

Tobacco and Vapes Bill

MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN GRAND COMMITTEE

The amendments have been marshalled in accordance with the Instruction of 23rd April 2025, as follows –

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]

**Amendment
No.**

Clause 1

LORD MURRAY OF BLIDWORTH
LORD STRATHCARRON

- 1** 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 seeks to remove the generational ban for tobacco products in England and Wales by raising the age of sale to 21.

LORD MURRAY OF BLIDWORTH
LORD STRATHCARRON

- 2 Clause 1, page 1, line 13, leave out “born before 1 January 2009” and insert “under the age of 21”

LORD MOYLAN

- 3★ Clause 1, page 2, line 3, leave out “negative” and insert “affirmative”

Member's explanatory statement

This amendment provides that regulations to specify methods of customer age verification must be made by the affirmative resolution procedure.

After Clause 1

LORD BETHELL

- 4 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.

LORD MOYLAN

5★ After Clause 1, insert the following new Clause –

“Sale of tobacco etc: interim period

- (1) It is an offence to sell any of the following to a person under the age of 21 –
 - (a) a tobacco product;
 - (b) a herbal smoking product;
 - (c) cigarette papers.
- (2) It is a defence for a person charged with an offence under subsection (1) to prove –
 - (a) that they took such steps as may be specified in regulations made by the Secretary of State to verify that the customer was not under the age of 21, or
 - (b) that they otherwise took all reasonable steps to avoid the commission of the offence.
- (3) 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.
- (4) Regulations under subsection (2)(a) are subject to the negative resolution procedure.
- (5) A person who commits an offence under this section is liable on summary conviction to a fine not exceeding level 4 on the standard scale.”

Member's explanatory statement

This amendment provides that the minimum age for the purchase of tobacco products is increased to 21 years during the interim period until the entry in force of the provisions restricting purchases to people born on or after 1 January 2009.

Clause 2

LORD MURRAY OF BLIDWORTH
LORD STRATHCARRON

6 Clause 2, page 2, line 8, leave out “18” and insert “21”

LORD MURRAY OF BLIDWORTH
LORD STRATHCARRON

7 Clause 2, page 2, line 9, leave out “born on or after 1 January 2009” and insert “under the age of 21”

LORD MURRAY OF BLIDWORTH
LORD STRATHCARRON

- 8 Clause 2, page 2, line 14, leave out “born on or after 1 January 2009” and insert “under the age of 21”

After Clause 4

LORD YOUNG OF COOKHAM

- 9 After Clause 4, insert the following new Clause —

“Online sale of tobacco etc

- (1) It is an offence to supply a tobacco product using an internet service, whether by way of sale or not, in the course of a business.
- (2) It is a defence for a person charged with an offence under this section to prove that they took all reasonable steps to avoid the commission of the offence.
- (3) A person who commits an offence under this section is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (4) In this section “internet service” means a service that is made available by means of the internet.
- (5) For the purposes of subsection (4) a service is “made available by means of the internet” even where it is made available by means of a combination of —
 - (a) the internet, and
 - (b) an electronic communications service.
- (6) “Electronic communications service” has the same meaning as in the Communications Act 2003 (see section 32(2) of that Act).”

Member's explanatory statement

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

Clause 5

LORD MURRAY OF BLIDWORTH
LORD STRATHCARRON

- 10 Clause 5, page 3, line 8, leave out “born on or after 1 January 2009” and insert “under the age of 21”

Clause 6

LORD MURRAY OF BLIDWORTH
LORD STRATHCARRON

- 11 Clause 6, page 3, line 30, leave out “born on or after 1 January 2009” and insert “under the age of 21”

After Clause 6

BARONESS NORTHOVER
BARONESS WALMSLEY

- 12 After Clause 6, insert the following new Clause —

“Transparency of tobacco sales data

- (1) The Secretary of State must by regulations make provision requiring every manufacturer and importer of tobacco products to publish, on a quarterly basis, data relating to the sale of tobacco products in England and Wales.
- (2) Regulations under subsection (1) must in particular include provision requiring publication of —
 - (a) the volume of sales of tobacco products, broken down by product type, brand and geographical region, and
 - (b) such other information as the Secretary of State considers appropriate for the purposes of assessing tobacco consumption and its effects on public health.
- (3) Data published under regulations under this section must be made publicly available in a format accessible to public health authorities, local authorities, and other relevant bodies.
- (4) Regulations under this section are subject to the negative resolution procedure.”

Member's explanatory statement

This amendment would require the Secretary of State to make regulations obliging tobacco companies to publish sales data, to improve transparency and support public health policy.

After Clause 9

LORD KAMALL
EARL HOWE
BARONESS GREY-THOMPSON

- 13 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
BARONESS GREY-THOMPSON

14 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
BARONESS GREY-THOMPSON

15 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.

Clause 10

LORD PARKINSON OF WHITLEY BAY
BARONESS FOX OF BUCKLEY

16 Clause 10, page 5, line 16, leave out “age of 18” and insert “voting age, as defined in section (1)(d) of the Representation of the People Act 1983 (parliamentary electors: voting age)”

Member's explanatory statement

This amendment seeks to probe the reasoning for the minimum age prescribed in Clause 10, in the light of the Government’s intention to extend the franchise to 16 and 17-year-olds.

LORD MOYLAN

17★ Clause 10, page 5, line 28, leave out “negative” and insert “affirmative”

Member's explanatory statement

This amendment provides that regulations to specify methods of customer age verification must be made by the affirmative resolution procedure.

Clause 12

LORD MOYLAN
BARONESS FOX OF BUCKLEY

18 Clause 12, page 6, line 20, at end insert –

- “(4) Subsection (1) does not apply to the sale of vaping products from vending machines located within a hospital or other healthcare premises operated by a mental health trust, where the vending machine is –
- (a) situated in an age-restricted area accessible only to patients and staff aged 18 or over, and
 - (b) operated as part of a tobacco dependency recovery service.”

Member's explanatory statement

This amendment would allow vaping products to be sold from vending machines located in mental health trust premises or healthcare settings where the machines are part of a structured tobacco dependency treatment programme, and access is restricted to individuals aged 18 or over in order to support clinical interventions for smoking cessation and harm reduction in controlled healthcare environments.

After Clause 12

LORD LANSLEY

19 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

20

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.

EARL RUSSELL
BARONESS WALMSLEY

21 After Clause 12, insert the following new Clause –

“Minimum price for vaping products

- (1) In this section, “vaping product” means –
 - (a) a device intended to enable the inhalation of nicotine-containing vapour through a mouthpiece,
 - (b) a refill container designed to be used with such a device, or
 - (c) any component or accessory intended for use with a device within paragraph (a), including cartridges, tanks, and mouthpieces, whether or not the product contains nicotine.
- (2) A person must not sell, or offer for sale, any vaping product at a price lower than £30.
- (3) The Secretary of State may by regulations amend the minimum price specified in subsection (2).
- (4) Regulations under subsection (3) 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 amendment seeks to introduce a minimum retail price of £30 for vaping products in order to reduce affordability and limit access, particularly among children and young people.

EARL RUSSELL
BARONESS GREY-THOMPSON
BARONESS WALMSLEY

22 After Clause 12, insert the following new Clause –

“Prohibition on the manufacture, supply and sale of pre-filled single-use vaping pods

- (1) A person must not manufacture, supply, or offer for sale any pre-filled nicotine pod intended and designated for use in a vaping product.

- (2) For the purposes of this section, a “pre-filled nicotine pod” means a sealed cartridge that—
 - (a) contains a nicotine-containing liquid,
 - (b) is not intended to be refilled or reused, and
 - (c) is designed for single use and disposal once the liquid is exhausted.
- (3) The prohibition in subsection (1) applies to—
 - (a) manufacturers, importers and retailers, and
 - (b) both physical and online sales and supply.”

Member's explanatory statement

This amendment prohibits the manufacture of reusable vapes which contained pre-filled nicotine pods.

VISCOUNT HANWORTH

23 After Clause 12, insert the following new Clause—

“Review: methods of age verification

- (1) Within twelve months of the day on which this Act is passed, the Secretary of State must publish a review of age verification methods for individuals purchasing tobacco products, nicotine products and vapes.
- (2) In the review under subsection (1), the Secretary of State must consider—
 - (a) the effectiveness of point-of-sale age verification for purchasing tobacco products, nicotine products and vapes, and
 - (b) the potential use of electronic age verification technology in credit and debit cards used to purchase tobacco products, nicotine products and vapes.
- (3) In preparing the review under subsection (1), the Secretary of State must consult—
 - (a) retailers,
 - (b) banks and building societies, and
 - (c) any other such persons the Secretary of State considers appropriate or relevant.
- (4) The review under subsection (1) must be laid before both Houses of Parliament.”

LORD DAVIES OF BRIXTON

24 After Clause 12, insert the following new Clause—

“Age verification policy in England

- (1) A person commits an offence if the person—
 - (a) carries on a tobacco, herbal smoking product, vaping product or nicotine product business, and

- (b) fails to operate an age verification policy in respect of premises at which the person carries on the tobacco, herbal smoking product, vaping product or nicotine product business.
- (2) Subsection (1) does not apply to premises (“the business premises”) from which –
 - (a) tobacco products, herbal smoking products, cigarette papers, vaping products or nicotine products are, in pursuance of a sale, despatched for delivery to different premises, and
 - (b) no other tobacco, herbal smoking product, vaping product or nicotine product business is carried on.
- (3) Before the specified date, an “age verification policy” is a policy that steps are to be taken to establish the age of a person attempting to buy a tobacco product, cigarette papers, a vaping product or a nicotine product on the premises (the “customer”) if it appears to the person selling the tobacco product, cigarette papers, vaping product or nicotine product that the customer may be under the age of 25 (or such older age as may be specified in the policy).
- (4) After the specified date, an “age verification policy” –
 - (a) in relation to a tobacco business or herbal smoking product business, is a policy that steps are to be taken to establish the age of a person attempting to buy a tobacco product, cigarette papers, herbal smoking product or cigarette papers on the premises (the “customer”) if it appears to the person selling the tobacco product, cigarette papers, herbal smoking product or cigarette papers that the customer may have been born on or after 1 January 2009 (or such earlier date as may be specified in the policy);
 - (b) in relation to a vaping product business or nicotine product business, is a policy that steps are to be taken to establish the age of a person attempting to buy a vaping product, or a nicotine product, on the premises (the “customer”) if it appears to the person selling the product that the customer may be under the age of 25 (or such older age as may be specified in the policy).
- (5) In relation to times before the end of 2033, the reference in subsection (4)(a) to the customer being born on or after 1 January 2009 (or such earlier date as may be specified in the policy) has effect as a reference to the customer being under the age of 25 (or such older age as may be specified in the policy).
- (6) The Secretary of State may by regulations amend the age specified in subsection (3) or (4)(b).
- (7) The Secretary of State may publish guidance on matters relating to age verification policies, including, in particular, guidance about –
 - (a) steps that should be taken to establish a customer’s age;
 - (b) documents that may be shown to the person selling a tobacco product, cigarette papers, herbal smoking product, vaping product or nicotine product as evidence of a customer’s age;
 - (c) training that should be undertaken by the person selling the tobacco product, cigarette papers, herbal smoking product, vaping product or nicotine product in relation to age verification;

