

# Tobacco and Vapes Bill

---

SECOND MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
ON REPORT

---

*The amendments have been marshalled in accordance with the Instruction of 11th February 2026, 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 16**

LORD KAMALL  
EARL HOWE

**21A** Clause 16, page 9, line 26, at end insert –

“(7A) Regulations made under this section may not come into force earlier than the end of the period of one year beginning with the day on which they are published.”

**Member's explanatory statement**

*This amendment provides that regulations establishing the retail licensing regime for tobacco, vaping and nicotine products in England may not come into force until at least one year after they are published. This is intended to ensure that businesses and local authorities have sufficient time to understand, prepare for and implement the new licensing requirements, including administrative systems, training and enforcement arrangements.*

LORD UDNY-LISTER

- 22 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.*

**Schedule 1**

THE EARL OF LINDSAY  
LORD MENDELSON  
LORD JOHNSON OF LAINSTON

- 23 Schedule 1, page 123, line 21, at end insert –

“(2A) But any provision made under sub-paragraph (2) shall not apply to premises treated as a specialist tobacconist as defined by section 6 of the Tobacco Advertising and Promotion Act 2002 (specialist tobacconists).”

**Member's explanatory statement**

*This amendment, and one in the name of the Earl of Lindsay to insert a new clause after clause 18, would ensure that existing specialist tobacconists are automatically granted a retail licence under the new licensing scheme. Its effect is to grandfather such businesses into the regime and exempt them from any future limits on the number or geographical distribution of retail licences.*

LORD UDNY-LISTER  
LORD NASEBY

- 24 Schedule 1, page 124, line 20, at end insert –

*“National Register of Vape and Tobacco Retailers*

- 7A (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  
LORD NASEBY

25 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

26 Schedule 1, page 124, line 20, at end insert –

*“Age Verification Technology Support Scheme*

- 7A (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.*

## BARONESS MERRON

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

***Member's explanatory statement***

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

**Clause 18**

## BARONESS MERRON

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

***Member's explanatory statement***

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

## BARONESS MERRON

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

“(6) In this section –

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

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

“relevant district council” means a district council that –

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

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

***Member's explanatory statement***

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

**After Clause 18**

THE EARL OF LINDSAY  
LORD MENDELSON  
LORD JOHNSON OF LAINSTON

- 30 After Clause 18, insert the following new Clause –

**“Transitional provision for specialist tobacconists (England)**

- (1) Notwithstanding sections 16(1) and (2), a person carrying on business as a specialist tobacconist immediately before the day on which this Act is passed shall be treated

as holding a personal licence and a premises licence under section 16 in respect of those premises.

- (2) A licence treated as granted under subsection (1) –
  - (a) shall have effect as if granted under regulations made under section 16(4),
  - (b) shall continue in force until revoked or surrendered, and
  - (c) may be renewed or varied in accordance with those regulations.
- (3) For the purposes of this section “specialist tobacconist” has the meaning set out in section 6 of the Tobacco Advertising and Promotion Act 2002.
- (4) Regulations made under section 16(4) or Schedule 1 may not make provision that would –
  - (a) prevent the grant of a licence treated as granted under subsection (1),
  - (b) prevent the continuation of a licence so granted other than in consequence of a breach of the licence conditions, or
  - (c) restrict such licences by reference to any limitation on the number or geographical distribution of retail licences within an area.
- (5) The Secretary of State may by regulations make further transitional or saving provisions for the purpose of giving effect to this section.”

***Member's explanatory statement***

*This amendment, and one in the name of the Earl of Lindsay to Schedule 1, would ensure that existing specialist tobacconists are automatically granted a retail licence under the new licensing scheme. Its effect is to grandfather such businesses into the regime and exempt them from any future limits on the number or geographical distribution of retail licences.*

LORD UDNY-LISTER

31 After Clause 18, insert the following new Clause –

**“Revocation or suspension of alcohol licences for breach of licence conditions in England**

- (1) A licensing authority in England may suspend or revoke any alcohol licence if satisfied that the licence holder has breached a condition attached to a personal or premises licence under section 16.
- (2) Suspension may be for such period as the authority considers appropriate.
- (3) Revocation terminates the alcohol licence immediately.
- (4) In this section –
  - “alcohol licence” means a licence granted under the Licensing Act 2003 for the sale of alcohol;
  - “licence condition” means any condition attached to a personal or premises licence granted under this Part.”

