offence under section (*Offences in connection with licences: Wales*) to vary, suspend or revoke a licence.

Publication of licence information

- 6 The regulations may make provision for the publication by a licensing authority of information relating to licences granted by the licensing authority.

Reviews and appeals

- 7 (1) The regulations may make provision for the publication by a licensing authority of information relating to licences granted by the licensing authority.
- (2) The regulations must confer a right of appeal to the magistrates' court against a decision taken on a review.
- (3) The regulations may contain provision about time limits for requesting reviews or initiating appeals.

Guidance

- 8 The regulations may require a licensing authority, in carrying out functions under the regulations, to have regard to guidance published by the Welsh Ministers.

Sub-delegation

- 9 The regulations may confer discretions.

Interpretation

- 10 In this Schedule—
- “commercial distributions licence” has the meaning given by section (*Prohibition of distribution of tobacco products etc in Wales without a licence*)(8);
- “grant” includes vary or renew;
- “licence” means a commercial distribution licence or a premises distribution licence;
- “licensing authority” , in relation to the doing of things or the use of premises in a county or county borough in Wales, means the council of the county or county borough;
- “premises distribution licence” has the meaning given by section (*Prohibition of distribution of tobacco products etc in Wales without a licence*)(8);

“relevant products” has the meaning given by section (*Prohibition of distribution of tobacco products etc in Wales without a licence*)(8).”

LORD BETHELL

After Schedule 4, insert the following new Schedule –

“SCHEDULE

FINANCIAL PENALTIES FOR BREACH OF DISTRIBUTOR LICENSING CONDITIONS: WALES

Introduction

- 1 This schedule makes further provision in connection with the imposition of financial penalties under section (*Financial penalties for breach of distribution licence conditions: Wales*).

Notice of intent

- 2 (1) A local weights and measures authority must, before imposing a financial penalty on a person, give the person written notice (a “notice of intent”) of the proposed financial penalty.
- (2) A notice of intent must specify –
 - (a) the amount of the proposed financial penalty,
 - (b) the reasons for proposing to impose the penalty,
 - (c) information about the right to make representations under paragraph 3, and
 - (d) the date by which any representations must be made.
- (3) The date specified under sub-paragraph (2)(d) must be a date more than 28 days after the day on which the notice of intent is given to the person.
- (4) The local weights and measures authority may at any time withdraw the notice of intent, or amend it to reduce the amount of the proposed financial penalty, by giving written notice to the person.

Right to make representations

- 3 (1) A person who is given a notice of intent under paragraph 2 may make written representations to the local weights and measures authority that issued the notice about the proposal to impose a financial penalty.
- (2) Any representations must be made within the period (“the period for representations”) ending with the date specified under paragraph 2(2)(d).

Final notices

- 4 (1) After the end of the period for representations the local weights and measures authority must decide whether to impose a financial penalty on the person.

- (2) If the local weights and measures authority decides to impose a financial penalty on the person, the authority must give the person written notice (a “final notice”) imposing the penalty.
- (3) A final notice must specify –
 - (a) the amount of financial penalty,
 - (b) the reasons for imposing the penalty,
 - (c) the date by which the penalty must be paid,
 - (d) information about the right of appeal under paragraph 5, and
 - (e) the consequences of failing to comply with the final notice.
- (4) The date specified under sub-paragraph (3)(c) must be a date more than 28 days after the day on which the final notice is given to the person.
- (5) The local weights and measures authority may at any time withdraw a final notice, or amend it to reduce the amount of the financial penalty, by giving written notice to the person.
- (6) A final notice may not be given more than 28 days after the last day of the period for representations.

Appeals

- 5 (1) A person on whom a financial penalty is imposed under section (*Financial penalties for breach of distribution licence conditions: Wales*) may appeal to the magistrates’ court against –
 - (a) the decision to impose the penalty, or
 - (b) the amount of the penalty.
- (2) An appeal under this paragraph must be brought before the end of the period of 28 days beginning with the day after the day on which the final notice is given to the person in accordance with paragraph 4.
- (3) On an appeal under this paragraph the magistrates’ court may confirm, reduce or cancel the penalty.
- (4) If a person appeals under this paragraph, the final notice is suspended until the appeal is finally determined, withdrawn or abandoned.

Recovery

- 6 (1) This paragraph applies if a person fails to pay the whole or part of a financial penalty before the end of the period within which the person is required to pay the penalty.
- (2) The local weights and measures authority that imposed the financial penalty may recover the unpaid amount of the penalty as if it were payable under an order of the county court.