- (d) the form and content of notices that should be displayed in the premises relating to age verification;
 - (e) the form and content of records that should be maintained in relation to an age verification policy.
- (8) A person who carries on a tobacco, herbal smoking product, vaping product or nicotine product business must have regard to guidance published under subsection (7) when operating an age verification policy.
- (9) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (10) Regulations under subsection (6) are subject to the affirmative resolution procedure.
- (11) In this section –
- “herbal smoking product business” means a business involving the sale of herbal smoking products by retail;
 - “nicotine product business” means a business involving the sale of nicotine products by retail;
 - “the specified date” is 1 January 2027;
 - “tobacco business” means a business involving the sale of tobacco products by retail;
 - “tobacco, herbal smoking product or vaping product business” means a business which involves any one or more of the following –
 - (a) a tobacco business,
 - (b) a herbal smoking product business, or
 - (c) a vaping product business;
 - “vaping product business” means a business involving the sale of vaping products by retail.”

Member’s explanatory statement

This new clause would introduce a requirement on businesses to operate an age verification policy covering steps to be taken to establish the age of persons attempting to buy tobacco, herbal smoking, vaping/nicotine products, or cigarette papers. It reflects provisions in place in Scotland to be amended by the Bill.

LORD DAVIES OF BRIXTON

25

After Clause 12, insert the following new Clause –

“Age verification policy in Wales

- (1) A person commits an offence if the person –
 - (a) carries on a tobacco, herbal smoking product, vaping product or nicotine product business, and
 - (b) fails to operate an age verification policy in respect of premises at which the person carries on the tobacco, herbal smoking product, vaping product or nicotine product business.
- (2) Subsection (1) does not apply to premises (“the business premises”) from which –

- (a) tobacco products, herbal smoking products, cigarette papers, vaping products or nicotine products are, in pursuance of a sale, despatched for delivery to different premises, and
 - (b) no other tobacco, herbal smoking product, vaping product or nicotine product business is carried on.
- (3) Before the specified date (see subsection (11)), an “age verification policy” is a policy that steps are to be taken to establish the age of a person attempting to buy a tobacco product, cigarette papers, a vaping product or a nicotine product on the premises (the “customer”) if it appears to the person selling the tobacco product, cigarette papers, vaping product or nicotine product that the customer may be under the age of 25 (or such older age as may be specified in the policy).
- (4) After the specified date, an “age verification policy” –
 - (a) in relation to a tobacco business or herbal smoking product business, is a policy that steps are to be taken to establish the age of a person attempting to buy a tobacco product, cigarette papers, herbal smoking product or cigarette papers on the premises (the “customer”) if it appears to the person selling the tobacco product, cigarette papers, herbal smoking product or cigarette papers that the customer may have been born on or after 1 January 2009 (or such earlier date as may be specified in the policy);
 - (b) in relation to a vaping product business or nicotine product business, is a policy that steps are to be taken to establish the age of a person attempting to buy a vaping product, or a nicotine product, on the premises (the “customer”) if it appears to the person selling the product that the customer may be under the age of 25 (or such older age as may be specified in the policy).
- (5) In relation to times before the end of 2033, the reference in subsection (4)(a) to the customer being born on or after 1 January 2009 (or such earlier date as may be specified in the policy) has effect as a reference to the customer being under the age of 25 (or such older age as may be specified in the policy).
- (6) Welsh Ministers may by regulations amend the age specified in subsection (3) or (4)(b).
- (7) Welsh Ministers may publish guidance on matters relating to age verification policies, including, in particular, guidance about –
 - (a) steps that should be taken to establish a customer’s age;
 - (b) documents that may be shown to the person selling a tobacco product, cigarette papers, herbal smoking product, vaping product or nicotine product as evidence of a customer’s age;
 - (c) training that should be undertaken by the person selling the tobacco product, cigarette papers, herbal smoking product, vaping product or nicotine product in relation to age verification;
 - (d) the form and content of notices that should be displayed in the premises relating to age verification;
 - (e) the form and content of records that should be maintained in relation to an age verification policy.

- (8) A person who carries on a tobacco, herbal smoking product, vaping product or nicotine product business must have regard to guidance published under subsection (7) when operating an age verification policy.
- (9) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (10) Regulations under subsection (6) are subject to the affirmative resolution procedure.
- (11) In this section –
 - “herbal smoking product business” means a business involving the sale of herbal smoking products by retail;
 - “nicotine product business” means a business involving the sale of nicotine products by retail;
 - “the specified date” is 1 January 2027;
 - “tobacco business” means a business involving the sale of tobacco products by retail;
 - “tobacco, herbal smoking product or vaping product business” means a business which involves any one or more of the following –
 - (a) a tobacco business,
 - (b) a herbal smoking product business, or
 - (c) a vaping product business;
 - “vaping product business” means a business involving the sale of vaping products by retail.”

Member's explanatory statement

This new clause would introduce a requirement on businesses to operate an age verification policy covering steps to be taken to establish the age of persons attempting to buy tobacco, herbal smoking, vaping/nicotine products, or cigarette papers. It reflects provisions in place in Scotland to be amended by the Bill.

Clause 13

LORD KAMALL
EARL HOWE

26

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

- 27 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.”

After Clause 15

BARONESS NORTHOVER
BARONESS WALMSLEY

- 28 After Clause 15, insert the following new Clause –
- “Prohibition of free tobacco and vape samples**
- (1) A person must not offer or provide a tobacco product or vaping product free of charge to any other person in the course of a business.
 - (2) For the purposes of this section, a product is provided “free of charge” if it is –
 - (a) given without payment or for a nominal sum, or
 - (b) provided as part of a promotion or inducement, including but not limited to “buy one, get one free” offers, gifts with purchase, or other marketing practices.
 - (3) A person who contravenes subsection (1) commits an offence.
 - (4) A person who commits an offence under this section is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
 - (5) The Secretary of State may by regulations amend the definition of “free of charge” in subsection (2) for the purposes of this section.
 - (6) Regulations under subsection (5) are to be made by statutory instrument.
 - (7) A statutory instrument containing regulations under subsection (5) 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 amendment prohibits (and creates an offence of) providing free samples of tobacco and vaping products in the course of business, with a power for the Secretary of State to amend the definition of “free of charge” by regulations subject to the affirmative procedure.

Clause 16

LORD MOTT

- 29 Clause 16, page 9, line 20, at end insert “within three months of the day on which this Section comes into force.”

Member's explanatory statement

This amendment seeks to expedite the creation of the retail licensing scheme to within three months of the day on which the section comes into force.

BARONESS MCINTOSH OF PICKERING

- 30 Clause 16, page 9, line 20, at end insert –
- “(4A) The Secretary of State must by regulations make provision for and in connection with a streamlined process for granting personal and premises licences to businesses that –
- (a) both have an alcohol premises licence and are a personal licence holder, and
 - (b) have not been subject to enforcement action in the last 12 months for actions that a licensing authority would judge as inconsistent with conditions set out in regulations.”

Member's explanatory statement

The purpose of this amendment is to acknowledge that the majority of retailers selling tobacco products and vape products do so responsibly and have robust policies in place to prevent sales to children and to prevent the sale of illicit or non-duty paid products.

LORD KAMALL
EARL HOWE

- 31 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

- 32 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 16

BARONESS BENNETT OF MANOR CASTLE

33 After Clause 16, insert the following new Clause —

“Prohibition on supply of cigarette filters in England and Wales

- (1) The Secretary of State and Welsh Ministers 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 that section.
- (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 and Welsh Ministers to make regulations which would prohibit the supply of cigarette filters or cigarettes containing cigarette filters.

EARL RUSSELL
BARONESS GREY-THOMPSON
BARONESS WALMSLEY

34 After Clause 16, insert the following new Clause —

“Prohibition on plastic filters in cigarettes

- (1) The Secretary of State must by regulations make provision prohibiting the manufacture, supply, or sale of —
 - (a) plastic filters intended for use in cigarettes, and
 - (b) cigarettes containing plastic filters.
- (2) Regulations under this section must be laid before Parliament no later than the end of the period of six months beginning with the day on which this Act is passed.
- (3) Regulations under this section may not be made unless a draft has been laid before and approved by a resolution of each House of Parliament.
- (4) In this section “plastic filter” means any cigarette filter that contains synthetic polymeric materials which are not biodegradable.”

Schedule 1

LORD KAMALL
EARL HOWE

- 35 Schedule 1, page 123, line 16, leave out sub-paragraph (2)

Member's explanatory statement

This amendment prevents the licensing authority from imposing proximity and density restrictions in licence conditions.

BARONESS MERRON

- 36 Schedule 1, page 125, line 8, leave out paragraphs (d) and (e)

Member's explanatory statement

This removes combined authorities etc from the list of local authorities that can be licensing authorities (since where a county or district council is a licensing authority its functions can be given to a combined authority under other legislation).

Clause 18

BARONESS MERRON

- 37 Clause 18, page 10, line 29, after “authority” insert “or relevant district council”

Member's explanatory statement

This amendment and my other amendments to clause 18 and Schedule 2 allow a licensing authority that is a district council but not a local weights and measures authority to impose financial penalties for breach of licensing conditions.