**Member's explanatory statement**

*This new clause provides licensing authorities in England with the power to suspend or revoke an alcohol licence where the licence holder has breached a condition attached to a personal or premises licence under the retail licencing scheme.*

**Schedule 2**

BARONESS MERRON

32 Schedule 2, page 125, line 24, at end insert –

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

**Member's explanatory statement**

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

BARONESS MERRON

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

**Member's explanatory statement**

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

BARONESS MERRON

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

**Member's explanatory statement**

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

BARONESS MERRON

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

**Member's explanatory statement**

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

BARONESS MERRON

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

**Member's explanatory statement**

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

## BARONESS MERRON

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

***Member's explanatory statement***

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

## BARONESS MERRON

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

***Member's explanatory statement***

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

## BARONESS MERRON

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

***Member's explanatory statement***

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

## BARONESS MERRON

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

***Member's explanatory statement***

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

## BARONESS MERRON

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

***Member's explanatory statement***

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

**Clause 19**

## LORD UDNY-LISTER

42 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.*

### Schedule 3

THE EARL OF LINDSAY  
LORD MENDELSON  
LORD JOHNSON OF LAINSTON

43 Schedule 3, page 127, line 34, at end insert –

“(2A) But any provision made under sub-paragraph (2) shall not apply to premises treated as a specialist tobacconist as defined by section 6 of the Tobacco Advertising and Promotion Act 2002 (specialist tobacconists).”

***Member's explanatory statement***

*This amendment, and one in the name of the Earl of Lindsay to insert a new clause after clause 22, would ensure that existing specialist tobacconists are automatically granted a retail licence under the new licensing scheme. Its effect is to grandfather such businesses into the regime and exempt them from any future limits on the number or geographical distribution of retail licences.*

#### After Clause 22

LORD UDNY-LISTER

44 After Clause 22, insert the following new Clause –

**“Revocation or suspension of alcohol licences for breach of licence conditions in Wales**

- (1) A licensing authority in Wales may suspend or revoke any alcohol licence if satisfied that the licence holder has breached a condition attached to a personal or premises licence under section 19.
- (2) Suspension may be for such period as the authority considers appropriate.
- (3) Revocation terminates the alcohol licence immediately.
- (4) In this section –
  - “alcohol licence” means a licence granted under the Licensing Act 2003 for the sale of alcohol;
  - “licence condition” means any condition attached to a personal or premises licence granted under this Part.”

***Member's explanatory statement***

*This new clause provides licensing authorities in Wales with the power to suspend or revoke an alcohol licence where the licence holder has breached a condition attached to a personal or premises licence under the retail licencing scheme.*

THE EARL OF LINDSAY  
LORD MENDELSON  
LORD JOHNSON OF LAINSTON

45 After Clause 22, insert the following new Clause –

**“Transitional provision for specialist tobacconists (Wales)**

- (1) Notwithstanding sections 19(1) and (2), a person carrying on business as a specialist tobacconist immediately before the day on which this Act is passed shall be treated as holding a personal licence and a premises licence under section 16 in respect of those premises.
- (2) A licence treated as granted under subsection (1) –
  - (a) shall have effect as if granted under regulations made under section 19(4),
  - (b) shall continue in force until revoked or surrendered, and
  - (c) may be renewed or varied in accordance with those regulations.
- (3) For the purposes of this section “specialist tobacconist” has the meaning set out in section 6 of the Tobacco Advertising and Promotion Act 2002.
- (4) Regulations made under section 19(4) or Schedule 3 may not make provision that would –
  - (a) prevent the grant of a licence treated as granted under subsection (1),
  - (b) prevent the continuation of a licence so granted other than in consequence of a breach of the licence conditions, or
  - (c) restrict such licences by reference to any limitation on the number or geographical distribution of retail licences within an area.
- (5) The Welsh Ministers may by regulations make further transitional or saving provisions for the purpose of giving effect to this section.”