Use or proceeds

- 7 (1) Any sums received in pursuance of final notices given under paragraph 4 must be paid into the Welsh Consolidated Fund.

- (2) But before paying such sums into the Welsh Consolidated Fund the local weights and measures authority may deduct –
 - (a) the costs of investigating the matters to which the final notices relate, and
 - (b) the costs of issuing the notices.”

After Clause 22

LORD BETHELL

After Clause 22, insert the following new Clause –

“Prohibition of distribution of tobacco products etc in Wales without a licence

- (1) An individual must not do any of the following things in the course of business in Wales except under the authority of and in accordance with a commercial distribution licence –
 - (a) distribute relevant products to any person other than a retail customer;
 - (b) possess relevant products for the purpose of their distribution (by the individual or another person).
- (2) A person must not use or permit the use of premises in Wales for any of the following except under the authority of and in accordance with a premises distribution licence –
 - (a) the storage of relevant products for the purpose of their distribution (by the person or another person);
 - (b) the supply of relevant products to businesses or wholesale purchasers.
- (3) The Welsh Ministers may by regulations create exceptions to the prohibition in subsection (1) or (2).
- (4) The Welsh Ministers must by regulations make provision for and in connection with the grant of commercial distribution licences and premises distribution licences.
- (5) Before making regulations under this section the Welsh Ministers must consult any persons that the Welsh Ministers consider it appropriate to consult.
- (6) Schedule (*Distributor licensing scheme: Wales*) makes further provision about regulations under subsection (4).
- (7) Regulations under this section are subject to the affirmative resolution procedure.
- (8) In this section –
 - “commercial distribution licence” means a licence granted by a licensing authority that authorises a business to do the things mentioned in subsection (1);
 - “distribution” means the supply of products to retail businesses, wholesale distributors, and other forms of non-retail provision;
 - “grant” includes variation or renewal;

“licensing authority”, in relation to the doing of things or the use of premises in a county or county borough in Wales, means the council of the county or county borough;

“premises distribution licence” means a licence granted by a licensing authority that authorises the use of premises for the purposes listed in subsection (2);

“relevant products” means

- (a) tobacco products;
- (b) herbal smoking products;
- (c) cigarette papers;
- (d) vaping products;
- (e) nicotine products;

“supply” includes despatch;

“wholesale distributors” are businesses that offer goods for sale that are sold to persons for resale by them or for processing and resale by them, to members of the general public for their use or consumption.”

LORD BETHELL

After Clause 22, insert the following new Clause –

“Offences in connection with licences: Wales

- (1) A person who breaches the prohibition in section (*Prohibition of distribution of tobacco products etc in Wales without a licence*)(1) or (2) commits an offence.
- (2) A person commits an offence if –
 - (a) the person provides information to a licensing authority –
 - (i) in, or in connection with, an application for the grant of a commercial distribution licence or a premises distribution licence, or
 - (ii) in pursuance of any other obligation imposed by or under regulations made under section (*Prohibition of distribution of tobacco products etc in Wales without a licence*)(4),
 - (b) the information is false or misleading in a material respect, and
 - (c) the person knows, or ought to know, that the information is false or misleading in a material respect.
- (3) A person who commits an offence under this section is liable on summary conviction to a fine.
- (4) The court by which a person is convicted of an offence under subsection (1) may order the relevant products to which the offence relates, and any container for them, to be forfeited and either destroyed or dealt with in such other manner as the court may order.
- (5) In this section –

“grant” includes variation or renewal;

- “licensing authority” in relation to the doing of things or the use of premises in a county or county borough in Wales, means the council of the county or county borough;
- “commercial distribution licence” has the meaning given by section (*Prohibition of distribution of tobacco products etc in Wales without a licence*)(8);
- “premises distribution licence” has the meaning given by section (*Prohibition of distribution of tobacco products etc in Wales without a licence*)(8);
- “relevant product” has the meaning given by section (*Prohibition of distribution of tobacco products etc in Wales without a licence*)(8).”

LORD BETHELL

After Clause 22, insert the following new Clause –

“Financial penalties for breach of distribution licence conditions: Wales

- (1) A local weights and measures authority in Wales may impose a financial penalty on a person if satisfied that –
 - (a) the person has breached a condition of a commercial distribution licence or premises distribution licence, and
 - (b) the breach does not constitute a criminal offence under section (*Prohibition of distribution of tobacco products etc in Wales without a licence*).
- (2) The amount of the financial penalty must not exceed £100,000.
- (3) The Welsh Ministers may by regulations amend the amount specified in subsection (2) for the purpose of reflecting inflation.
- (4) Schedule (*Financial penalties for breach of distributor licensing conditions: Wales*) makes further provision about the imposition of financial penalties under this section.
- (5) Regulations under this section are subject to the negative resolution procedure.
- (6) In this section “commercial distribution licence” and “premises distribution licence” have the meaning given by section (*Prohibition of distribution of tobacco products etc in Wales without a licence*)(8).”