BARONESS MERRON

- 38 Clause 18, page 11, line 2, leave out subsection (6) and insert –

“(6) In this section –

“personal licence” has the meaning given by section 16(8);

“premises licence” has the meaning given by section 16(8);

“relevant district council” means a district council that –

(a) is specified as a licensing authority under paragraph 2 of Schedule 1, and

(b) is not a local weights and measures authority.”

Member's explanatory statement

See the explanatory statement for my amendment to clause 18, page 10, line 29.

After Clause 18

LORD BETHELL
BARONESS WALMSLEY

39 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
BARONESS WALMSLEY

40 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
BARONESS WALMSLEY

41 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).”

LORD KAMALL
EARL HOWE

42 After Clause 18, insert the following new Clause —

“Review: implications for joint licensing

Within six months of the day on which this Act is passed, the Secretary of State must publish a review on the implications of the provisions in this Act on the merits of a joint licensing scheme for tobacco and alcohol.”

Schedule 2

BARONESS MERRON

43 Schedule 2, page 125, line 24, at end insert —

- “(2) In this Schedule “relevant district council” has the meaning given by section 18(6).”

Member's explanatory statement

See the explanatory statement for my amendment to clause 18, page 10, line 29.

BARONESS MERRON

- 44 Schedule 2, page 125, line 26, after “authority” insert “or relevant district council”

Member's explanatory statement

See the explanatory statement for my amendment to clause 18, page 10, line 29.

BARONESS MERRON

- 45 Schedule 2, page 126, line 1, after “authority” insert “or relevant district council”

Member's explanatory statement

See the explanatory statement for my amendment to clause 18, page 10, line 29.

BARONESS MERRON

- 46 Schedule 2, page 126, line 6, after “authority” insert “or relevant district council”

Member's explanatory statement

See the explanatory statement for my amendment to clause 18, page 10, line 29.

BARONESS MERRON

- 47 Schedule 2, page 126, line 12, after “authority” insert “or relevant district council”

Member's explanatory statement

See the explanatory statement for my amendment to clause 18, page 10, line 29.

BARONESS MERRON

- 48 Schedule 2, page 126, line 14, after “authority” insert “or relevant district council”

Member's explanatory statement

See the explanatory statement for my amendment to clause 18, page 10, line 29.

BARONESS MERRON

- 49 Schedule 2, page 126, line 15, after “authority” insert “or council”

Member's explanatory statement

See the explanatory statement for my amendment to clause 18, page 10, line 29.

BARONESS MERRON

- 50 Schedule 2, page 126, line 25, after “authority” insert “or relevant district council”

Member's explanatory statement

See the explanatory statement for my amendment to clause 18, page 10, line 29.

BARONESS MERRON

- 51 Schedule 2, page 127, line 7, after “authority” insert “or relevant district council”

Member's explanatory statement

See the explanatory statement for my amendment to clause 18, page 10, line 29.

BARONESS MERRON

- 52 Schedule 2, page 127, line 14, after “authority” insert “or relevant district council”

Member's explanatory statement

See the explanatory statement for my amendment to clause 18, page 10, line 29.

After Schedule 2LORD BETHELL
BARONESS WALMSLEY

- 53 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
BARONESS WALMSLEY

54 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 MOTT

- 55 Clause 19, page 11, line 22, at end insert “within three months of the day on which this Section comes into force.”

Member's explanatory statement

This amendment seeks to expedite the creation of the retail licensing scheme to within three months of the day on which the section comes into force.

LORD KAMALL
EARL HOWE

- 56 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

- 57 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
BARONESS WALMSLEY

58 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
BARONESS WALMSLEY

59 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
BARONESS WALMSLEY

60 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
BARONESS WALMSLEY

61 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
BARONESS WALMSLEY

62 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 31

BARONESS MERRON

- 63 Clause 31, page 16, line 36, leave out “and” and insert “or”

Member's explanatory statement

This rectifies a minor point of drafting.

Clause 32

BARONESS MERRON

- 64 Clause 32, page 17, line 27, leave out “local weights and measures authority” and insert “relevant enforcement authority in England and local weights and measures authority in Wales”

Member's explanatory statement

My amendments to this clause, clauses 33 and 35 to 39, 44 and 47 and my new clauses inserted after clause 39 collectively ensure that the licensing provisions may be enforced in England concurrently by local weights and measures authorities and by district councils that are licensing authorities.

BARONESS MERRON

- 65 Clause 32, page 17, line 29, at end insert –

- “(1A) In this Part “relevant enforcement authority in England” means –
- (a) a local weights and measures authority in England, and
 - (b) in relation to the enforcement of sections 16 to 18 (retail licensing: England), in addition, any district council in England that –
 - (i) is specified as a licensing authority under paragraph 2 of Schedule 1, and
 - (ii) is not a local weights and measures authority.”

Member's explanatory statement

See the explanatory statement for my amendment to clause 32, page 17, line 27.

Clause 33

BARONESS MERRON

- 66 Clause 33, page 17, line 35, leave out “local weights and measures” and insert “relevant enforcement”

Member's explanatory statement

See the explanatory statement for my amendment to clause 32, page 17, line 27.

Clause 35

BARONESS MERRON

- 67 Clause 35, page 18, line 33, leave out “local weights and measures” and insert “relevant enforcement”

Member's explanatory statement

See the explanatory statement for my amendment to clause 32, page 17, line 27.

LORD KAMALL
EARL HOWE

The above-named Lords give notice of their intention to oppose the Question that Clause 35 stand part of the Bill.

Member's explanatory statement

This amendment removes the ability of the Secretary of State to take over enforcement functions from Trading Standards in specific cases.

Clause 36

BARONESS MERRON

- 68 Clause 36, page 19, line 3, leave out “local weights and measures” and insert “relevant enforcement”

Member's explanatory statement

See the explanatory statement for my amendment to clause 32, page 17, line 27.

LORD KAMALL
EARL HOWE

The above-named Lords give notice of their intention to oppose the Question that Clause 36 stand part of the Bill.

Member's explanatory statement

This amendment removes the ability of the Secretary of State to take over proceedings from Trading Standards in respect of a particular offence.

Clause 37

BARONESS MERRON

- 69 Clause 37, page 19, line 10, leave out “local weights and measures authority” and insert “relevant enforcement authority in England”

Member's explanatory statement

See the explanatory statement for my amendment to clause 32, page 17, line 27.

BARONESS MERRON

- 70 Clause 37, page 19, leave out line 17

Member's explanatory statement

See the explanatory statement for my amendment to clause 32, page 17, line 27.

BARONESS MERRON

- 71 Clause 37, page 19, leave out line 22

Member's explanatory statement

See the explanatory statement for my amendment to clause 32, page 17, line 27.

BARONESS MERRON

- 72 Clause 37, page 19, leave out line 25

Member's explanatory statement

See the explanatory statement for my amendment to clause 32, page 17, line 27.

BARONESS MERRON

- 73 Clause 37, page 19, line 30, leave out “or 20”

Member's explanatory statement

See the explanatory statement for my amendment to clause 32, page 17, line 27.

LORD UDNY-LISTER

- 74 Clause 37, page 19, line 33, leave out “must be £200” and insert “committed by a person for the first time and deemed serious by a local weights and measures authority must be

£500 if the amount is paid before the end of the period of 14 days following the date of the notice, and otherwise £1,000.

- (4A) If the fixed penalty notice is not the first notice issued to the person in respect of such an offence, the fine is —
- (a) £2,500, if it is the second fixed penalty notice so issued;
 - (b) £5,000, if it is the third fixed penalty notice so issued;
 - (c) £10,000, if it is the fourth or any subsequent fixed penalty notice so issued.”

Member's explanatory statement

This amendment seeks to create a stepped approach to fixed penalty notices based on how many times a person has been issued a notice.

BARONESS MERRON

- 75 Clause 37, page 19, line 37, leave out “local weights and measures authority” and insert “relevant enforcement authority in England”

Member's explanatory statement

See the explanatory statement for my amendment to clause 32, page 17, line 27.

BARONESS MERRON

- 76 Clause 37, page 20, line 14, leave out “local weights and measures authority” and insert “relevant enforcement authority in England”

Member's explanatory statement

See the explanatory statement for my amendment to clause 32, page 17, line 27.

After Clause 37

LORD UDNY-LISTER

- 77 After Clause 37, insert the following new Clause —

“Warning notices for first time offenders

- (1) A local weights and measures authority may issue a formal warning notice to persons who have committed offences under the sections set out in section 37(1) for the first time in lieu of a fixed penalty notice.
- (2) A warning notice under subsection (1) must outline the steps which must be taken to ensure a similar offence does not occur again.”

Member's explanatory statement

This amendment gives discretion to the competent authority to issue a warning notice to first-time offenders.

Clause 38

LORD LANSLEY

- 78 Clause 38, page 20, line 17, leave out subsections (1) and (2)

Member's explanatory statement

This amendment, and others to Clause 38 in the name of Lord Lansley, seek to allow the money from fixed penalty notices to fund Trading Standards directly, with the intention of further empowering enforcement of laws and crackdown on illegal products.

BARONESS MERRON

- 79 Clause 38, page 20, line 17, leave out “local weights and measures authority” and insert “relevant enforcement authority in England”

Member's explanatory statement

See the explanatory statement for my amendment to clause 32, page 17, line 27.

BARONESS MERRON

- 80 Clause 38, page 20, line 18, leave out “or 20”

Member's explanatory statement

See the explanatory statement for my amendment to clause 32, page 17, line 27.

BARONESS WALMSLEY

- 81 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 MERRON

- 82 Clause 38, page 20, line 19, leave out “relevant”

Member's explanatory statement

See the explanatory statement for my amendment to clause 32, page 17, line 27.

BARONESS WALMSLEY

- 83 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.

BARONESS MERRON

- 84 Clause 38, page 20, line 20, leave out from first “the” to “may” in line 21 and insert “Consolidated Fund the relevant enforcement authority in England”

Member's explanatory statement

See the explanatory statement for my amendment to clause 32, page 17, line 27.

BARONESS MERRON

- 85 Clause 38, page 20, line 25, leave out “local weights and measures authority” and insert “relevant enforcement authority”

Member's explanatory statement

See the explanatory statement for my amendment to clause 32, page 17, line 27.

LORD LANSLEY

- 86 Clause 38, page 20, line 26, leave out from “notice” to “must” on line 27

Member's explanatory statement

This amendment, and others to Clause 38 in the name of Lord Lansley, seek to allow the money from fixed penalty notices to fund Trading Standards directly, with the intention of further empowering enforcement of laws and crackdown on illegal products.