***Member's explanatory statement***

*This amendment, and one in the name of the Earl of Lindsay to Schedule 3, would ensure that existing specialist tobacconists are automatically granted a retail licence under the new licensing scheme. Its effect is to grandfather such businesses into the regime and exempt them from any future limits on the number or geographical distribution of retail licences.*

**Clause 23**

LORD UDNY-LISTER

46 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

47 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

48 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 31**

BARONESS MERRON

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

***Member's explanatory statement***

*This makes a change to ensure drafting consistency.*

**Clause 32**

BARONESS MERRON

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

***Member's explanatory statement***

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

BARONESS MERRON

51 Clause 32, page 17, line 29, at end insert –

“(1A) In this Part “relevant enforcement authority in England” means –

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

***Member's explanatory statement***

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

**Clause 33**

BARONESS MERRON

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

***Member's explanatory statement***

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

**Clause 35**

BARONESS MERRON

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

***Member's explanatory statement***

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

**Clause 36**

BARONESS MERRON

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

***Member's explanatory statement***

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

**Clause 37**

BARONESS MERRON

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

**Member's explanatory statement**

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

BARONESS MERRON

56 Clause 37, page 19, leave out line 17

**Member's explanatory statement**

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

BARONESS MERRON

57 Clause 37, page 19, leave out line 22

**Member's explanatory statement**

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

BARONESS MERRON

58 Clause 37, page 19, leave out line 25

**Member's explanatory statement**

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

BARONESS MERRON

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

**Member's explanatory statement**

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

LORD UDNY-LISTER

60 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) where it is the fourth or any subsequent fixed penalty notice so issued, the higher of –
    - (i) £10,000, or

- (ii) the amount of any excise duty or value added tax reasonably assessed by the enforcement authority to have been evaded as a result of the offence, where applicable.
- (4B) Where a local weights and measures authority issues a fixed penalty notice under subsection (4A), the authority must—
- (a) make a referral to the National Crime Agency and the relevant police force for the area in which the offence occurred, and
  - (b) provide such information as the authority reasonably holds relating to the offence, the person to whom the notice was issued and any associated business activities.
- (4C) Upon receipt of a referral under subsection (4B), the National Crime Agency or the relevant police force must investigate and consider whether the circumstances indicate—
- (a) that the individual is the participant of organised criminal activity,
  - (b) the facilitation of excise duty or value added tax evasion at scale, or
  - (c) any other serious or indictable offence,
- and must conduct such investigation as it considers appropriate.”

***Member's explanatory statement***

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

BARONESS MERRON

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

***Member's explanatory statement***

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

BARONESS MERRON

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

***Member's explanatory statement***

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

**After Clause 37**

LORD UDNY-LISTER  
BARONESS FOX OF BUCKLEY

63 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 MERRON

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

***Member's explanatory statement***

*This amendment, together with my amendment to clause 38, page 20, line 25, requires fixed penalties imposed in respect of licensing offences in England to be used as set out in clause 38(3) rather than being paid into the Consolidated Fund. The provision for Wales is moved to a new clause after clause 39.*

BARONESS MERRON

65 Clause 38, page 20, line 25, leave out from “a” to end of line 27 and insert “relevant enforcement authority in England in pursuance of a fixed penalty notice must be used in connection with any functions they have”