Clause 38

BARONESS WALMSLEY

Clause 38, page 20, line 19, leave out “paid into the relevant Consolidated Fund” and insert “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.

BARONESS WALMSLEY

Clause 38, page 20, line 20, leave out “paying such sums into the relevant Consolidated Fund” and insert “such sums are allocated by the relevant local authority”

Member's explanatory statement

This amendment is consequential on another amendment to this Clause in Baroness Walmsley's name.

Clause 47

LORD KAMALL
EARL HOWE

Clause 47, page 24, line 3, at end insert –

““retailers of relevant products” means a person who carries on a business involving the sale of the following products by retail –

- (a) tobacco products,
- (b) tobacco related devices,
- (c) herbal smoking products,
- (d) cigarette papers,
- (e) vaping products, or
- (f) nicotine products.”

Schedule 9

LORD BETHELL

Schedule 9, page 145, line 5, at end insert –

“(ca) a vaping product distribution business;”

LORD BETHELL

Schedule 9, page 145, line 6, at end insert –

“(e) a nicotine product distribution business.”

LORD BETHELL

Schedule 9, page 145, line 9, leave out “or (d)” and insert “, (ca), (d), or (e)”

Schedule 10

LORD BETHELL

Schedule 10, page 148, line 14, at end insert –

“(ba) a vaping product distribution business;”

LORD BETHELL

Schedule 10, page 148, line 15, at end insert –

“(d) a nicotine product distribution business.”

LORD BETHELL

Schedule 10, page 148, line 19, leave out “or (c)” and insert “, (ba), (c), or (d)”

After Clause 84

LORD BETHELL

After Clause 84, insert the following new Clause –

“Prohibition of distribution or retail sales of tobacco products etc without a licence

- (1) After section 4C of the Tobacco Retailers Act (Northern Ireland) 2014 (c. 4 (N.I.)) insert –

“Licensing of the distribution of tobacco products etc

4D Prohibition of distribution of tobacco products etc without a licence

- (1) An individual must not do any of the following things except under the authority of and in accordance with a commercial distribution licence –
- (a) distribute relevant products to any person;
 - (b) possess relevant products for the purpose of their distribution (by the individual or another person).
- (2) A person must not use or permit the use of premises for any of the following except under the authority of and in accordance with a premises distribution licence –
- (a) the storage of relevant products for the purpose of their distribution (by the person or another person);
 - (b) the supply of relevant products to businesses or wholesale purchasers.
- (3) Regulations may create exceptions to the prohibition in subsection (1) or (2).

- (4) Regulations must make provision for and in connection with the grant of commercial distribution licences and premises distribution licences.
- (5) Before making regulations under this section the Department must consult any persons the Department considers it appropriate to consult.
- (6) Schedule 3 makes further provision about regulations under subsection (4).
- (7) In this section –
 - “commercial distribution licence” means a licence granted by a licensing authority that authorises a business to do the things mentioned in subsection (1);
 - “distribution” means the supply of products to retail businesses, wholesale distributors, and other forms of non-retail provision;
 - “grant” includes variation or renewal;
 - “licensing authority” has the meaning given by paragraph 2 of Schedule 3;
 - “premises distribution licence” means a licence granted by a licensing authority that authorises the use of premises for the purposes listed in subsection (2);
 - “relevant products” means –
 - (a) tobacco products;
 - (b) herbal smoking products;
 - (c) cigarette papers;
 - (d) vaping products;
 - (e) nicotine products;
 - “supply” includes despatch;
 - “wholesale distributors” are businesses that offer goods for sale that are sold to persons for resale by them or for processing and resale by them, to members of the general public for their use or consumption.

4E Offences in connection with licences

- (1) A person who breaches the prohibition in section 4D(1) or (2) commits an offence.
- (2) A person commits an offence if –
 - (a) the person provides information to a licensing authority –
 - (i) in, or in connection with, an application for the grant of a commercial distribution licence or a premises distribution licence, or
 - (ii) in pursuance of any other obligation imposed by or under regulations made under section 4D(4),
 - (b) the information is false or misleading in a material respect, and
 - (c) the person knows, or ought to know, that the information is false or misleading in a material respect.

