

Tobacco and Vapes Bill

RUNNING LIST OF ALL AMENDMENTS ON REPORT

*Tabled up to and including
6 February 2026*

[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”

After Clause 2

EARL RUSSELL
BARONESS WALMSLEY

After Clause 2, insert the following new Clause—

“Power to add vaping products or nicotine products to sale prohibitions

- (1) The Secretary of State may by regulations amend section 1 for the purpose of adding vaping products or nicotine products specified in the regulations to the list of items in subsection (1).
- (2) The Secretary of State may by regulations amend section 2 for the purpose of adding vaping products or nicotine products specified in the regulations to the list of items in subsection (1).
- (3) Before making regulations under this section the Secretary of State must consult any persons the Secretary of State considers it appropriate to consult.
- (4) Before making regulations under this section 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.
- (5) Regulations under this section are subject to the affirmative resolution procedure.”

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”

After Clause 6

BARONESS NORTHOVER
BARONESS WALMSLEY

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) may 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.

Clause 10

LORD UDNY-LISTER

Clause 10, page 5, line 15, after “vaping product” insert “, heated tobacco product”

Member's explanatory statement

This amendment seeks to ensure that the new definition of heated tobacco product is included in the age of sale and other regulations covering vapes and nicotine products.

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.

Clause 11

LORD UDNY-LISTER

Clause 11, page 5, line 34, after “vaping product” insert “, heated tobacco product”

Member's explanatory statement

This amendment seeks to ensure that the new definition of heated tobacco product is included in the age of sale and other regulations covering vapes and nicotine products.

After Clause 12EARL RUSSELL
BARONESS WALMSLEY

After Clause 12, insert the following new Clause —

“Youth vaping and waste impacts taskforce

- (1) The Secretary of State must, within the period of three months beginning with the day on which this Act is passed, establish a youth vaping and waste impacts taskforce (“the taskforce”).
- (2) The taskforce must consist of —
 - (a) at least two persons who appear to the Secretary of State to have expertise in public health and tobacco control,
 - (b) at least two persons who appear to the Secretary of State to have expertise in environmental protection and waste management,
 - (c) at least two persons who appear to the Secretary of State to represent the vaping products industry, and
 - (d) at least one person who appears to the Secretary of State to be independent of the vaping products industry and to have relevant expertise.
- (3) The taskforce must examine the potential benefits of options for addressing youth vaping and the environmental impacts of vaping-related waste, including, but not limited to —
 - (a) introducing a minimum price for vaping products, including —
 - (i) requiring a higher upfront cost to incentivise the purchase of longer-lasting products, and
 - (ii) the potential for such proposals to reduce vaping-related waste;
 - (b) strengthening enforcement against underage sales;
 - (c) measures to reduce illicit trade;
 - (d) producer responsibility obligations relating to product design, reuse and recycling.
- (4) In carrying out its functions under subsection (3), the taskforce must have regard to —
 - (a) existing calls for evidence and other published evidence on youth vaping and vaping-related environmental harms, and

- (b) the need to consult –
 - (i) Ministers of Devolved Nations, and
 - (ii) such other persons as the taskforce considers appropriate.
- (5) The taskforce must, within the period of 12 months beginning with the day on which this Act comes into force, prepare a report setting out –
 - (a) its assessment of the social, economic and environmental impacts of the options examined under subsection (3), and
 - (b) its recommendations as to any legislative or other measures, including fiscal measures, such as duties or levies, that the Secretary of State should take.
- (6) The Secretary of State must lay the report prepared under subsection (6) before Parliament as soon as reasonably practicable after receiving it.
- (7) Within the period of three months beginning with the day on which the report is laid before Parliament, the Secretary of State must –
 - (a) publish a response stating the extent to which each recommendation is accepted or rejected and, in the case of any rejection, the reasons for it, and
 - (b) lay that response before Parliament; and if the Secretary of State accepts any recommendation, must by the end of that period take all reasonable steps to implement it.
- (8) In this section, “vaping product” has the meaning given in section 47 of this Act.”

Member's explanatory statement

This amendment would require the Secretary of State to establish a balanced taskforce on youth vaping and waste impacts, with specified expertise and industry representation, to examine the potential benefits of options for addressing youth vaping.

Clause 15

LORD UDNY-LISTER

Clause 15, page 8, line 21, after “vaping product” insert “, heated tobacco product”

Member's explanatory statement

This amendment seeks to ensure that the new definition of heated tobacco product is included in the age of sale and other regulations covering vapes and nicotine products.

Clause 16

LORD UDNY-LISTER

Clause 16, page 9, line 41, at end insert “and heated tobacco products”

Member's explanatory statement

This amendment seeks to ensure that the new definition of heated tobacco product is included in the age of sale and other regulations covering vapes and nicotine products.

Clause 19

LORD UDNY-LISTER

Clause 19, page 12, line 4, at end insert “and heated tobacco products”

Member's explanatory statement

This amendment seeks to ensure that the new definition of heated tobacco product is included in the age of sale and other regulations covering vapes and nicotine products.