***Member's explanatory statement***

*See the explanatory statement for my amendment to clause 38, 20, line 17.*

BARONESS WALMSLEY

66 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 MERRON

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

***Member's explanatory statement***

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

## BARONESS WALMSLEY

68 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.*

## BARONESS MERRON

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

***Member's explanatory statement***

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

**Clause 39**

## BARONESS MERRON

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

***Member's explanatory statement***

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

## BARONESS MERRON

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

***Member's explanatory statement***

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

## BARONESS MERRON

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

***Member's explanatory statement***

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

### After Clause 39

BARONESS MERRON

73 After Clause 39, insert the following new Clause –

**“Fixed penalty notices: Wales**

- (1) A local weights and measures authority in Wales that has reason to believe that a person has committed an offence under, or under regulations made under, any of the following may give the person a fixed penalty notice in respect of the offence –
  - section 1 (sale of tobacco etc to people born on or after 1 January 2009);
  - section 2 (purchase of tobacco etc on behalf of others);
  - section 6 (age of sale notice at point of sale: Wales);
  - section 10 (sale of vaping or nicotine products to under 18s);
  - section 11 (purchase of vaping or nicotine products on behalf of under 18s);
  - section 14 (displays of products or prices in Wales);
  - section 15 (free distribution and discount of products);
  - section 20 (offences in connection with retail licences: Wales).
- (2) A fixed penalty notice is a notice offering a person the opportunity to discharge any liability to conviction for the offence to which the notice relates by payment of an amount specified in the notice within the relevant period.
- (3) The amount specified in a fixed penalty notice in respect of an offence under section 20 must be an amount equal to level 4 on the standard scale of fines for summary offences.
- (4) The amount specified in a fixed penalty notice in respect of any other offence must be £200.
- (5) For the purposes of this section “the relevant period” is the period of 28 days beginning with the day on which the fixed penalty notice is given.
- (6) A fixed penalty notice must explain –
  - (a) that the local weights and measures authority has reason to believe that the person has committed the offence, and why,
  - (b) the effect of subsection (7), and
  - (c) when and how payment may be made.
- (7) Where a fixed penalty notice has been given to a person (and has not been withdrawn) –
  - (a) no proceedings may be instituted for the offence before the end of the relevant period, and
  - (b) the person may not be convicted of the offence if the person pays –
    - (i) the full amount of the fixed penalty in the notice before the end of the relevant period, or

- (ii) 50% of that amount before the end of the period of 14 days beginning with the day on which the relevant period starts.
- (8) Where proceedings are instituted for the offence after the end of the relevant period, that period is to be disregarded for the purposes of calculating the period mentioned in section 127(1) of the Magistrates' Court Act 1980.
- (9) A fixed penalty notice given under this section may be withdrawn by the local weights and measures authority that gave it at any time before a payment is made in pursuance of the notice."

***Member's explanatory statement***

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

BARONESS MERRON

74 After Clause 39, insert the following new Clause –

**“Fixed penalties in Wales: use of proceeds**

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

***Member's explanatory statement***

*This is in part consequential on my amendment to clause 32, page 17, line 27. The amendment also changes the effect of the current provisions in requiring fixed penalties imposed in respect of licensing offences to be used as set out in the new clause rather than being paid into the Welsh Consolidated Fund.*

BARONESS MERRON

75 After Clause 39, insert the following new Clause –

**“Power to change amount of fixed penalties: Wales**

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

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

***Member's explanatory statement***

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

**After Clause 40**

EARL RUSSELL  
BARONESS WALMSLEY

76 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

77 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.*

**Schedule 5**

LORD MURRAY OF BLIDWORTH  
LORD NASEBY

78 Schedule 5, page 133, line 16, leave out “born on or after 1 January 2009” and insert “under the age of 21”

***Member's explanatory statement***

*This amendment seeks to remove the generational ban on handing over tobacco products in Wales by raising the age to 21.*

LORD MURRAY OF BLIDWORTH  
LORD NASEBY

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

LORD MURRAY OF BLIDWORTH  
LORD NASEBY

- 80 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  
LORD NASEBY

- 81 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  
LORD NASEBY

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

#### Clause 44

BARONESS MERRON

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

***Member's explanatory statement***

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

#### Clause 45

BARONESS MERRON

- 84 Clause 45, page 23, line 4, after second “to” insert “—  
(a) a filter that does not form part of a tobacco product or herbal smoking product;  
(b)”

***Member's explanatory statement***

*This amendment allows the Secretary of State to make regulations applying to filters any provision of Part 1 that applies to tobacco products.*

## BARONESS MERRON

85 Clause 45, page 23, line 5, at end insert –

“(1A) The Secretary of State may by regulations amend this Part for the purpose of extending to filters any provision made by sections 7 to 9 in relation to a relevant oral tobacco product.”

***Member's explanatory statement***

*This amendment allows the Secretary of State to ban the manufacture, sale or possession with intent to supply of filters.*

## Clause 47

## BARONESS MERRON

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

““filter” means a filter that is intended to be used when smoking a tobacco product or herbal smoking product (including a filter that forms part of, or that is intended to be inserted into, an item such as a cigarette holder or pipe);”

***Member's explanatory statement***

*This defines “filter” for the purposes of my amendments to clause 45.*

## LORD UDNY-LISTER

87 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.*

## BARONESS MERRON

88 Clause 47, page 24, line 1, at end insert –

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

***Member's explanatory statement***

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

## LORD UDNY-LISTER

89 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

90 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

91 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  
LORD NASEBY

- 92 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  
LORD NASEBY

- 93 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  
LORD NASEBY

- 94 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  
LORD NASEBY

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

LORD MURRAY OF BLIDWORTH  
LORD NASEBY

- 96 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  
LORD NASEBY

- 97 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  
LORD NASEBY

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

**Clause 62**

BARONESS MERRON

99 Clause 62, page 33, line 19, leave out “is” and insert “will be”

***Member's explanatory statement***

*See the explanatory statement for my amendment to clause 15.*

**Before Clause 63**

BARONESS MERRON

100 Before Clause 63, insert the following new Clause—

**“Alignment of definition of “filter” etc**

- (1) Section 35 of the Tobacco and Primary Medical Services (Scotland) Act 2010 (asp 3) (interpretation of Part 1) is amended as follows.
- (2) In subsection (1), at the appropriate place insert—
 