- (3) A person who commits an offence under this section is liable on summary conviction to a fine.
- (4) The court by which a person is convicted of an offence under subsection (1) may order the relevant products to which the offence relates, and any container for them, to be forfeited and either destroyed or dealt with in such other manner as the court may order.
- (5) In this section –
 - “grant” includes variation or renewal;
 - “licensing authority” has the meaning given by paragraph 2 of Schedule 3;
 - “commercial distribution licence” has the meaning given by section 4D(7);
 - “premises distribution licence” has the meaning given by section 4D(7);
 - “relevant product” has the meaning given by section 4D(7).

4F Financial penalties for breach of distribution licence conditions

- (1) A council may impose a financial penalty on a person if satisfied that - a. the person has breached a condition of a commercial distribution licence or premises distribution licence, and b. the breach does not constitute a criminal offence under section 4E.
 - (2) The amount of the financial penalty must not exceed £100,000.
 - (3) Regulations may amend the amount specified in subsection (2) for the purpose of reflecting inflation.
 - (4) Schedule 4 makes further provision about the imposition of financial penalties under this section.
 - (5) In this section “commercial distribution licence” and “premises distribution licence” have the meaning given by section 4D(7).”
- (2) Schedule (*Distributor licensing scheme: Northern Ireland*) inserts new Schedule 3 to the Tobacco Retailers Act (Northern Ireland) 2014, relating to the grant of commercial distribution licences and premises distribution licences.
 - (3) Schedule (*Financial penalties for breach of distribution licence conditions: Northern Ireland*) inserts new Schedule 4 to the Tobacco Retailers Act (Northern Ireland) 2014, relating to the imposition of financial penalties.”

After Schedule 13

LORD BETHELL

After Schedule 13, insert the following new Schedule –

“SCHEDULE

FINANCIAL PENALTIES FOR BREACH OF DISTRIBUTION LICENCE CONDITIONS: NORTHERN IRELAND

In the Tobacco Retailers Act (Northern Ireland) 2014 (c. 4 (N.I.)), after Schedule 3 (inserted by Schedule (*Distributor licensing scheme: Northern Ireland*) of this Act), insert –

“SCHEDULE 4

FINANCIAL PENALTIES FOR BREACH OF DISTRIBUTION LICENCE CONDITIONS

Introduction

- 1 This schedule makes further provision in connection with the imposition of financial penalties under section 4F.

Notices of intent

- 2 (1) A council must, before imposing a financial penalty on a person, give the person written notice (a “notice of intent”) of the proposed financial penalty.
- (2) A notice of intent must specify –
 - (a) the amount of proposed financial penalty,
 - (b) the reasons for proposing to impose the penalty,
 - (c) information about the right to make representations under paragraph 3, and
 - (d) the date by which any representations must be made.
- (3) The date specified under sub-paragraph (2)(d) must be a date more than 28 days after the day on which the notice of intent is given to the person.
- (4) The council may at any time withdraw the notice of intent, or amend it to reduce the amount of the proposed financial penalty, by giving written notice to the person.

Right to make representations

- 3 (1) A person who is given a notice of intent under paragraph 2 may make written representations to the council that issued the notice about the proposal to impose a financial penalty.
- (2) Any representations must be made within the period (“the period for representations”) ending with the date specified under paragraph 2(2)(d).

Final notices

- 4 (1) After the end of the period for representations the council must decide whether to impose a financial penalty on the person.
- (2) If the council decides to impose a financial penalty on the person, the council must give the person written notice (a “final notice”) imposing the penalty.
- (3) A final notice must specify –
 - (a) the amount of financial penalty,
 - (b) the reasons for imposing the penalty,
 - (c) the date by which the penalty must be paid,
 - (d) information about the right of appeal under paragraph 5, and
 - (e) the consequences of failing to comply with the final notice.
- (4) The date specified under sub-paragraph (3)(c) must be a date more than 28 days after the day on which the final notice is given to the person.
- (5) The council may at any time withdraw a final notice, or amend it to reduce the amount of the financial penalty, by giving written notice to the person.
- (6) A final notice may not be given more than 28 days after the last day of the period for representations.

Appeals

- 5 (1) A person on whom a financial penalty is imposed under section 4F may appeal to the magistrates’ court against –
 - (a) the decision to impose the penalty, or
 - (b) the amount of penalty.
- (2) An appeal under this paragraph must be brought before the end of the period of 28 days beginning with the day after the day on which the final notice is given to the person in accordance with paragraph 4.
- (3) On an appeal under this paragraph the magistrates’ court may confirm, reduce or cancel the penalty.
- (4) If a person appeals under this paragraph, the final notice is suspended until the appeal is finally determined, withdrawn or abandoned.