BARONESS MERRON

- 87 Clause 38, page 20, line 32, leave out subsection (4)

Member's explanatory statement

See the explanatory statement for my amendment to clause 32, page 17, line 27.

LORD LANSLEY

- 88 Clause 38, page 20, line 33, leave out from “notice” to “must” on line 34

Member's explanatory statement

This amendment, and others to Clause 38 in the name of Lord Lansley, seeks to allow the money from fixed penalty notices to fund Trading Standards directly, with the intention of further empowering enforcement of laws and crackdown on illegal products.

LORD LANSLEY
BARONESS MERRON

- 89 Clause 38, page 20, line 42, leave out from beginning to end of line 2 on page 21

Member's explanatory statement

This amendment, and others to Clause 38 in the name of Lord Lansley, seek to allow the money from fixed penalty notices to fund Trading Standards directly, with the intention of further empowering enforcement of laws and crackdown on illegal products.

Clause 39

BARONESS MERRON

- 90 Clause 39, page 21, line 5, leave out “by local weights and measures authorities in England”

Member's explanatory statement

See the explanatory statement for my amendment to clause 32, page 17, line 27.

BARONESS MERRON

- 91 Clause 39, page 21, line 10, leave out subsection (2)

Member's explanatory statement

See the explanatory statement for my amendment to clause 32, page 17, line 27.

BARONESS MERRON

- 92 Clause 39, page 21, line 16, leave out “or (2)(a)”

Member's explanatory statement

See the explanatory statement for my amendment to clause 32, page 17, line 27.

After Clause 39

BARONESS MERRON

- 93 After Clause 39, insert the following new Clause —

“Fixed penalty notices: Wales

- (1) A local weights and measures authority in Wales that has reason to believe that a person has committed an offence under, or under regulations made under, any of the following may give the person a fixed penalty notice in respect of the offence —

section 1 (sale of tobacco etc to people born on or after 1 January 2009);

section 2 (purchase of tobacco etc on behalf of others);

section 6 (age of sale notice at point of sale: Wales);

section 10 (sale of vaping or nicotine products to under 18s);
 section 11 (purchase of vaping or nicotine products on behalf of under 18s);
 section 14 (displays of products or prices in Wales);
 section 15 (free distribution and discount of products);
 section 20 (offences in connection with retail licences: Wales).

- (2) A fixed penalty notice is a notice offering a person the opportunity to discharge any liability to conviction for the offence to which the notice relates by payment of an amount specified in the notice within the relevant period.
- (3) The amount specified in a fixed penalty notice in respect of an offence under section 20 must be an amount equal to level 4 on the standard scale of fines for summary offences.
- (4) The amount specified in a fixed penalty notice in respect of any other offence must be £200.
- (5) For the purposes of this section “the relevant period” is the period of 28 days beginning with the day on which the fixed penalty notice is given.
- (6) A fixed penalty notice must explain—
 - (a) that the local weights and measures authority has reason to believe that the person has committed the offence, and why,
 - (b) the effect of subsection (7), and
 - (c) when and how payment may be made.
- (7) Where a fixed penalty notice has been given to a person (and has not been withdrawn)—
 - (a) no proceedings may be instituted for the offence before the end of the relevant period, and
 - (b) the person may not be convicted of the offence if the person pays—
 - (i) the full amount of the fixed penalty in the notice before the end of the relevant period, or
 - (ii) 50% of that amount before the end of the period of 14 days beginning with the day on which the relevant period starts.
- (8) Where proceedings are instituted for the offence after the end of the relevant period, that period is to be disregarded for the purposes of calculating the period mentioned in section 127(1) of the Magistrates’ Court Act 1980.
- (9) A fixed penalty notice given under this section may be withdrawn by the local weights and measures authority that gave it at any time before a payment is made in pursuance of the notice.”

Member’s explanatory statement

See the explanatory statement for my amendment to clause 32, page 17, line 27.

BARONESS MERRON

94 After Clause 39, insert the following new Clause –

“Fixed penalties in Wales: use of proceeds

- (1) Any sums received by a local weights and measures authority in Wales in pursuance of fixed penalty notices given in respect of offences under section 20 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 offences to which the fixed penalty notices relate, and
 - (b) the costs of issuing the notices.
- (3) Any sums received by a local weights and measures authority in Wales in pursuance of a fixed penalty notice given in respect of any offence other than an offence under section 20 must be used in connection with their functions under or under regulations made under –
 - (a) this Act;
 - (b) the Tobacco and Related Products Regulations 2016 (S.I. 2016/507);
 - (c) Part 3 of the Public Health (Wales) Act 2017.
- (4) In this section “fixed penalty notice” means a fixed penalty notice given under section (*Fixed penalty notices: Wales*).”

Member's explanatory statement

See the explanatory statement for my amendment to clause 32, page 17, line 27.

BARONESS MERRON

95 After Clause 39, insert the following new Clause –

“Power to change amount of fixed penalties: Wales

- (1) The Welsh Ministers may by regulations amend section (*Fixed penalty notices: Wales*) in relation to the giving of fixed penalty notices in respect of any offence other than an offence under section 20 so as to –
 - (a) change the amount which must be specified in notices, or
 - (b) change the percentage discount for early payment.
- (2) The amount mentioned in subsection (1)(a) must not be changed to an amount that exceeds level 3 on the standard scale of fines for summary offences.
- (3) Regulations under this section are subject to the affirmative resolution procedure.”

Member's explanatory statement

See the explanatory statement for my amendment to clause 32, page 17, line 27.

Schedule 5

LORD MURRAY OF BLIDWORTH
LORD STRATHCARRON

- 96 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 seeks to remove the generational ban on handing over tobacco products in Wales by raising the age to 21.

LORD MURRAY OF BLIDWORTH
LORD STRATHCARRON

- 97 Schedule 5, page 133, line 21, leave out “born on or after 1 January 2009” and insert “under the age of 21”

LORD MURRAY OF BLIDWORTH
LORD STRATHCARRON

- 98 Schedule 5, page 133, line 26, leave out “born before 1 January 2009” and insert “over the age of 21”

LORD MURRAY OF BLIDWORTH
LORD STRATHCARRON

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

LORD MURRAY OF BLIDWORTH
LORD STRATHCARRON

- 100 Schedule 5, page 134, line 14, leave out “born on or after 1 January 2009” and insert “under the age of 21”

Clause 44

BARONESS MERRON

- 101 Clause 44, page 22, line 26, leave out “section 37(1) and (3)” and insert “section (*Fixed penalty notices: Wales*)(1) and (3)”

Member's explanatory statement

See the explanatory statement for my amendment to clause 32, page 17, line 27.

Clause 45

THE EARL OF LINDSAY

- 102 Clause 45, page 23, line 5, at end insert “subject to section (*Impact assessment before further regulation of certain tobacco products*)”

LORD VAIZEY OF DIDCOT
BARONESS FOX OF BUCKLEY

- 103 Clause 45, page 23, line 6, leave out subsection (2) and insert –
- “(2) Before making regulations under this section the Secretary of State must –
- (a) commission an independent report to –
 - (i) assess the harm to human health associated with the use of tobacco related devices, and
 - (ii) assess the relative harm of tobacco related devices compared to cigarettes;
 - (b) publish that report;
 - (c) consult any persons the Secretary of State considers it appropriate to consult.
- (2A) The Secretary of State may not make regulations under this section unless the Secretary of State is satisfied that the report under subsection (2) demonstrates that there is significant risk of harm to human health associated with the use of tobacco related devices.”

Member's explanatory statement

This amendment requires the Secretary of State to undertake research into the potential harms posed by heated tobacco before extending the provisions in Part 1 to such devices.

After Clause 45

THE EARL OF LINDSAY

- 104 After Clause 45, insert the following new Clause –
- “Impact assessment before commencement of provisions relating to certain tobacco products**
- (1) No provision of this Act which applies to handmade cigars, pipe tobacco or nasal tobacco may come into force until the Secretary of State has published an impact assessment under this section.
 - (2) The impact assessment must include, but need not be limited to –
 - (a) an assessment of the likely economic impact of this Act on small businesses and specialist retailers selling such products;
 - (b) an assessment of the expected public health impact of applying this Act to such products; and

- (c) an analysis of whether alternative legislative or regulatory measures would be more appropriate for such products.
- (3) The impact assessment must consider the views of specialist retailers, distributors and producers.
- (4) The Secretary of State must lay the impact assessment before Parliament as soon as practicable after it is published.”

Member's explanatory statement

This new Clause would prevent any provision of the Bill from coming into force in relation to handmade cigars, pipe tobacco or nasal tobacco until the Secretary of State has completed and published an impact assessment on the economic and public health effects of applying the Bill to those products. The purpose is to ensure that any extension of the Bill's measures to these products is informed by proper evidence before implementation.

THE EARL OF LINDSAY

105 After Clause 45, insert the following new Clause –

“Impact assessment before further regulation of certain tobacco products

- (1) The Secretary of State may not make any regulations under section 45(1) which would have effect in relation to handmade cigars, pipe tobacco or nasal tobacco unless an impact assessment has been published in accordance with this section.
- (2) The impact assessment must include, but need not be limited to –
 - (a) an assessment of the likely economic impact of any such regulations on small businesses and specialist retailers;
 - (b) an assessment of the expected public health impact of any such regulations; and
 - (c) an analysis of whether alternative legislative or regulatory measures would be more appropriate for such products.
- (3) The impact assessment must consider the views of specialist retailers, distributors and producers.
- (4) The Secretary of State must lay the impact assessment before Parliament prior to making any such regulations.”

Member's explanatory statement

This new Clause would prevent the Secretary of State from exercising the power in Clause 45(1) to change the provisions of the Act so far as they pertain to handmade cigars, pipe tobacco or nasal tobacco unless an impact assessment has first been completed and published. The assessment would inform Ministers as to the most appropriate form of any further regulation for these products.

