

Tobacco and Vapes Bill

SIXTH 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 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)
HL Bill 89 – VI

Member's explanatory statement

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

LORD UDNY-LISTER

- 161A** Clause 114, page 63, line 26, leave out “or has reason to suspect”

Member's explanatory statement

This amendment removes the offence for designers regarding a “reason to suspect” as an offence regarding the design of imagery that contains these kinds of products.

LORD UDNY-LISTER

- 161B** Clause 114, page 63, line 38, leave out “12” and insert “six”

Member's explanatory statement

This amendment equalises the penalties for summary conviction to the same across England, Wales, and Northern Ireland.

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
BARONESS FOX OF BUCKLEY

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

Clause 119

LORD 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.

LORD HOWARD OF RISING

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

“(d) the advertisement is designed for the public health purpose of promoting vaping, heated tobacco or other nicotine products as a less harmful alternative for existing adult tobacco smokers.”

Member's explanatory statement

This amendment would allow vapes, heated tobacco and other nicotine products to be promoted as a quit-aid/public health measure to adult smokers.

After Clause 120

LORD 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.

LORD HOWARD OF RISING

170A After Clause 120, insert the following new Clause –

“Product related information at the point of sale

- (1) Subject to subsections (2) to (5), nothing in this Act prohibits a legally compliant business or retailer from providing information about vaping, nicotine, or heated tobacco products, along with their related accessories, at the point of sale.
- (2) The retailer must display such information exclusively in –
 - (a) a stand-alone or self-contained area dedicated within their retail premises dedicated solely to the sale of tobacco, vaping, nicotine products or other age restricted items,
 - (b) a gantry or display specifically designated for tobacco, vaping, or nicotine products, and
 - (c) an area designated for the sale or consumption of other age-restricted goods and services, which includes tobacco, vaping, or nicotine products.

- (3) Clear signage must accompany the displayed information, explicitly stating that these products are intended for nicotine users who are over the legal age of purchase.
- (4) The displayed information must be factual, and evidence-based, communicating —
 - (a) the relative risks and benefits of these products compared to smoked tobacco products,
 - (b) usage instructions and any other relevant details necessary for the safe consumption of the products,
 - (c) any additional information regarding product features that consumers may reasonably require to make informed purchasing decisions, and
 - (d) the information is presented in a manner that is neither promotional nor misleading.
- (5) To qualify as a legally compliant retailer, it must be demonstrated that neither the retailer's current nor previous retail premises, nor any businesses previously owned or operated by the retailer, have been subject to investigations resulting in findings of non-compliance with relevant laws and regulations concerning consumer protection or the sale of age-restricted products as governed by this Act or any other applicable laws.”

Member's explanatory statement

This amendment would permit compliant retailers to communicate at point of sale to their legal-age and nicotine consuming customers information about vapes, heated tobacco and other nicotine products so that adult smokers are empowered with the full information of the alternatives available for them to switch to.

After Clause 121

BARONESS NORTHOVER
 BARONESS WALMSLEY
 BARONESS BENNETT OF MANOR CASTLE

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 122

LORD UDNY-LISTER

172A Clause 122, page 70, line 18, at end insert –

- “(2A) For the purposes of this section, the use of a name, an emblem, or a feature shall not be treated as “brandsharing” where –
- (a) the product or service –
 - (i) does not contain tobacco,
 - (ii) does not contain nicotine,
 - (iii) is not a vaping product,
 - (iv) is not a herbal smoking product, or
 - (v) is not a cigarette paper,
 - (b) the product or service does not represent, or is not likely to be understood by the public as being associated with, the consumption of a nicotine, tobacco, or vaping product, a herbal smoking product, or a cigarette paper, and
 - (c) the use of a name, emblem, or feature does not promote, and is not likely to promote the consumption of a nicotine, tobacco, or vaping product, a herbal smoking product, or a cigarette paper.”

Member's explanatory statement

This amendment clarifies the restrictions on brandsharing to ensure that they are applied only when there is a genuine risk of promoting nicotine or tobacco consumption.

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.