Recovery

- 6 (1) This paragraph applies if a person fails to pay the whole or part of a financial penalty before the end of the period within which the person is required to pay the penalty.
- (2) The council that imposed the financial penalty may recover the unpaid amount of the penalty as if it were payable under an order of the county court.

Use of proceeds

- 7 (1) A council may use any sums it receives in pursuance of final notices given under paragraph 4 (its “financial penalty receipts”) only for the purposes of its functions under this Act.
- (2) A council must supply the Department with such information relating to its use of its financial penalty receipts as the Department may require.
- (3) Regulations may make provision for what a council is to do with its financial penalty receipts –
- (a) pending their being used for the purposes mentioned in sub-paragraph (1);
 - (b) if they are not used for those purposes within a period of time specified in the regulations and beginning with their receipt.
- (4) The provision that may be made under sub-paragraph (3)(b) includes (in particular) provision for the payment of sums to a person (including the Department) other than the council.
- (5) Regulations may make provision for accounting arrangements in respect of a council's financial penalty receipts.
- (6) Before making regulations under this paragraph, the Department must consult –
- (a) councils, and
 - (b) such other persons as the Department considers appropriate.””

LORD BETHELL

After Schedule 13, insert the following new Schedule –

“SCHEDULE

DISTRIBUTOR LICENSING SCHEME: NORTHERN IRELAND

In the Tobacco Retailers Act (Northern Ireland) 2014 (c. 4 (N.I.)), after Schedule 2 (inserted by Schedule 12 of this Act), insert –

“SCHEDULE 3

DISTRIBUTOR LICENSING SCHEME

Introduction

- 1 This Schedule is about the provision that may be made by regulations under section 4D(4).

Licensing authority

- 2 The regulations must specify a council (a “licensing authority”) which is to grant licences.

Grant of licence

- 3 (1) The regulation may –
 - (a) prohibit a licensing authority from granting a licence unless satisfied as to a matter specified in the regulations;
 - (b) require a licensing authority to have regard, in deciding whether to grant a licence, to a matter specified in the regulations.
- (2) The provision that may be made under sub-paragraph (1)(a) includes –
 - (a) provision prohibiting a licensing authority from granting a premises distribution licence in respect of premises within an area of a description specified in the regulations;
 - (b) provision limiting the number of licensed premises within an area of a description specified in the regulations.
- (3) The regulations may make provision requiring a licensing authority not to grant a premises distribution licence unless the premises have been inspected in accordance with the regulations.

Licence fee

- 4 (1) The regulations may authorise a licensing authority to charge a fee in respect of an application for the grant of a licence (which may be set at a level that takes into account the cost of exercising functions under or in connection with sections 4D to 4F or the regulations).
- (2) Any such fee must not exceed an amount specified in, or determined in accordance with, the regulations.
- (3) The regulations may require a licensing authority to pay a proportion of any amount received by virtue of sub-paragraph (1) to any other person with functions under or in connection with sections 4D to 4F or the regulations.

Licence conditions

- 5 (1) The regulations may make provision for the grant of a licence subject to conditions.
- (2) Provision of the kind mentioned in sub-paragraph (1) may –
 - (a) enable a licensing authority to attach conditions to a licence;
 - (b) require a licensing authority to attach to a licence a condition specified in the regulations.
- (3) The provision that may be made under sub-paragraph (1) includes provision prohibiting or restricting the commercial distribution of relevant products within an area of a description specified in the regulations.

Duration etc of licence

- 6 (1) The regulations may make provision about the duration, renewal, variation, suspension or revocation of licenses.

- (2) The provision that may be made under sub-paragraph (1) includes provision conferring power on a court by which a person is convicted of an offence under section 4E to vary, suspend or revoke a licence.

Publication of license information

- 7 The regulations may make provision for the publication by a licensing authority of information relating to licences granted by licensing authority.

Reviews and appeals

- 8 (1) The regulations must specify the circumstances in which a person may request a review of a decision taken under the regulations.
- (2) The regulations must confer a right of appeal to the magistrates' court against a decision taken on a review.
- (3) The regulations may contain provision about time limits for requesting reviews or initiating appeals.

Guidance

- 9 The regulations may require a licensing authority, in carrying out functions under the regulations, to have regard to guidance published by the Secretary of State.

