

# Tobacco and Vapes Bill

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## RUNNING LIST OF ALL AMENDMENTS ON REPORT

*Tabled up to and including*

*14 January 2026*

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*[Amendments marked ★ are new or have been altered]*

### Clause 1

LORD MURRAY OF BLIDWORTH

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

Clause 1, page 1, line 13, leave out “born before 1 January 2009” and insert “21 years of age or over”

LORD MOYLAN

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.*

### Clause 2

LORD MURRAY OF BLIDWORTH

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

LORD MURRAY OF BLIDWORTH

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

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

**Clause 5**

LORD MURRAY OF BLIDWORTH

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

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

**Clause 10**

LORD MOYLAN

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.*

**After Clause 12**

EARL RUSSELL

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) are subject to the affirmative resolution procedure.”

***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.*

**Clause 38**

BARONESS WALMSLEY

Clause 38, page 20, line 27, leave out from “with” to end of line 31 and insert “smoking cessation services provided by the relevant local authority.”

***Member's explanatory statement***

*This amendment and another in the name of Baroness Walmsley would ensure that the proceeds of fixed penalties received by local weights and measures authorities go towards local smoking cessation services.*

BARONESS WALMSLEY

Clause 38, page 20, line 34, leave out from “with” to end of line 38 and insert “smoking cessation services provided by the relevant local authority.”

***Member's explanatory statement***

*This amendment and another in the name of Baroness Walmsley would ensure that the proceeds of fixed penalties received by local weights and measures authorities go towards local smoking cessation services.*

**After Clause 48**

BARONESS HOEY

After Clause 48, insert the following new Clause –

**“Regulations made under Part 1: Windsor Framework**

- (1) Before making any regulations under this Part, the Secretary of State must –
  - (a) commission an independent legal opinion assessing –

- (i) the extent to which the implementation of this Act in Northern Ireland complies with the Windsor Framework;
  - (ii) the likelihood of any increase in the illicit trade in tobacco products if regulations under this Act are made in relation to Northern Ireland otherwise than in England, Wales and Scotland;
  - (b) publish that legal opinion;
  - (c) consult any person they consider appropriate.
- (2) The Secretary of State may not make regulations under this Part unless the Secretary of State is satisfied that the legal opinion under subsection (1) demonstrates that the implementation of Part 3 of this Act (sale and distribution: Northern Ireland) is fully compliant 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 the Secretary of State from making regulations about the sale and distribution of tobacco in England and Wales until they have considered and demonstrated that to do the same in Northern Ireland would be fully compatible with the Windsor Framework and the Tobacco Products Directive.*

**Clause 49**

LORD MURRAY OF BLIDWORTH

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

Clause 49, page 25, line 18, leave out from "substitute" to end of line 19 and insert "under the age of 21 ("the customer") was 21 years of age or older";

LORD MURRAY OF BLIDWORTH

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

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

LORD MURRAY OF BLIDWORTH

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

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

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

**Clause 68**

LORD MURRAY OF BLIDWORTH

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

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

**Clause 69**

LORD MURRAY OF BLIDWORTH

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

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

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

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

## After Clause 87

## BARONESS HOEY

After Clause 87, insert the following new Clause—

**“Regulations made under Part 3: Windsor Framework**

- (1) Before making any regulations under this Part, the Secretary of State must—
  - (a) commission an independent legal opinion assessing—
    - (i) the extent to which the implementation of this Act in Northern Ireland complies with the Windsor Framework;
    - (ii) the likelihood of any increase in the illicit trade in tobacco products if regulations under this Act are made in relation to Northern Ireland otherwise than in England, Wales and Scotland;
  - (b) publish that legal opinion;
  - (c) consult any person they consider appropriate.
- (2) The Secretary of State may not make regulations under this Part unless the Secretary of State is satisfied that the legal opinion under subsection (1) demonstrates that the implementation of this Part is fully compliant 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 the Secretary of State from making regulations about the sale and distribution of tobacco in Northern Ireland until they have considered and demonstrated that this would be fully compatible with the Windsor Framework and the Tobacco Products Directive.*

## Clause 89

## LORD MOYLAN

Clause 89, page 50, line 23, at end insert—

- “(ba) the use of flavour descriptors or other indicators used to describe, present or suggest the flavour of a product;”

***Member's explanatory statement***

*This amendment gives the Secretary of State powers to make provisions about the flavour descriptors on the packaging of relevant products outlined in Clause 89(1).*

LORD LANSLEY

Clause 89, page 50, line 33, at end insert –

- “(l) the technological features, markings or identifiers on packaging required for product authentication or the prevention of illicit products.”

BARONESS WALMSLEY

Clause 89, page 50, line 33, at end insert –

- “(3A) Regulations under this section must not apply to imported hand-rolled cigars sold by specialist tobacconists as defined in section 120(3).”