Clause 23

LORD UDNY-LISTER

Clause 23, page 13, line 26, at end insert “and heated tobacco products”

Member's explanatory statement

This amendment seeks to ensure that the new definition of heated tobacco product is included in the age of sale and other regulations covering vapes and nicotine products.

Clause 27

LORD UDNY-LISTER

Clause 27, page 15, line 14, after “vaping products” insert “and heated tobacco products”

Member's explanatory statement

This amendment seeks to ensure that the new definition of heated tobacco product is included in the age of sale and other regulations covering vapes and nicotine products.

Clause 28

LORD UDNY-LISTER

Clause 28, page 15, line 29, at end insert “and heated tobacco products”

Member's explanatory statement

This amendment seeks to ensure that the new definition of heated tobacco product is included in the age of sale and other regulations covering vapes and nicotine products.

Clause 37

LORD UDNY-LISTER

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.

After Clause 37

LORD UDNY-LISTER

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

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 40

EARL RUSSELL
BARONESS WALMSLEY

After Clause 40, insert the following new Clause –

“Review of the impacts of tobacco filters

- (1) The Secretary of State and the Welsh Ministers must each secure the preparation and publication of a report on the health, behavioural, and environmental impacts of cigarette filters.
- (2) The report must consider, in particular –
 - (a) the health impacts of plastic and other non-biodegradable filters,
 - (b) the behavioural effects of filters on existing smokers, including the potential impacts of removing filters entirely,
 - (c) the merits and feasibility of mandating biodegradable filters, and
 - (d) the environmental and public health merits of prohibiting the manufacture, supply, or sale of cigarette filters.
- (3) The duty in subsection (1) may be discharged by –
 - (a) a single joint report, with separate provision for matters relating to England and Wales, or
 - (b) separate reports prepared by the Secretary of State and the Welsh Ministers.
- (4) The report or reports must include –
 - (a) an assessment of the relative environmental impacts of different types of filter and of the effectiveness of a complete ban on filters in reducing smoking-related harms,
 - (b) consideration of any necessary transitional or regulatory measures, and
 - (c) legislative or regulatory recommendations.
- (5) In preparing the report or reports, the Secretary of State and the Welsh Ministers must consult public health experts, relevant environmental authorities, and such other persons as they consider appropriate.
- (6) Any report prepared by the Secretary of State must be laid before both Houses of Parliament, and any report prepared by the Welsh Ministers must be laid before Senedd Cymru, and must be published within 12 months of the day on which this Act is passed.
- (7) Within six months of publication, the Secretary of State and the Welsh Ministers must each publish a statement setting out whether they intend to exercise existing

powers in light of the report, and, if so, the nature and indicative timetable of any proposed measures.

- (8) In this section “cigarette filter” means a filter intended for use in a cigarette, whether as part of a ready-made cigarette or otherwise.”

Member's explanatory statement

This amendment would require the publication of a report assessing the health, behavioural, and environmental impacts of cigarette filters, including consideration of alternatives to conventional filters and the potential merits of regulatory or legislative action.

BARONESS BENNETT OF MANOR CASTLE

After Clause 40, 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.

Clause 47

LORD UDNY-LISTER

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 nicotine products which are less harmful than smoking cigarettes and aligns it with the existing

definition in The Tobacco and Related Products (Amendment) (Northern Ireland) Regulations 2023, addressing uneven treatment of HTPs elsewhere in this Bill.

LORD UDNY-LISTER

Clause 47, page 24, line 6, leave out “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 UDNY-LISTER

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

After Clause 48

BARONESS HOEY
LORD DODDS OF DUNCAIRN

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 63

LORD UDNY-LISTER

Clause 63, page 34, line 22, leave out “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 2 of the Bill.

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”

Clause 82

LORD UDNY-LISTER

Clause 82, page 44, line 16, leave out “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 3 of the Bill.

After Clause 87BARONESS HOEY
LORD DODDS OF DUNCAIRN

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 89BARONESS NORTHOVER
BARONESS WALMSLEY

Clause 89, page 50, line 17, at end insert –

- “(2A) Provision made by the regulations must ensure that –
- (a) vaping products are sold in plain packaging;

- (b) vaping products are not displayed at the point of sale in the usual course of business, including promotional or marketing materials used at the point of sale, such as imagery, wording, branding, or promotional offers;
- (c) a person who fails to comply with the requirements imposed by the regulations under this section commits an offence and is liable to a fine not exceeding level 4 on the standard scale.

(2B) In subsection (2A) –

“plain packaging” means packaging that does not include branding, logos, imagery, or colours designed to make the product attractive;

“point of sale” means any location within retail premises where vaping products are available for purchase.”

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
LORD STRATHCARRON

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).