Clause 47

THE EARL OF LINDSAY
LORD MENDELSON
LORD FOX

106 Clause 47, page 23, line 28, at end insert –

““handmade cigar” means a tobacco product that –

- (a) can be consumed by means of a combustion process and, given its properties and normal consumer expectations, is exclusively intended to be smoked as it is,
- (b) is constructed entirely manually and without the use of automated processes,
- (c) has an outer wrapper made entirely of natural tobacco,
- (d) has a binder made entirely of natural tobacco,
- (e) contains no reconstituted tobacco or homogenised tobacco product, and
- (f) does not contain a filter or any filtration mechanism;”

LORD SHARPE OF EPSOM

107 Clause 47, page 23, line 28, at end insert –

““heated tobacco product” means a product which is heated to produce an emission containing nicotine and other chemicals, which is then inhaled by the user;”

Member's explanatory statement

This amendment aligns heated tobacco products with other smoke-free products such as vapes and aligns it with the existing definition in The Tobacco and Related Products (Amendment) (Northern Ireland) Regulations 2023.

THE EARL OF LINDSAY
LORD MENDELSON
LORD FOX

108 Clause 47, page 23, line 35, at end insert –

““nasal tobacco” means a smokeless tobacco product that can be consumed via the nose;”

THE EARL OF LINDSAY
LORD MENDELSON
LORD FOX

109 Clause 47, page 23, line 36, at end insert –

““pipe tobacco” means tobacco that –

- (a) can be consumed by means of a combustion process, and

(b) is exclusively intended for use in a pipe;”

BARONESS MERRON

110 Clause 47, page 24, line 1, at end insert —

““relevant enforcement authority in England” has the meaning given by section 32(1A)”

Member's explanatory statement

See the explanatory statement for my amendment to clause 32, page 17, line 27.

LORD KAMALL
EARL HOWE

111 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;”

THE EARL OF LINDSAY
LORD MOYLAN
LORD MENDELSON
LORD FOX

112 Clause 47, page 24, line 6, leave out from “intended” to end of line 7 and insert “for human consumption, excluding —

- “(a) handmade cigars,
- (b) pipe tobacco, and
- (c) nasal tobacco.”

LORD SHARPE OF EPSOM

113 Clause 47, page 24, line 6, delete “or consumed in any other way”

Member's explanatory statement

This amendment excludes a tobacco product which is intended to be consumed in a way that is not smoking, sniffing, sucking or chewing from the measures in Part 1 of the Bill.

LORD SHARPE OF EPSOM

- 114 Clause 47, page 24, line 10, leave out “(for example, a heated tobacco device or pipe)”

Clause 49

LORD MURRAY OF BLIDWORTH
BARONESS MEYER
LORD STRATHCARRON

- 115 Clause 49, page 25, line 15, leave out “born on or after 1 January 2009” and insert “under the age of 21”

Member's explanatory statement

This amendment seeks to remove the generational ban for tobacco products in Scotland by raising the age of sale to 21.

LORD MURRAY OF BLIDWORTH
BARONESS MEYER
LORD STRATHCARRON

- 116 Clause 49, page 25, line 18, leave out “born on or after 1 January 2009” and insert “under the age of 21”

LORD MURRAY OF BLIDWORTH
BARONESS MEYER
LORD STRATHCARRON

- 117 Clause 49, page 25, line 22, leave out “born on or after 1 January 2009” and insert “under the age of 21”

LORD MURRAY OF BLIDWORTH
BARONESS MEYER
LORD STRATHCARRON

- 118 Clause 49, page 25, line 24, leave out subsection (3)

LORD MURRAY OF BLIDWORTH
BARONESS MEYER
LORD STRATHCARRON

- 119 Clause 49, page 26, line 11, leave out “born on or after 1 January 2009” and insert “under the age of 21”

LORD MURRAY OF BLIDWORTH
BARONESS MEYER
LORD STRATHCARRON

- 120 Clause 49, page 26, line 13, leave out “born on or after 1 January 2009” and insert “under the age of 21”

LORD MURRAY OF BLIDWORTH
BARONESS MEYER
LORD STRATHCARRON

- 121 Clause 49, page 26, line 16, leave out “born on or after 1 January 2009” and insert “under the age of 21”

After Clause 60

LORD LANSLEY

- 122 After Clause 60, insert the following new Clause —

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

- (1) The Scottish Ministers may make regulations making it an offence for a tobacco retailer who sells vapes on premises in Scotland to sell vapes that do not contain approved age-gating technology.
- (2) The Scottish 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 Scottish Ministers 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 Scottish Ministers must consult any persons the Scottish Ministers considers it appropriate to consult.
- (6) Regulations under this section are subject to the affirmative resolution procedure.”

Member's explanatory statement

This amendment would enable regulations to require vapes to incorporate age-verification technology and provide for its use.

Schedule 9

LORD BETHELL
BARONESS WALMSLEY

- 123** Schedule 9, page 145, line 5, at end insert—

“(ca) a vaping product distribution business;”

LORD BETHELL
BARONESS WALMSLEY

- 124** Schedule 9, page 145, line 6, at end insert—

“(e) a nicotine product distribution business.”

LORD BETHELL
BARONESS WALMSLEY

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

Clause 68

LORD MURRAY OF BLIDWORTH
BARONESS MEYER
LORD STRATHCARRON

- 126** Clause 68, page 35, line 33, leave out “born on or after 1 January 2009” and insert “under the age of 21”

Member's explanatory statement

This amendment seeks to remove the generational ban for tobacco products in Northern Ireland by raising the age of sale to 21.

LORD MURRAY OF BLIDWORTH
BARONESS MEYER
LORD STRATHCARRON

- 127 Clause 68, page 36, line 6, leave out “born before 1 January 2009” and insert “over the age of 21”

Clause 69

LORD MURRAY OF BLIDWORTH
LORD STRATHCARRON

- 128 Clause 69, page 36, line 16, leave out “born on or after 1 January 2009” and insert “under the age of 21”

LORD MURRAY OF BLIDWORTH
LORD STRATHCARRON

- 129 Clause 69, page 36, line 19, leave out “born on or after 1 January 2009” and insert “under the age of 21”

LORD MURRAY OF BLIDWORTH
LORD STRATHCARRON

- 130 Clause 69, page 36, line 26, leave out “born on or after 1 January 2009” and insert “under the age of 21”

Clause 72

LORD MURRAY OF BLIDWORTH
BARONESS MEYER
LORD STRATHCARRON

- 131 Clause 72, page 37, line 28, leave out “born on or after 1 January 2009” and insert “under the age of 21”

After Clause 78

LORD LANSLEY

- 132 After Clause 78, insert the following new Clause —

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

- (1) A Northern Ireland department may make regulations making it an offence for a tobacco retailer who sells vapes on premises in Northern Ireland to sell vapes that do not contain approved age-gating technology.

- (2) A Northern Ireland department 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) A Northern Ireland department 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 a Northern Ireland department must consult any persons that the Northern Ireland department consider it appropriate to consult.
- (6) Regulations under this section are subject to the affirmative resolution procedure.”

Member's explanatory statement

This amendment would enable regulations to require vapes to incorporate age-verification technology and provide for its use.

Schedule 10

LORD BETHELL
BARONESS WALMSLEY

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

“(ba) a vaping product distribution business;”

LORD BETHELL
BARONESS WALMSLEY

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

“(d) a nicotine product distribution business.”

LORD BETHELL
BARONESS WALMSLEY

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

After Clause 84

LORD BETHELL
BARONESS WALMSLEY

- 136 After Clause 84, insert the following new Clause—

“Prohibition of distribution 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
BARONESS WALMSLEY

137 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
BARONESS WALMSLEY

138 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 authoirty”) which is to grant licences.

Grant of license

- 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 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 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

- 139 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

140 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 90

LORD RENNARD
BARONESS WALMSLEY

141 Clause 90, page 51, line 7, after “trademarks” insert, “, markings containing health warnings”

Member's explanatory statement

This amendment is linked to another amendment in Lord Rennard's name which enables regulations to be made requiring health warnings to be marked on individual cigarettes and cigarette papers.

LORD MOTT

142 Clause 90, page 51, line 11, leave out “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.

After Clause 90

LORD RENNARD
BARONESS WALMSLEY

143 After Clause 90, insert the following new Clause –

“Mandatory health warnings on cigarettes and cigarette rolling papers: consultation

- (1) In developing regulations under section 90, the Secretary of State must consult on draft regulations which would, if made, include a requirement on producers of tobacco products and cigarette papers to print health warnings on individual cigarettes and individual cigarette papers.
- (2) In this section, “cigarette papers” and “tobacco product” have the same meaning as in section 111 of this Act.”

Member's explanatory statement

This new clause commits the government to consult on regulations under clause 90 requiring the placing of specified health warnings on cigarettes and rolling papers by tobacco manufacturers and importers.

Clause 91

LORD MOYLAN

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

BARONESS FOX OF BUCKLEY

145 Clause 91, page 51, line 36, leave out subsection (4) and insert –

- “(4) Before introducing regulations under this section, the Secretary of State must commission an independent report on the impact of the single-use vape ban from 1 June 2025 and predicted impact on any measures proposed on the attractiveness of products to persons under the age of 18 and the likely impact of the measures on the availability of products to persons over the age of 18 who smoke but who wish to cease smoking.
- (4A) The report must be laid before both Houses of Parliament and the Secretary of State must issue a consultation on the findings of the report and any proposed regulations under this section.”

Member's explanatory statement

These new subsections make provision about the making of regulations under clauses 91 including the need to assess the impact of said regulations on the vaping market and conduct a consultation on proposed regulations under this section and the single-use, disposable vape ban.

After Clause 91

EARL RUSSELL
BARONESS WALMSLEY

146 After Clause 91, insert the following new Clause –

“Definition of vaping flavour

The Secretary of State must, within six months of the day on which this Act is passed, publish a statement setting out the criteria by which a vaping product is considered to have a “flavour”, including but not limited to –

- (a) the ingredients or additives used to produce a corresponding taste or aroma,
- (b) the methods by which flavour is imparted or presented in the product, whether through liquid composition or packaging,
- (c) the differentiation between tobacco and non-tobacco flavours, and
- (d) any threshold or standard for determining the presence or prominence of a flavour.”

Member's explanatory statement

This probing amendment seeks to clarify how the Government intends to define a "flavour" in the context of vaping products, and to understand how such a definition will inform any future regulation or restriction of flavoured vapes.