After Clause 124LORD HOWARD OF RISING
BARONESS FOX OF BUCKLEY

- 173A After Clause 124, insert the following new Clause –

“Advertising and sponsorship assessment

- (1) Before making regulations under this sections 123 and 124 the Secretary of State must –
 - (a) commission an independent report to –
 - (i) assess the impact of these regulations on rates of adult smokers switching to, and continuing to use instead of cigarettes, relevant products, and
 - (ii) assess the relative harm of relevant products compared to cigarettes,
 - (b) publish that report, and
 - (c) consult any persons the Secretary of State considers it appropriate to consult.
- (2) The Secretary of State may not make regulations under sections 123 and 124 unless the Secretary of State is satisfied that the report under subsection (1) demonstrates that there is no significant risk of fewer adult smokers switching to, or continuing to use instead of cigarettes, relevant products as a result of these regulations.”

Member's explanatory statement

This amendment requires the Secretary of State to undertake research into the potential effect of fewer smokers switching to vapes and nicotine products or fewer consumers continuing to use these products instead of cigarettes as a result of these regulations before extending the provisions in Part 6 to such products.

Clause 129LORD 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.

Clause 136

LORD KAMALL
EARL HOWE

The above-named Lords give notice of their intention to oppose the Question that Clause 136 stand part of the Bill.

After Clause 136

LORD FAULKNER OF WORCESTER
BARONESS RAMSEY OF WALL HEATH

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 137

LORD HOWARD OF RISING

180A Clause 137, page 79, line 14, at end insert –

“(c) whether it would be reasonable to expect that everyone present in that location is aged 18 or over.”

Member's explanatory statement

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

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 HOWARD OF RISING

184A Clause 139, page 82, line 24, at end insert —

“(c) whether it would be reasonable to expect that everyone present in that location is aged 18 or over.”

Member's explanatory statement

This amendment would allow the use of heated tobacco products within locations where it is reasonable to expect that everyone present is over 18.

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 productsthat are in violation of any Act of Parliament or regulation made by the appropriate national authority.
- (4) For the purposes of subsection (3) “appropriate national authority” means –
 - (a) in relation to England, the Secretary of State,
 - (b) in relation to Wales, the Welsh Ministers,
 - (c) in relation to Scotland, the Scottish Ministers,
 - (d) in relation to Northern Ireland, the Department of Health.”

Member's explanatory statement

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

LORD KAMALL
EARL HOWE

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
BARONESS BENNETT OF MANOR CASTLE

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
BARONESS FOX OF BUCKLEY

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
BARONESS FOX OF BUCKLEY

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
LORD DODDS OF DUNCAIRN

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.

LORD HOWARD OF RISING

200A After Clause 157, insert the following new Clause —

“Age verification technology support scheme

- (1) The Secretary of State must by regulations establish a scheme to provide financial assistance for the acquisition of age verification technology by nicotine product retailers and manufacturers.
- (2) Grants under this section may cover up to 75% of the cost of eligible technology, as determined by the Secretary of State.
- (3) The purpose of the scheme shall be to prevent the unlawful sale of nicotine products to persons under the age of 18.
- (4) Regulations under this section are subject to the negative resolution procedure.”

Member's explanatory statement

The amendment establishes a government grant scheme to subsidise the cost of age verification technology used in the sale of nicotine products. It reduces the financial burden on smaller retailers and improves compliance with age restriction laws, thus helping to prevent underage access.

Clause 167

THE EARL OF LINDSAY
LORD FOX
LORD MENDELSON

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

BARONESS HOEY

201A Clause 167, page 120, line 13, leave out “(2) to (8).” and insert “(1A) to (8).”

- (1A) Parts 1 to 3 may not come into force until the Secretary of State commissioned and published the findings of an independent legal opinion showing that these parts are fully compatible with the Windsor Framework and consistent with the Tobacco Products Directive of the European Union (2014/40/EU).”

Member's explanatory statement

This amendment seeks to prevent parts 1 to 3 of the Bill coming into force until the Secretary of State has considered and demonstrated that this would be fully compatible with the Windsor Framework and the Tobacco Products Directive.

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 [Withdrawn]

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 168

LORD 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 [*Withdrawn*]

BARONESS MERRON

215 [*Withdrawn*]

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

217 Title, line 2, leave out “born on or after 1 January 2009” and insert “under the age of 21”

Tobacco and Vapes Bill

SIXTH MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN GRAND COMMITTEE

14 November 2025

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