Sub-delegation

- 10 The regulations may confer discretions.

Interpretation

- 11 In this Schedule –
- “commercial distribution licence” has the meaning given by section 4D;
- “grant” includes vary or renew;
- “licence” means a commercial distribution licence or a premises distribution licence;
- “licensing authority” has the meaning given by paragraph 2
- “premises distribution licence” has the meaning given by section 4D;
- “relevant products” has the meaning given by section 4D.””

Clause 88

LORD KAMALL

EARL HOWE

Clause 88, page 49, line 13, after “products” insert “or any relevant high-strength oral nicotine products”

Member's explanatory statement

This amendment permits HMRC officers to seize and detain nicotine pouches containing more than 20mg of nicotine.

LORD KAMALL
EARL HOWE

Clause 88, page 49, line 30, at end insert –

““relevant high-strength oral nicotine product” means a nicotine product that –

- (a) is intended for oral use,
- (b) is not intended to be inhaled or chewed, and
- (c) contains more than 20 milligrams of nicotine per portion.”

Member's explanatory statement

This amendment is consequential to the other amendment to Clause 88 in Lord Kamall's name.

Clause 91

LORD MOYLAN

Clause 91, page 51, line 23, after “flavour” insert “descriptors”

Clause 109

LORD KAMALL
EARL HOWE

Clause 109, page 60, line 12, leave out subsection (1) and insert –

- “(1) Before making regulations under this Part the Secretary of State must consult –
- (a) the manufacturers of a relevant product or representatives of the manufacturers of a relevant product,
 - (b) consumers of a relevant product or representatives of consumers of a relevant product, and
 - (c) any other persons that the Secretary of State considers appropriate to consult.
- (2) Consultation under this section must include a call for evidence.
- (3) The Secretary of State must have due regard to all views received as part of any consultation under this section.
- (4) In this section a “relevant product” means –
- (a) tobacco products,
 - (b) tobacco related devices,
 - (c) herbal smoking products,
 - (d) cigarette papers,

- (e) vaping products, or
- (f) nicotine products.”

LORD KAMALL
EARL HOWE

Clause 109, page 60, line 12, after “consult” insert “and take into consideration the views of”

LORD KAMALL
EARL HOWE

Clause 109, page 60, leave out line 13 and insert “manufacturers of relevant products”

LORD KAMALL
EARL HOWE

Clause 109, page 60, line 13, and end insert –

- “(2) In this section, “relevant products” means –
- (a) tobacco products,
 - (b) herbal smoking products,
 - (c) cigarette papers,
 - (d) vaping products, or
 - (e) nicotine products.”

After Clause 120

LORD KAMALL
EARL HOWE

After Clause 120, insert the following new Clause –

“Advertising exemptions for specialist vaping retailers

- (1) A person does not commit an offence under any of the sections 113 to 117 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, and
 - (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)(c) 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 the Welsh Ministers,
 - (c) in relation to specialist vaping shops in Scotland, means the 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.

Clause 135

LORD KAMALL
EARL HOWE

Clause 135, page 76, line 29, leave out from “smoke-free” to end of line 3 on page 77 and insert “any place in England that is –

- “(a) an NHS property or hospital,
- (b) a public playground,
- (c) a provider of early years education, or
- (d) a school.”

Member's explanatory statement

This amendment restricts the Secretary of State’s power to designate smoke-free places to only hospitals, children’s playgrounds, providers of early years education and schools in England.

BARONESS WALMSLEY

Clause 135, page 76, line 32, at end insert –

- “(c) there is evidence is causing harm to non-smokers,”

LORD KAMALL
EARL HOWE

Clause 135, page 77, line 12, at end insert –

“(5) In this section –

“hospital” has the same meaning as in section 275 of the National Health Service Act 2006;

“provider of early years education” means a provider of education or childcare to children under five years of age that is registered in the early years register maintained by the Office for Standards in Education, Children’s Services and Skills;

“public playground” means a premises that –

- (a) is designed or adapted for the use, by children, of one or more items of playground equipment,
- (b) is open to the public, for the purpose (or the primary purpose) of the provision of play facilities for children, and
- (c) is not enclosed or substantially enclosed;

“school” has the same meaning as in section 4 of the Education Act 1996.”

Member's explanatory statement

This amendment defines terms in Lord Kamall’s other amendment to clause 135, page 76, line 30.

Clause 138

LORD KAMALL
EARL HOWE

Clause 138, page 79, line 2, leave out from “designating” to end of line 3 and insert “as vape-free any place in England that is a –

- “(a) public playground,
- (b) provider of early years education, or
- (c) school.”