Clause 92

LORD MOYLAN

147 Clause 92, page 52, line 19, at end insert –

- “(5) The Secretary of State may, through guidelines, make provision about the nature and amount of the substances that may be released into the body of a person using government funded stop smoking services which entail –
- (a) vaping products;
 - (b) nicotine products.”

Clause 95

BARONESS NORTHOVER

148★ Clause 95, page 54, line 14, leave out "may" and insert "must"

Clause 103

BARONESS MERRON

149 Leave out Clause 103 and insert the following new Clause –

“Enforcement

- (1) Regulations under this Part may include provision about enforcement.
- (2) The provision that may be made about enforcement includes –
 - (a) provision conferring functions on the relevant enforcement authorities;
 - (b) provision for the appropriate national authority to –
 - (i) direct, in relation to cases of a particular description or a particular case, that any function conferred on a relevant enforcement authority by virtue of the regulations is to be carried out by the appropriate national authority and not by the relevant enforcement authority;
 - (ii) take over the conduct of any proceedings from a relevant enforcement authority in respect of an offence under this Part.
- (3) The provision that may be made about enforcement includes –
 - (a) provision conferring on a relevant enforcement authority the power to prohibit a person, for a period of up to 6 months, from supplying a product, if the authority has reasonable grounds to suspect that there has been a breach of regulations under this Part in relation to that product;
 - (b) provision for the forfeiture of products –
 - (i) in England and Wales or Northern Ireland, by court order;
 - (ii) in Scotland, by order of a sheriff;
 - (c) provision similar or corresponding to section 88 (HMRC seizure powers).
- (4) Provision made by virtue of subsection (3)(a) may include –
 - (a) provision for compensation to be payable by a relevant enforcement authority in specified circumstances;
 - (b) provision about the resolution of disputes about compensation.
- (5) Regulations under this section may include provision conferring jurisdiction on a court or tribunal, including –
 - (a) provision conferring jurisdiction to order a person to reimburse a relevant enforcement authority’s expenditure in specified circumstances;
 - (b) provision about appeals.
- (6) In this section –
 - “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, and
 - (d) in relation to Northern Ireland, the Department of Health;
 - “relevant enforcement authority” means –

- (a) in relation to England, a local weights and measures authority,
 - (b) in relation to Wales, a local weights and measures authority,
 - (c) in relation to Scotland, a local weights and measures authority,
and
 - (d) in relation to Northern Ireland, a district council;
- “supplying” includes—
- (a) agreeing to supply;
 - (b) offering or exposing for supply.”

Member's explanatory statement

This is intended to replace clause 103. Clause 103(2) allows regulations to apply enforcement provisions in the Consumer Protection Act 1987. The Product Regulation and Metrology Act 2025 repeals those provisions. The new clause recasts, and narrows, the powers in a way that avoids referring to the 1987 Act.

Clause 109

LORD KAMALL
EARL HOWE

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

LORD KAMALL
EARL HOWE

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

LORD KAMALL
EARL HOWE

- 152** Clause 109, page 60, leave out line 13 and insert—

- “(a) the producers of a relevant product or representatives of the producers 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.
- (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) For the purposes of this section a person is a “producer of a relevant product” if in the course of business and with a view to the product being supplied for consumption in any part of the United Kingdom or through the travel retail sector, the person—

- (a) manufactures a relevant product,
 - (b) puts a name, trade mark or other distinguishing mark on a relevant product by which the person is held out to be its manufacturer or originator, or
 - (c) imports a relevant product into any part of the United Kingdom.
- (5) For the purposes of subsection (4) 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

153 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 110

LORD LANSLEY

154 After Clause 110, insert the following new Clause –

“Industry self-regulation

Insofar as the Secretary of State makes regulation under this Part relating to vaping products or nicotine products, they may have regard to the availability of relevant codes of practice, guidance or standards made by independent self-regulatory bodies which are supported by representative industry bodies and may provide for a self-regulatory body to exercise functions relating to provisions under these regulations.”

Member's explanatory statement

This new clause seeks to enable the Secretary of State to take advantage of self-regulatory initiatives relating to vaping & nicotine products in implementing part 5 of the Act.

Clause 111

LORD MOTT

- 155 Clause 111, page 60, line 35, after second “products” insert “(including filter tips)”

Member's explanatory statement

The amendment clarifies the definitions of products in Part 5 of the Bill, which serve as product definitions in Part 6 of the Bill, relating to advertising and sponsorship. Specifically, amending the definition of “cigarette papers” in Part 5 ensures that filter tips are explicitly listed in the Bill and fall within the scope of the provisions on advertising and sponsorship in Part 6.

THE EARL OF LINDSAY
LORD MENDELSON
LORD FOX

- 156 Clause 111, page 60, line 36, at end insert —

““handmade cigar” means a tobacco product that —

- (a) can be consumed by means of a combustion process and, given its properties and normal consumer expectations, is exclusively intended to be smoked as it is;
- (b) is constructed entirely manually and without the use of automated processes;
- (c) has an outer wrapper made entirely of natural tobacco;
- (d) has a binder made entirely of natural tobacco;
- (e) contains no reconstituted tobacco or homogenised tobacco product; and
- (f) does not contain a filter or any filtration mechanism.”

THE EARL OF LINDSAY
LORD MENDELSON
LORD FOX

- 157 Clause 111, page 61, line 9, at end insert —

““nasal tobacco” means a smokeless tobacco product that can be consumed via the nose;”

THE EARL OF LINDSAY
LORD MENDELSON
LORD FOX

- 158 Clause 111, page 61, line 15, at end insert —

““pipe tobacco” means tobacco that —

- (a) can be consumed by means of a combustion process, and
- (b) is exclusively intended for use in a pipe;”

THE EARL OF LINDSAY
LORD MOYLAN
LORD MENDELSON
LORD FOX

- 159 Clause 111, page 61, line 28, leave out from “intended” to end of line 29 and insert “for human consumption, excluding –

- “(a) handmade cigars,
- (b) pipe tobacco, and
- (c) nasal tobacco;”

Clause 113

LORD UDNY-LISTER

- 160 Clause 113, page 62, line 35, leave out sub-paragraphs (iv) and (v)

Clause 114

LORD UDNY-LISTER

- 161 Clause 114, page 63, line 24, leave out sub-paragraphs (iv) and (v)

Member's explanatory statement

This amendment seeks to exclude vapes and nicotine products from the prohibition on publishing and advertising.

Clause 115

LORD UDNY-LISTER

- 162 Clause 115, page 64, line 8, leave out sub-paragraphs (iv) and (v)

Clause 116

LORD UDNY-LISTER

- 163 Clause 116, page 64, line 37, leave out sub-paragraphs (iv) and (v)

Clause 117

LORD UDNY-LISTER

- 164 Clause 117, page 65, line 22, leave out sub-paragraphs (iv) and (v)

LORD UDNY-LISTER

- 165 Clause 117, page 65, line 37, leave out sub-paragraphs (iv) and (v)

Clause 118

LORD UDNY-LISTER

- 166 Clause 118, page 66, line 26, leave out sub-paragraphs (iv) and (v)

Clause 119LORD KAMALL
EARL HOWE

- 167 Clause 119, page 67, line 40, at end insert –

“(d) it is intended to promote a vaping product as a smoking cessation tool.”

Member's explanatory statement

This amendment would ensure that vapes are able to be promoted as a smoking cessation tool and public health measure.

LORD MOYLAN
BARONESS FOX OF BUCKLEY

- 168 Clause 119, page 67, line 40, at end insert –

“(d) 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 the advertising of vaping or nicotine products within locations where it is reasonable to expect that everyone present is over 18.

After Clause 120LORD KAMALL
EARL HOWE

- 169 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.

LORD MOYLAN
BARONESS FOX OF BUCKLEY

170 After Clause 120, insert the following new Clause –

“Specialist vaping retailers

- (1) Nothing in this Act prevents a specialist vaping retailer from making available, through an online service, information about vaping products or related accessories, provided that –
 - (a) the communication is directed only to individuals aged 18 or over,
 - (b) reasonable steps are taken to assess age before access to promotional content, and

- (c) the communication is intended to promote informed choice among adult smokers or vapers.
- (2) For the purposes of determining whether a shop is a specialist vaping retailer, the retailer must demonstrate that at least seventy percent of their total sales derive from the sale of vaping products during —
 - (a) the most recent period of 12 months for which accounts are available, or
 - (b) 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 amendment would permit specialist vaping retailers to communicate information about their products online to an adult-only audience, subject to appropriate age-verification safeguards. It recognises that responsible online communications are vital for adult smokers seeking to access harm reduction products and ensures that legitimate specialist businesses.

After Clause 121

BARONESS NORTHOVER
BARONESS WALMSLEY

171 After Clause 121, insert the following new Clause —

“Regulations: vaping advertisements

- (1) The Secretary of State may by regulations impose prohibitions, requirements or limitations on persons in relation to —
 - (a) the advertising, promotion or marketing of vaping products in England;
 - (b) the content, format, and placement of such advertisements, including their appearance in physical premises, broadcast media, online platforms, or other public communications;
 - (c) the advertising of vaping products in a manner likely to appeal to children, non-smokers, or other persons for whom use of such products is not intended.
- (2) Regulations under this section must have regard to the role of vaping products as a smoking cessation tool for existing smokers.
- (3) Regulations under this section may —
 - (a) make different provision for different types of vaping products, modes of advertising, or categories of advertiser;
 - (b) provide for exemptions or exceptions, including for advertising conducted by or on behalf of public health authorities, NHS bodies, or registered smoking cessation services.
- (4) Regulations under this section are to be made by statutory instrument.
- (5) A statutory instrument containing 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 amendment enables the Secretary of State to regulate vaping product advertising in England, with regard to their role in smoking cessation and allowing exemptions for public health or cessation campaigns.