(3B) For the purposes of this section, “hand-rolled cigars” means tobacco products that –

- (a) are wrapped entirely in a whole natural tobacco leaf,
- (b) contain a binder and filler composed exclusively of natural tobacco (at least 50 percent of which is long-filler tobacco by weight),
- (c) contain no reconstituted or processed tobacco, no added characterising flavours, and no ingredients other than tobacco, water, and vegetable gum,
- (d) are individually handmade or hand-rolled without mechanised production processes other than simple hand-held tools,
- (e) contain no filter, mouthpiece, capsule, or any non-tobacco tip, and

- (f) weigh more than three grams per cigar (or an equivalent weight per 1,000 units).”

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 RENNARD
BARONESS WALMSLEY

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

Member's explanatory statement

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

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.”

After Clause 90

LORD RENNARD
BARONESS WALMSLEY

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

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).

Clause 113

LORD UDNY-LISTER

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

Member's explanatory statement

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

Clause 114

LORD UDNY-LISTER

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 regarding advertising.

LORD UDNY-LISTER

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” the design of imagery that contains these kinds of products.

LORD UDNY-LISTER

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

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

Clause 116

LORD UDNY-LISTER

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

Clause 117

LORD UDNY-LISTER

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

LORD UDNY-LISTER

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

Clause 118

LORD UDNY-LISTER

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

After Clause 120LORD SHARPE OF EPSOM
LORD BRADY OF ALTRINCHAM

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 121

LORD UDNY-LISTER

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) distribution of 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 132

LORD UDNY-LISTER

Clause 132, page 75, line 14, leave out “consumed” and insert “smoked”

Member's explanatory statement

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

LORD UDNY-LISTER

Clause 132, page 75, line 14, leave out “heated tobacco device or”

Member's explanatory statement

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

Clause 138

LORD UDNY-LISTER

Clause 138, page 79, line 22, at end insert –

- “(c) 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 use of vaping products within locations where it is reasonable to expect that everyone present is over 18.

LORD UDNY-LISTER

Clause 138, page 79, line 22, at end insert –

“(c) a place which is an uncovered hospitality venue or area.”

Member's explanatory statement

This amendment seeks to prevent the Secretary of State from designating outdoor or uncovered hospitality premises as vape-free.

LORD UDNY-LISTER

Leave out Clause 138

Member's explanatory statement

This amendment would remove the ability of the Secretary of State to prohibit the use of vapes in certain areas.

After Clause 138

LORD SHARPE OF EPSOM
LORD BRADY OF ALTRINCHAM

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.

Clause 139

LORD UDNY-LISTER

Clause 139, page 82, line 32, at end insert –

“(c) a place which is an uncovered hospitality venue or area.”

Member's explanatory statement

This amendment seeks to prevent the Secretary of State from designating outdoor or uncovered hospitality premises as heated tobacco-free.

LORD UDNY-LISTER

Leave out Clause 139

Member's explanatory statement

This amendment would remove the ability of the Secretary of State to prohibit the use of heated tobacco in certain areas.

After Clause 140

BARONESS NORTHOVER
BARONESS WALMSLEY

After Clause 140, insert the following new Clause –

“Local authority pavement licences

In section 5 of the Business and Planning Act 2020 (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.

After Clause 157

BARONESS HOEY
LORD DODDS OF DUNCAIRN

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
LORD NORTON OF LOUTH

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.”

LORD YOUNG OF COOKHAM
BARONESS WALMSLEY
BARONESS NORTHOVER

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.

BARONESS NORTHOVER
BARONESS WALMSLEY

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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 day on which this Act is passed, 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 published 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.

Clause 167

BARONESS HOEY
LORD DODDS OF DUNCAIRN

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 1

LORD UDNY-LISTER

Schedule 1, page 124, line 16, at end insert—

“National Register of Vape and Tobacco Retailers

- 6A (1) The Secretary of State must establish and maintain a register of all persons engaged in the retail sale of tobacco and nicotine products.
- (2) A person must not sell tobacco or nicotine products unless registered under subsection (1).
- (3) The register must include information on geographical location and compliance history of each registrant.
- (4) A person who contravenes subsection (2) commits an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale.”

Member's explanatory statement

This amendment establishes a national register for all retailers of nicotine products. By improving traceability and monitoring of retail activity, it seeks to strengthen enforcement against illegal sales and protects the legitimacy of compliant businesses.

LORD UDNY-LISTER

Schedule 1, page 124, line 20, at end insert—

“Centralised licensing portal

- 7A (1) The Secretary of State must establish a digital portal for the application, renewal, and management of licences required under this Act.
- (2) The portal must allow retailers to—
 - (a) check the status of their licence,
 - (b) update business information, and
 - (c) receive automatic reminders of key compliance deadlines.”

Member's explanatory statement

This amendment seeks to establish a unified digital portal which would simplify licensing administration for retailers and regulators. It seeks to reduce the risk of accidental non-renewal and increase transparency across the regulatory framework.

LORD UDNY-LISTER

Schedule 1, page 124, line 31, at end insert –

“Age Verification Technology Support Scheme

- 9A (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.”

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 sales to those underage.

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

RUNNING LIST OF ALL AMENDMENTS ON REPORT

*Tabled up to and including
6 February 2026*

6 February 2026

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