Member's explanatory statement

This amendment restricts the Secretary of State’s power to designate vape-free places to only playgrounds, providers of early years education and schools in England.

LORD KAMALL
EARL HOWE

Clause 138, page 79, line 30, at end insert –

“(9) In this section –

“provider of early years education” means a provider of education or childcare to children under five years of age that is registered in the early years

register maintained by the Office for Standards in Education, Children's Services and Skills;

“public playground” means a premises that –

- (a) is designed or adapted for the use, by children, of one or more items of playground equipment,
- (b) is open to the public, for the purpose (or the primary purpose) of the provision of play facilities for children, and
- (c) is not enclosed or substantially enclosed;

“school” has the same meaning as in section 4 of the Education Act 1996.”

Member's explanatory statement

This amendment defines terms in Lord Kamall's other amendment to clause 138, page 79, line 30.

After Clause 157

LORD KAMALL
EARL HOWE

After Clause 157, insert the following new Clause –

“Strategy to reduce retail crime linked to tobacco and vaping products

- (1) The Secretary of State must prepare and publish a strategy to reduce offences against retailers of relevant products as a result of changes made by this Act.
- (2) The strategy must address –
 - (a) violence and abuse against retail workers at work resulting from –
 - (i) the refusal of sale of relevant products, and
 - (ii) requests for identification by retail workers to a person attempting to buy relevant products;
 - (b) theft of relevant products from retailers of relevant products, and
 - (c) any other offence against retailers of relevant products relating to relevant products.
- (3) The strategy must be published before the end of the period of 12 months after the day on which this Act is passed and updated between 1 January 2027 and 1 January 2028.
- (4) In preparing the strategy the Secretary of State must consult –
 - (a) retailers of relevant products,
 - (b) representatives of retailers of relevant products,
 - (c) elected local policing bodies, and
 - (d) any other person the Secretary of State considers it appropriate to consult.
- (5) For the purposes of this section “retailers of relevant products” means a person who carries on a business involving the sale of relevant products by retail.
- (6) In this section –

“elected local policing bodies” has the same meaning as section 101 of the Police Act 1996;

“relevant products” means –

- (a) tobacco products,
- (b) tobacco related devices,
- (c) herbal smoking products,
- (d) cigarette papers,
- (e) vaping products, or
- (f) nicotine products;

“retail workers at work” means a person who –

- (a) is working on or about retail premises, and
- (b) is working there for or on behalf of the owner or occupier of those premises, or is the owner or occupier of those premises.

(7) In subsection (6) “retail premises” means –

- (a) premises used wholly or mainly for the purposes of the sale of anything by retail, or
- (b) premises used mainly for the purposes of the wholesale of anything, if the premises are also used for the purposes of the sale of anything by retail, and here “premises” include a stall or vehicle.”

Member's explanatory statement

This amendment requires the Secretary of State to publish a strategy to reduce retail crime against retailers of tobacco, vaping and nicotine products.

LORD KAMALL
EARL HOWE

After Clause 157, insert the following new Clause –

“Review of Act

- (1) The Secretary of State must –
 - (a) carry out a review of the operation and effect of this Act,
 - (b) set out the conclusions of the review in a report,
 - (c) publish the report, and
 - (d) lay a copy of the report before Parliament.
- (2) The report must be published before the end of the period of five years beginning with the day on which Parts 1 to 4 come fully into force.
- (3) The report must, in particular assess –
 - (a) the extent to which the provisions of this Act have reduced rates of smoking,
 - (b) the extent to which the provisions of this Act have reduced use of vaping products amongst children,
 - (c) whether the provisions of this Act have led to a reduction in the use of vaping products for the purposes of smoking cessation for adults,

- (d) the economic impacts of the provisions of this Act on small and micro businesses, and
 - (e) the rate of compliance with the provisions of this Act.
- (4) For the purposes of this section “small and micro businesses” has the same meaning as section 33 of the Small Business, Enterprise and Employment Act 2015.”

Member's explanatory statement

This amendment requires the Secretary of State to carry out a review of the Act and publish and lay before Parliament a report setting out the conclusions of that review.