LORD UDNY-LISTER
LORD MOYLAN

172

After Clause 121, insert the following new Clause –

“Advertising of vaping, nicotine and heated tobacco products: consultation and prohibition

- (1) The Secretary of State must, within six months of the day on which this Act is passed, make provision by regulations to prohibit the –
 - (a) publishing,
 - (b) designing,
 - (c) printing, or
 - (d) distributionof advertising of a relevant product, or the causing of the same, or the provision of an internet service for publishing or distributing such advertising.
- (2) Before making regulations under this section the Secretary of State must consult –
 - (a) the producers of a relevant product or representatives of the producers 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.
- (3) Consultation under this section must include a call for evidence.
- (4) The Secretary of State must have due regard to all views received as part of any consultation under this section.
- (5) For the purposes of this section a person is a “producer of a relevant product” if in the course of business and with a view to the product being supplied for consumption in any part of the United Kingdom or through the travel retail sector, the person –
 - (a) manufactures a relevant product,
 - (b) puts a name, trade mark or other distinguishing mark on a relevant product by which the person is held out to be its manufacturer or originator, or
 - (c) imports a relevant product into any part of the United Kingdom.
- (6) For the purposes of subsection (5) a “relevant product” means –
 - (a) vaping products,
 - (b) nicotine products,
 - (c) heated tobacco products, or
 - (d) heated tobacco related devices.

(7) Regulations under this section are subject to the affirmative resolution procedure.”

Member's explanatory statement

This amendment, connected with others in the name of Lord Udny-Lister, would require the Secretary of State to prohibit advertising of vaping, nicotine and heated tobacco products following consultation and consideration of the impact on businesses.

Clause 124

LORD UDNY-LISTER

173

Clause 124, page 72, line 2, leave out sub-paragraphs (iii) and (iv)

Member's explanatory statement

This amendment seeks to exclude vapes and nicotine products from the prohibition on sponsorship.

Clause 129

LORD KAMALL
EARL HOWE

The above-named Lords give notice of their intention to oppose the Question that Clause 129 stand part of the Bill.

Member's explanatory statement

This amendment removes the ability of the Secretary of State to take over enforcement functions relating to advertising offences from Trading Standards in specific cases.

Clause 130

LORD KAMALL
EARL HOWE

The above-named Lords give notice of their intention to oppose the Question that Clause 130 stand part of the Bill.

Member's explanatory statement

This amendment removes the ability of the Secretary of State to take over proceedings relating to advertising offences from Trading Standards in respect of a particular offence.

After Clause 132

LORD KAMALL
EARL HOWE

174 After Clause 132, insert the following new Clause –

“Consultation

- (1) Before the end of the period of six months beginning on the day this Act is passed, the Secretary of State must consult on the provisions of this Part relating to relevant products with the persons specified in subsection (2).
- (2) The Secretary of State must consult –
 - (a) persons who, in the opinion of the Secretary of State, represent retailers of relevant products,
 - (b) persons who, in the opinion of the Secretary of State, represent producers of relevant products,
 - (c) NHS smoking cessation services,
 - (d) persons who, in the opinion of the Secretary of State, represent consumers of relevant products, and
 - (e) any other person the Secretary of State considers appropriate.
- (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) a person is a “producer of a relevant product” if, in the course of business and with a view to the product being supplied for consumption in any part of the United Kingdom or through the travel retail sector, the person –
 - (i) manufactures a relevant product,
 - (ii) puts a name, trade mark or other distinguishing mark on a relevant product by which the person is held out to be its manufacturer or originator, or
 - (iii) imports a relevant product into any part of the United Kingdom;
 - (b) a person is a “retailer of a relevant product” if the person carries on a business involving the sale of relevant products by retail;
 - (c) “relevant product” means –
 - (i) vaping products, or
 - (ii) nicotine products.”

Member's explanatory statement

This amendment would require the Secretary of State to consult on the advertising ban on vaping and nicotine products.

Clause 135

LORD KAMALL
EARL HOWE

- 175 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

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

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

LORD UDNY-LISTER

- 177 Clause 135, page 76, line 33, at end insert “or an uncovered hospitality venue.”

Member's explanatory statement

This amendment restricts the Secretary of State's power to designate uncovered hospitality venues as smoke-free places.

LORD KAMALL
EARL HOWE

- 178 Clause 135, page 77, line 11, leave out from “must” to end of line 12 and insert –

- “(a) be satisfied that there is significant risk of harm to people occupying the place the Secretary of State proposes to designate as smoke-free,
 - (b) collect and publish evidence that demonstrates that there is significant risk of harm to people occupying the place the Secretary of State proposes to designate as smoke-free, and
 - (c) consult and consider the views of persons that control or are concerned in the management of the place the Secretary of State proposes to designate as smoke-free.
- (5) The Secretary of State may designate a place or description of place under this section only if in the Secretary of State's opinion there is a significant risk that, without a designation, persons present there would be exposed to significant quantities of smoke.”

LORD KAMALL
EARL HOWE

179 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.

After Clause 136

LORD FAULKNER OF WORCESTER

180 After Clause 136, insert the following new Clause –

“Specialist tobacconists: removal of exemption from smoke-free premises legislation

Regulation 7 of the Smoke-free (Exemptions and Vehicles) Regulations (S.I. 2007/765) is revoked.”

Member’s explanatory statement

This amendment seeks to remove the sampling exemption to smoke-free legislation for specialist tobacconists, which currently enables cigar lounges to operate.

Clause 138

LORD KAMALL
EARL HOWE

181 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 UDNY-LISTER

182 Clause 138, page 79, line 4, at end insert –

- “(2A) The Secretary of State must by regulations designate schools and colleges in England as vape-free.”

Member's explanatory statement

This amendment seeks to ensure that all schools and colleges in England are designated as vape-free.

LORD KAMALL
EARL HOWE

183 Clause 138, page 79, line 14, at end insert –

- “(4A) The regulations may not designate as vape-free a hospital, or that part of a hospital, that provides mental health services.”

Member's explanatory statement

This amendment prevents the Secretary of State from designating mental health trusts as vape-free places.

LORD KAMALL
EARL HOWE

184 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.

LORD UDNY-LISTER

Lord Udny-Lister gives notice of his intention to oppose the Question that Clause 138 stand part of the Bill.

Member's explanatory statement

Lord Udny-Lister seeks to leave out provision conferring power on the Secretary of State to prohibit the use of vapes in certain areas.

Clause 139

LORD UDNY-LISTER

185 Clause 139, page 82, line 32, at end insert —

(c) an uncovered hospitality venue.”

Member's explanatory statement

This amendment restricts the Secretary of State's power to designate uncovered hospitality venues as heated tobacco-free places.

LORD UDNY-LISTER

Lord Udny-Lister gives notice of his intention to oppose the Question that Clause 139 stand part of the Bill.

Member's explanatory statement

Lord Udny-Lister seeks to leave out provision conferring power on the Secretary of State to prohibit the use of heated tobacco in certain areas.

After Clause 140

BARONESS NORTHOVER
BARONESS WALMSLEY

186 After Clause 140, insert the following new Clause —

“Local authority pavement licences

(1) The Business and Planning Act 2020 is amended as follows.

(2) In section 5 (conditions), after subsection (6) insert —

“(6A) Pavement licences may only be granted by a local authority subject to the condition that smoking is prohibited.””

Member's explanatory statement

This amendment would ensure that all future pavement licences granted by local authorities are smoke free.

LORD UDNY-LISTER

187 After Clause 140, insert the following new Clause —

“Duty to implement and enforce vape-free policies in schools

- (1) Schools and colleges in England must implement and enforce a vape-free policy to maximise compliance with the designation of schools and colleges in England as vape-free.
- (2) Each school or college’s policy must mandate —
 - (a) signage and verbal reminders alerting visitors to a school or college premise’s vape-free designation,
 - (b) health education for pupils on vaping, and
 - (c) appropriate internal sanctions for pupils and staff who vape on school premises.”

Member's explanatory statement

This amendment, connected with another in the name of Lord Udny-Lister, would require schools and colleges to be proactive in implementing policies which would prohibit staff, students and visitors vaping on school premises.

After Clause 157

LORD KAMALL
EARL HOWE

188 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

189 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

190 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 products

that 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

191 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
LORD RENNARD
BARONESS FINLAY OF LLANDAFF

192 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
BARONESS NORTHOVER
BARONESS GREY-THOMPSON

193 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.

EARL RUSSELL
BARONESS WALMSLEY

194 After Clause 157, insert the following new Clause –

“Tobacco company profits levy

- (1) The Secretary of State must by regulations make provision for the imposition of a levy on the profits of companies deriving income from the manufacture or sale of tobacco products.
- (2) Regulations under this section must provide that –
 - (a) the levy is to be paid annually by companies to which it applies;
 - (b) the amount payable is to be calculated by reference to profits attributable to the manufacture or sale of tobacco products in the United Kingdom;
 - (c) the funds generated by the levy are to be paid into a dedicated fund held by the Department of Health and Social Care.
- (3) The Secretary of State must ensure that all funds raised through the levy are used solely for –
 - (a) smoking cessation services,
 - (b) public health campaigns related to tobacco harm reduction, and
 - (c) healthcare services for people affected by smoking-related illnesses.
- (4) Statutory instruments containing regulations under this section are subject to the affirmative resolution procedure.”

Member's explanatory statement

This new clause would require the Secretary of State to establish a levy on the profits of tobacco companies, with the proceeds ring-fenced for smoking cessation and related health services.

EARL RUSSELL
BARONESS WALMSLEY

195 After Clause 157, insert the following new Clause –

“Review of the operation of this Act at the age of 21 threshold

- (1) The Secretary of State must, within six months of 1 July 2030, conduct and publish a review of the operation and impact of this Act in relation to individuals born on or after 1 January 2009, when such individuals reach the age of 21.
- (2) The review may assess –
 - (a) the effectiveness of this Act in promoting the cessation of tobacco and nicotine use among this cohort;
 - (b) the extent to which the provisions of this Act have contributed to reducing the prevalence of tobacco and nicotine consumption;
 - (c) any unintended consequences, including impacts on enforcement, health disparities, or the emergence of illicit or unregulated markets;
 - (d) the impact of the Act on cessation programmes and strategies.”

Member's explanatory statement

This probing amendment requires a review, to be published within six months of 1 July 2030, assessing the effectiveness of the Act in promoting the cessation of tobacco and nicotine use among those born after 1 January 2009 when they turn 21, including the impact on enforcement, health inequalities, and whether further legislative changes are needed.