““filter” means a filter that is intended to be used when smoking a tobacco product or herbal smoking product (including a filter that forms part of, or that is intended to be inserted into, an item such as a cigarette holder or pipe);”.
- (3) In subsection (2), for “cigarette filters” substitute “filters that do not form part of a tobacco product or herbal smoking product”.
- (4) In subsection (3), after “order” insert “amend this section so as to”.

***Member's explanatory statement***

*This adds a definition of “filter” to section 35(1) of the 2010 Act, amends the definition of “smoking related product” so as to attract that new definition and adjusts the power to modify the latter definition to allow amendments that are not confined to the text of section 35(2).*

**Clause 63**

LORD UDNY-LISTER

101 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 67**

BARONESS MERRON

102 Clause 67, page 35, line 22, at end insert—

“(b) if not falling within paragraph (a), a filter that does not form part of a tobacco product or herbal smoking product.

(4) The Scottish Ministers may by regulations amend this Part for the purpose of extending to filters any provision made by sections 9A to 9C in relation to a relevant oral tobacco product.”

***Member's explanatory statement***

*This amendment allows Part 1 of the 2010 Act to be amended so as to extend to filters provisions relating to tobacco products. It also allows the Scottish Ministers to ban the manufacture, sale or possession with intent to supply of filters.*

**Clause 68**LORD MURRAY OF BLIDWORTH  
LORD NASEBY

103 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  
LORD NASEBY

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

BARONESS MERRON

105 Clause 68, page 36, line 10, leave out from “Regulations” to end of line and insert “may not be made by the Department under paragraph (2)(a) unless a draft of the regulations has been laid before and approved by a resolution of the Assembly.”

***Member's explanatory statement***

*This amendment provides for regulations about age verification to be subject to approval by a resolution of the Northern Ireland Assembly.*

**Clause 69**

LORD MURRAY OF BLIDWORTH  
LORD NASEBY

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

LORD MURRAY OF BLIDWORTH  
LORD NASEBY

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

LORD MURRAY OF BLIDWORTH  
LORD NASEBY

- 108 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  
LORD NASEBY

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

**Clause 76**

BARONESS MERRON

- 110 Clause 76, page 40, line 3, leave out from “Regulations” to end of line and insert “may not be made by the Department under paragraph (2)(a) unless a draft of the regulations has been laid before and approved by a resolution of the Assembly.”

***Member's explanatory statement***

*This amendment provides for regulations about age verification to be subject to approval by a resolution of the Northern Ireland Assembly.*

**Clause 80**

BARONESS MERRON

- 111 Clause 80, page 42, line 21, leave out “is” and insert “will be”

***Member's explanatory statement***

*See the explanatory statement for my amendment to clause 15.*

**Clause 82**

BARONESS MERRON

**112** Clause 82, page 43, line 34, at end insert –

““filter” means a filter that is intended to be used when smoking a tobacco product or herbal smoking product (including a filter that forms part of, or that is intended to be inserted into, an item such as a cigarette holder or pipe);”

***Member's explanatory statement***

*This defines “filter” for the purposes of my amendments to clause 85(1).*

LORD UDNY-LISTER

**113** 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.*

**Clause 84**THE EARL OF LINDSAY  
LORD MENDELSON  
LORD JOHNSON OF LAINSTON

**114** Clause 84, page 46, line 30, at end insert –

**“4AA Transitional provision for specialist tobacconists**

- (1) Notwithstanding sections 4A(1) and (2), a person carrying on business as a specialist tobacconist immediately before the day on which this Act is passed shall be treated as holding a personal licence and a premises licence under section 4A in respect of those premises.
- (2) A licence treated as granted under subsection (1) –
  - (a) shall have effect as if granted under regulations made under section 4A(4),
  - (b) shall continue in force until revoked or surrendered, and
  - (c) may be renewed or varied in accordance with those regulations.
- (3) For the purposes of this section “specialist tobacconist” has the meaning set out in section 6 of the Tobacco Advertising and Promotion Act 2002.