LORD KAMALL
EARL HOWE

After Clause 157, insert the following new Clause –

“National Illicit Tobacco and Vape Enforcement Strategy

- (1) Within one year of the day on which this Act is passed, the Secretary of State must prepare and publish a strategy to address relevant illicit products (“National Illicit Tobacco and Vape Enforcement Strategy”).
- (2) The strategy must address –
 - (a) the availability of relevant illicit products,
 - (b) the means by which relevant illicit products are imported into the United Kingdom,
 - (c) the means by which relevant illicit products are transported within the United Kingdom,
 - (d) the means by which relevant illicit products are sold in the United Kingdom, and
 - (e) any other issues relating to relevant illicit products that the Secretary of State considers appropriate.
- (3) In this section “relevant illicit products” means –
 - (a) tobacco products,
 - (b) tobacco related devices,
 - (c) herbal smoking products,
 - (d) cigarette papers,
 - (e) vaping products, or
 - (f) nicotine productsthat are in violation of any Act of Parliament or regulation made by the appropriate national authority.
- (4) For the purposes of subsection (3) “appropriate national authority” means –
 - (a) in relation to England, the Secretary of State,
 - (b) in relation to Wales, the Welsh Ministers,
 - (c) in relation to Scotland, the Scottish Ministers,
 - (d) in relation to Northern Ireland, the Department of Health.”

Member's explanatory statement

This amendment requires the Secretary of State to publish a strategy to deal with the illicit trade in tobacco and vaping products.

LORD KAMALL
EARL HOWE

After Clause 157, insert the following new Clause –

“Guidance on implementation for retailers

- (1) Within one year of the day on which this Act is passed, the Secretary of State must publish guidance on the implementation of the provisions of this Act for retailers of relevant products.
- (2) For the purposes of this section “retailers of relevant products” means a person who carries on a business involving the sale of relevant products by retail.
- (3) For the purposes of subsection (2) “relevant products” means –
 - (a) tobacco products,
 - (b) tobacco related devices,
 - (c) herbal smoking products,
 - (d) cigarette papers,
 - (e) vaping products, or
 - (f) nicotine products.”

LORD YOUNG OF COOKHAM

★ After Clause 157, insert the following new 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 111),

“producer”, in relation to tobacco products, is to be construed in accordance with the meaning of “production” in Part 5 (see section 111).”

Member's explanatory statement

This new clause would require the Secretary of State to consult on proposals for regulating the prices and profits of, and to raise funds from, tobacco manufacturers and importers.

LORD YOUNG OF COOKHAM

★ After Clause 157, insert the following new 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 –
 - “appropriate national authority” means –
 - (a) in relation to Wales, the Welsh Ministers,
 - (b) in relation to Scotland, the Scottish Ministers, and
 - (c) in relation to Northern Ireland, the Department of Health;
 - “relevant day” means the last day before 25 December 2026 which is a sitting day for both Houses of Parliament;
 - “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 5-yearly reports containing a roadmap to a smoke-free country including targets and specific interventions for populations with high prevalence rates.

Clause 167

LORD BETHELL

Clause 167, page 120, line 22, after “18” insert “, (*Prohibition of distribution of tobacco products etc in England without a licence*), (*Offenses in connection with distribution licences: England*), (*Financial penalties for breach of distribution licence conditions: England*)”

LORD BETHELL

Clause 167, page 120, line 22, leave out “and 2 (licensing of retail sales” and insert “, 2, (*Distributor licensing scheme: England*) and (*Financial penalties for breach of distribution licence conditions: England*) (licensing of retail sales and distribution”

LORD BETHELL

Clause 167, page 120, line 29, at end insert –

- (aa) sections (*Prohibition of distribution of tobacco products etc in Wales without a licence*), (*Offenses in connection with licences: Wales*), (*Financial penalties for breach of distribution licence conditions: Wales*) and Schedules (*Distributor licensing scheme: Wales*) and (*Financial penalties for breach of distributor licensing conditions: Wales*) (licensing of distribution of tobacco products etc in Wales);”

LORD BETHELL

Clause 167, page 121, line 7, at end insert –

- (c) section (*Prohibition of distribution or retail sales of tobacco products etc without a licence*) and Schedule (*Licensing of distribution of tobacco products etc in Northern Ireland*).

Clause 168LORD KAMALL
EARL HOWE

Clause 168, page 121, line 11, leave out subsection (1) and insert –

- “(1) Part 5 (product and information requirements etc) may not come into force until the Secretary of State has consulted and considered the views of small and micro businesses (as defined by section 33 of the Small Business, Enterprise and Employment Act 2015).”

Tobacco and Vapes Bill

RUNNING LIST OF ALL
AMENDMENTS IN COMMITTEE OF THE WHOLE HOUSE

Tabled up to and including

29 April 2025

29 April 2025

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