EARL RUSSELL
BARONESS WALMSLEY

196 After Clause 157, insert the following new Clause –

“Review of the operation of this Act at the age of 25 threshold

- (1) The Secretary of State must, within six months of 1 July 2034, conduct and publish a comprehensive review of the operation and impact of this Act in relation to individuals born on or after 1 January 2009, when such individuals reach the age of 25.
- (2) The review may assess –
 - (a) the effectiveness of this Act in promoting the cessation of tobacco and nicotine use among this cohort;
 - (b) the extent to which the provisions of this Act have contributed to reducing the prevalence of tobacco and nicotine consumption;
 - (c) any unintended consequences, including impacts on enforcement, health disparities, or the emergence of illicit or unregulated markets;
 - (d) the impact of the Act on cessation programmes and strategies.”

Member's explanatory statement

This probing amendment mandates a review, to be published within six months of 1 July 2034, of the Act's long-term effectiveness in promoting cessation among individuals born after 1 January

2009 when they turn 25, focusing on public health outcomes, consumer behaviour, and the need for further legislative adjustments.

LORD LANSLEY

197 After Clause 157, insert the following new Clause –

“Independent expert panel on vaping

- (1) Within six months of the day on which this Act is passed, the Secretary of State must establish an expert panel, consisting of members independent from the production, distribution, supply or sale of vaping or nicotine products.
- (2) The expert panel constituted under subsection (1) must consist of members nominated by the Secretary of State, whom the Secretary of State considers to have relevant expertise in relation to –
 - (a) the health effects of vape use or of nicotine addiction,
 - (b) consumer behaviour in respect of vaping or nicotine use, or
 - (c) the economic effects of the market for vaping and nicotine products.
- (3) The expert panel must report to Parliament not less frequently than annually incorporating evidence relating to –
 - (a) the health effects of the use of vaping or nicotine products,
 - (b) the supply and use of such products by consumers, and
 - (c) the impacts of regulations made under this Act on the supply and use of vaping and nicotine products.
- (4) The expert panel may make in its report such recommendations relating to the use of powers under this Act, in respect of vaping and nicotine products, as the panel considers to be beneficial in the light of the evidence they have identified.
- (5) In making regulations under this Act in regard to vaping products and nicotine products, the Secretary of State and Ministers for Scotland, Wales and Northern Ireland must have regard to the reports of the expert panel and their recommendations.”

Member's explanatory statement

This new clause seeks to provide a continuing source of evidence to support the future implementation of the regime for vaping and nicotine products.

LORD MOYLAN

198 After Clause 157, insert the following new Clause –

“Vaping and Nicotine Industry Forum

- (1) Within six months of the day on which this Act is passed, the Secretary of State must establish a Vaping and Nicotine Industry Forum, which must include Ministers of the Crown and representatives of all parts of the vaping industry supply chain.

- (2) The purpose of the Vaping and Nicotine Industry Forum is to discuss relevant Government policies and actions and their application in the industry.
- (3) In carrying out their obligations under this section, the Secretary of State may disregard any restriction or claimed restriction arising from Article 5.3 of the World Health Organization Framework Convention on Tobacco Control.”

BARONESS NORTHOVER
BARONESS WALMSLEY

199 After Clause 157, insert the following new Clause —

“Communications plan for the smokefree generation policy

- (1) The Secretary of State must, within three months of the passing of this Act, publish a communications plan setting out how the Government intends to support the implementation of the smokefree generation policy, as provided for under this Act.
- (2) The plan under subsection (1) must include —
 - (a) measures to raise public awareness of the harms of smoking and the benefits of quitting,
 - (b) details of the funding to be allocated for communications in connection with the smokefree generation policy,
 - (c) how existing resources will be coordinated to maximise impact, and
 - (d) such other information as the Secretary of State considers appropriate for the purpose of promoting public health and supporting implementation of the smokefree generation policy.
- (3) The Secretary of State must lay a copy of the plan before both Houses of Parliament.”

Member's explanatory statement

This amendment would require the Government to publish, shortly after Royal Assent, a communications plan to support the implementation of the smokefree generation policy and to raise public awareness.

BARONESS HOEY

200 After Clause 157, insert the following new 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 (general implementation of remainder of withdrawal agreement), 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 amendment seeks to assert the primacy of the regulations made in this Bill which affect Northern Ireland in relation to the EU tobacco directive 2014/40/EU.

Clause 167

THE EARL OF LINDSAY

- 201** Clause 167, page 120, line 13, after "by" insert “section (*Impact assessment before commencement of provisions relating to certain tobacco products*) and”

LORD UDNY-LISTER

- 202** Clause 167, page 120, line 19, leave out “1”

LORD UDNY-LISTER

- 203** Clause 167, page 120, line 21, at end insert—

- “(3A) Section 1 comes into force no earlier than 1 January 2027 and when the following conditions have been met—
- (a) the Secretary of State is satisfied that section 1 has no significant adverse impact on small businesses and the regulatory responsibilities of local authorities;
 - (b) the Secretary of State has undertaken and published an economic impact assessment of the provision in section 1;
 - (c) Parliament has had the opportunity to debate the assessment;
 - (d) the assessment has been approved by resolution of both Houses of Parliament.”

LORD UDNY-LISTER

- 204** Clause 167, page 120, line 21, at end insert—

- “(3A) Sections 10, 11, 12 and 138 come into force at the end of the period of 6 months beginning on the day on which this Act is passed, subject to the following conditions—
- (a) the Secretary of State has laid before Parliament a report setting out the exact funding mechanisms and resources to be provided to local authorities in respect of the additional duties provided for by these sections;
 - (b) the Secretary of State is satisfied that there will be no new financial or administrative burdens placed upon local authorities as a result of the

commencement of these sections unless the Government commits to funding these said new burdens.

- (3B) In preparing the report under subsection (3A)(a) the Secretary of State must consult representatives of local government, trading standards and relevant public health bodies.”

LORD MOYLAN

205★ Clause 167, page 120, line 21, at end insert—

- “(3A) Section (*Sale of tobacco etc: interim period*) comes into force on the day on which this Act is passed.”

Member's explanatory statement

This amendment, alongside another in the name of Lord Moylan, provides that the minimum age for the purchase of tobacco products is increased to 21 years during the interim period until the entry in force of the provisions restricting purchases to people born on or after 1 January 2009.

LORD BETHELL
BARONESS WALMSLEY

206 Clause 167, page 120, line 22, after “18” insert “, (*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*)”

LORD BETHELL
BARONESS WALMSLEY

207 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
BARONESS WALMSLEY

208 Clause 167, page 120, line 29, at end insert—

- (aa) 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*) 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);”

BARONESS MERRON

- 209 Clause 167, page 120, line 33, leave out from “force” to end of line 34 and insert “on the day on which this Act is passed”

Member's explanatory statement

This provides for clause 63 (alignment of definition of “tobacco product” in Scottish legislation) to come into force on the day on which the Bill is passed. The Bill currently provides for it to come into force 2 months later.

LORD MOTT

- 210 Clause 167, page 120, line 40, at end insert –
“(7A) Section 83 and Schedule 10 come into force at the end of the period of three months beginning on the day on which this Act is passed.”

Member's explanatory statement

This amendment and another in the name of Lord Mott, seeks to expedite the creation of the retail licensing scheme to within three months of the day on which the Act is passed.

LORD MOTT

- 211 Clause 167, page 121, line 4, leave out paragraph (a)

Member's explanatory statement

This amendment and another in the name of Lord Mott, seeks to expedite the creation of the retail licensing scheme to within three months of the day on which the Act is passed.

LORD BETHELL
BARONESS WALMSLEY

- 212 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

- 213 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).”

BARONESS MERRON

214 Clause 168, page 121, line 13, at end insert –

“(za) section 131 comes into force on the day on which this Act is passed;”

Member's explanatory statement

This provides for clause 131 (alignment of definition of “tobacco product” in old legislation) to come into force on the day on which the Bill is passed. The Bill currently provides for it to come into force 2 months later.

BARONESS MERRON

215 Clause 168, page 121, line 14, leave out “, 131”

Member's explanatory statement

This is consequential on my other amendment to clause 168.

After Clause 168

LORD MURRAY OF BLIDWORTH

216 After Clause 168, insert the following new Clause –

“Expiry

- (1) The sections of this Act specified in subsection (2) and any regulations made under those sections expire at the end of the period of five years beginning with the day on which they enter fully into force.
- (2) Subsection (1) applies to –
 - (a) Part 1 (sale and distribution: England and Wales),
 - (b) Part 2 (sale and distribution: Scotland),
 - (c) Part 3 (sale and distribution: Northern Ireland),
 - (d) sections 89 to 92 (product requirements etc),
 - (e) section 93 (non-compliant images),
 - (f) sections 100 and 101 (matters dealt with by 2016 Regulations), and
 - (g) Part 6 (advertising and sponsorship).
- (3) The Secretary of State may by regulations provide that any provision of this Act –
 - (a) does not expire at the time when it would otherwise expire (whether by virtue of subsection (1) or previous regulations under this subsection), and
 - (b) expires instead at such earlier or later time as is specified in the regulations.
- (4) A time specified under subsection (3) in relation to a provision of this Act must not be later than the end of the period of one year beginning with the date on which the provision would otherwise have expired (whether by virtue of subsection (1) or previous regulations under subsection (3)).

- (5) At least three months before making regulations under subsection (3), the Secretary of State must –
 - (a) publish a draft of those regulations,
 - (b) publish an impact assessment of any provision, and any regulations already made under any provision, which would otherwise expire but for the draft regulations to be made under subsection (3),
 - (c) consult the following persons publicly on the draft regulations and impact assessment –
 - (i) the manufacturers of relevant products;
 - (ii) the retailers of relevant products;
 - (iii) any other persons the Secretary of State considers appropriate, and
 - (d) give consultees at least two months to respond.
- (6) At least one month before making regulations under subsection (3), the Secretary of State must publish a report setting out their response to any consultation conducted under subsection (5), including any proposed changes to the regulations as a result of the consultation.
- (7) In this section –

“relevant products” means –

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

“retailers of relevant products” means a person who carries on a business involving the sale of relevant products by retail.
- (8) Regulations under this section are subject to the affirmative resolution procedure.”

Member's explanatory statement

This amendment requires the Secretary of State to review the operation and effect of the provisions relating to sale and distribution, product requirements and advertising and sponsorship in the Bill, and any further regulations made under powers granted under the Bill and consult in respect of any provisions that it is considered should continue in force beyond 5 years.

Title

LORD MURRAY OF BLIDWORTH
LORD STRATHCARRON

Tobacco and Vapes Bill

MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN GRAND COMMITTEE

23 October 2025

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