- (4) Regulations made under section 4A(4) or Schedule 1 to this Act may not make provision that would –
- (a) prevent the grant of a licence treated as granted under subsection (1),
  - (b) prevent the continuation of a licence so granted other than in consequence of a breach of the licence conditions, or
  - (c) restrict such licences by reference to any limitation on the number or geographical distribution of retail licences within an area.
- (5) The Department may by regulations make further transitional or saving provisions for the purpose of giving effect to this section.”

***Member's explanatory statement***

*This amendment, and one in the name of the Earl of Lindsay to Schedule 11, would ensure that existing specialist tobacconists are automatically granted a retail licence under the new licensing scheme. Its effect is to grandfather such businesses into the regime and exempt them from any future limits on the number or geographical distribution of retail licences.*

**Schedule 11**

THE EARL OF LINDSAY  
LORD MENDELSON  
LORD JOHNSON OF LAINSTON

**115** Schedule 11, page 150, line 33, at end insert –

- “(2A) But any provision made under sub-paragraph (2) shall not apply to premises treated as a specialist tobacconist as defined by section 6 of the Tobacco Advertising and Promotion Act 2002 (specialist tobacconists).”

***Member's explanatory statement***

*This amendment, and one in the name of the Earl of Lindsay to clause 84, would ensure that existing specialist tobacconists are automatically granted a retail licence under the new licensing scheme. Its effect is to grandfather such businesses into the regime and exempt them from any future limits on the number or geographical distribution of retail licences.*

**Clause 85**

BARONESS MERRON

**116** Clause 85, page 48, line 9, after “to” insert “ –

- (a) a filter that does not form part of a tobacco product or herbal smoking product;
- (b)”

***Member's explanatory statement***

*This amendment allows the Department to make regulations applying to filters any provision of Part 2 of the Health and Personal Social Services (Northern Ireland) Order 1978 that applies to tobacco products.*

BARONESS MERRON

**117** Clause 85, page 48, line 9, at end insert –

“(1A) The Department may by regulations amend this Part for the purpose of extending to filters any provision made by Articles 4E to 4G in relation to a relevant oral tobacco product.”

***Member's explanatory statement***

*This amendment allows the Department to ban the manufacture, sale or possession with intent to supply of filters.*

BARONESS MERRON

**118** Clause 85, page 48, line 20, at end insert –

“(za) a filter that does not form part of a tobacco product or herbal smoking product;”

***Member's explanatory statement***

*This amendment allows the Department to make regulations applying to filters any provision of Tobacco Retailers Act (Northern Ireland) 2014 that applies to tobacco products.*

**Schedule 14**

BARONESS MERRON

**119** Schedule 14, page 160, line 19, at end insert –

““filter” means a filter that is intended to be used when smoking a tobacco product or herbal smoking product (including a filter that forms part of, or that is intended to be inserted into, an item such as a cigarette holder or pipe);”

***Member's explanatory statement***

*This defines “filter” for the purposes of my amendments to clause 85(2).*

**After Clause 87**

BARONESS HOEY  
LORD DODDS OF DUNCAIRN  
LORD NASEBY

**120** 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.*

**After Clause 88**

BARONESS MERRON

**121** After Clause 88, insert the following new Clause –

**“Extension of section 88 to filters**

- (1) The Secretary of State may by regulations amend section 88 for the purpose of extending it to a relevant offence that involves possession of a filter with intent to supply it to another in the course of business.
- (2) In subsection (1) –
 

“filter” means a filter that is intended to be used when smoking a tobacco product or herbal smoking product (including a filter that forms part of, or that is intended to be inserted into, an item such as a cigarette holder or pipe);

“herbal smoking product” means a product consisting wholly or partly of vegetable matter and intended to be smoked but not containing tobacco;

“relevant offence” means an offence created by virtue of regulations under –

- (a) section 45(1A),
- (b) section 34A(3A) of the Tobacco and Primary Medical Services Act 2010 (asp 3), or
- (c) Article 6B(1A) of the Health and Personal Social Services (Northern Ireland) Order 1978 (S.I. 1978/1907 (N.I. 26));

“tobacco product” means a product consisting wholly or partly of tobacco and intended to be smoked, sniffed, sucked, chewed or consumed in any other way.