***Member's explanatory statement***

*This amendment would ensure that the packaging regulations in clause 89 do not negatively affect specialist tobacconists who predominantly sell hand-rolled cigars.*

**Clause 90**

LORD LANSLEY

Clause 90, page 51, line 13, at end insert –

- “(g) the technological features required for age assurance, child resistance or product authentication, including controls on activation and continued operation by unauthorised persons.”

**Clause 91**

LORD MOYLAN

Clause 91, page 51, line 23, leave out paragraph (b) and insert –

- “(b) the flavour descriptors or other indicators used to describe, present or suggest the flavour of relevant products;”

***Member's explanatory statement***

*This amendment gives the Secretary of State powers to make provisions about the flavour descriptors of relevant products outlined in Clause 91(2).*

### After Clause 120

LORD SHARPE OF EPSOM

★ After Clause 120, insert the following new Clause—

#### **“Exemption for age-gated licensed hospitality venues**

- (1) A person does not commit an offence under any of sections 113 to 117 in relation to an advertisement whose purpose or effect is to promote a product if the advertisement—
  - (a) is in the curtilage of a venue licensed under the Licensing Act 2003,
  - (b) is not visible from outside the venue,
  - (c) is not for a tobacco product,
  - (d) is in an area of the venue that is not designated as “smoke-free” or “vape-free” under Part 7 of this Act,
  - (e) is in a venue which has age restrictions for entry and reasonable measures are taken to ensure that those present are aged 18 and over, and
  - (f) complies with requirements (if any) specified by the appropriate national authority in regulations.
- (2) Regulations made under subsection (1) are subject to the affirmative resolution procedure.
- (3) Before making regulations under this section, the Secretary of State must—
  - (a) consult the hospitality, entertainment, and retail sector, alongside any other sectors the Secretary of State considers appropriate to consult, and
  - (b) publish a full impact assessment including effects on public health and the hospitality, entertainment and retail sector.”

#### *Member's explanatory statement*

*This amendment will allow for advertisements for products that do not contain tobacco to be featured in licensed hospitality venues in areas where people smoke and those present are aged 18 and over.*

### After Clause 138

LORD SHARPE OF EPSOM

★ After Clause 138, insert the following new Clause—

#### **“Regulation for licensed hospitality venues**

- (1) Before making regulations under any of sections 135 to 138 in relation to designating a place as smoke-free or vape-free that relates to an area that is within the curtilage of a hospitality venue the Secretary of State must—
  - (a) consult—
    - (i) the hospitality industry,
    - (ii) the entertainment industry, and

- (iii) any other groups the Secretary of State considers it appropriate to consult, and
  - (b) publish a full impact assessment relating to the impacts of the regulation to the hospitality and entertainment industry.
- (2) For the purposes of this section, a hospitality venue means—
- (a) a venue that is licensed under the Licensing Act 2003, or
  - (b) a venue that is a space designated to provide services related to hospitality, including spaces designated to—
    - (i) host events,
    - (ii) provide accommodation, and
    - (iii) offer services to enhance guest experiences.”

***Member's explanatory statement***

*This amendment requires the Secretary of State to consult with the hospitality and entertainment industry before making additional regulations on smoke-free or vape-free places that will impact these industries.*

**After Clause 157**

BARONESS HOEY

After Clause 157, insert the following new Clause—

**“Amendment of the European Union (Withdrawal) Act 2018**

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 LANSLEY

After Clause 157, insert the following new Clause—

**“Reviews of this Act**

- (1) The Secretary of State must carry out periodic reviews of the operations and effects of this Act.

- (2) The first such review and any conclusions drawn from that review must be published in a report before the end of the period of five years beginning with the day on which Parts 1 to 4 of this Act come fully into force, and each subsequent review must be published no later than five years after the first or subsequent reviews.
- (3) Each report published under subsection (2) must be laid before Parliament.
- (4) Each review and report must take full account of independently-conducted research (that is, independent of the industry concerned) into—
  - (a) the behavioural responses to the regulatory regimes introduced under this Act,
  - (b) the current state of research into the harms resulting from tobacco, nicotine or vape use, and
  - (c) evidence concerning the effectiveness of the regimes in reducing such harms.
- (5) Each report must also, among other conclusions based on the evidence, assess—
  - (a) the extent to which the provisions of this Act have reduced rates of smoking,
  - (b) the extent 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.
- (6) For the purposes of subsections (4) and (5), the Secretary of State may commission such research and reports from independent experts as they consider appropriate.
- (7) For the purposes of subsection (5), “small and micro businesses” has the same meaning as in section 33 of the Small Business, Enterprise and Employment Act 2015.”

### Clause 167

BARONESS HOEY

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 has 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.*

## Schedule 5

LORD MURRAY OF BLIDWORTH

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

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

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

LORD MURRAY OF BLIDWORTH

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

LORD MURRAY OF BLIDWORTH

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

**Title**

LORD MURRAY OF BLIDWORTH

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

# Tobacco and Vapes Bill

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