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

***Member's explanatory statement***

*This clause confers power to extend clause 88 to filters.*

**Clause 89**

BARONESS MERRON

**122** Clause 89, page 50, line 12, at end insert –

“(da) filters;”

***Member's explanatory statement***

*This extends the power under the clause to filters.*

BARONESS NORTHOVER

BARONESS WALMSLEY

BARONESS BENNETT OF MANOR CASTLE

**123** 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 LANSLEY

124 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.”

LORD MOYLAN  
BARONESS FOX OF BUCKLEY

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

- “(l) 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).*

BARONESS WALMSLEY  
LORD STRATHCARRON  
LORD NASEBY

126 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.*

**After Clause 89**

THE EARL OF LINDSAY  
LORD MENDELSON

**127** After Clause 89, insert the following new Clause –

**“Exemption for handmade cigars**

- (1) The retail packaging requirements provided for by section 89 shall not apply in relation to handmade cigars.
- (2) For the purposes of this section “handmade cigar” has the meaning set out in section 111.”

***Member's explanatory statement***

*This amendment would exempt handmade cigars from the retail packaging requirements in clause 89.*

**Clause 90**

BARONESS MERRON

**128** Clause 90, page 51, line 4, at end insert –

“(iva) filters;”

***Member's explanatory statement***

*This extends the power under the clause to filters.*

LORD RENNARD  
BARONESS WALMSLEY

**129** 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.*

BARONESS MERRON

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

“(g) any technological features of a tobacco related device or vaping product.”

***Member's explanatory statement***

*This allows regulations under clause 90 to make provision about the technological features of a tobacco related device (such as a heated tobacco device) or a vaping product.*

LORD LANSLEY  
EARL HOWE

131 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.”

BARONESS MERRON

132 Clause 90, page 51, line 16, at end insert –

“(2A) Regulations under subsection (1)(g) may include provision about software for use in connection with technological features to which the regulations relate.”

***Member's explanatory statement***

*This allows regulations under new subsection (1)(g) about the technological features of a tobacco related device or vaping product to include provision about related software.*

**After Clause 90**

LORD RENNARD  
BARONESS WALMSLEY  
LORD YOUNG OF COOKHAM

133 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  
BARONESS FOX OF BUCKLEY

**134** 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).*

BARONESS MERRON

**135** Clause 91, page 51, line 30, at end insert—

“(da) filters;”

***Member's explanatory statement***

*This extends the power under the clause to filters.*

**Clause 92**

BARONESS MERRON

**136** Clause 92, page 52, line 8, at end insert—

“(da) filters;”

***Member's explanatory statement***

*This extends the power under the clause to filters.*

**After Clause 92**

LORD UDNY-LISTER

**136A** After Clause 92, insert the following new Clause—

**“Prohibition on vapes with tanks exceeding 2.00ml or designed for additional tanks**

- (1) It is an offence to place on the market any vape which, when presented for retail sale, incorporates or is supplied with more than one tank, cartridge, or pod container.
- (2) It is an offence to place on the market any vape that contains a tank, cartridge, or pod container, designed to form part of the device, where the vaping liquid capacity of any individual tank, cartridge or pod container exceeds 2.00ml.

- (3) It is an offence to place on the market a vape that is designed to allow an additional tank, cartridge, or pod container to be attached, such that the total liquid capacity of all containers designed to form part of the device exceeds 2.00ml at any time.
- (4) In this section –
- (a) “vape” has the same meaning as in section 111 of this Act,
  - (b) “tank, cartridge, or pod container” means any container designed to form part of the device and designed to hold vaping liquid,
  - (c) “attach” includes any mechanism where a refill container or additional tank is designed to be connected to, integrated with, or made functionally part of the device, and
  - (d) references to a tank, cartridge or pod container do not include a refill container supplied separately and not designed to form part of the device.
- (5) A person who commits an offence under this section is liable –
- (a) on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates’ court, or a fine, or both;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or a fine, or both.”

***Member's explanatory statement***

*This amendment prohibits the placing on the market of vaping devices designed to permit an effective liquid capacity exceeding 2.00 ml, including devices incorporating more than one tank, cartridge or pod container, any individual container exceeding 2.00 ml, or designs that allow additional containers to be attached so that the total capacity exceeds 2.00 ml at any time.*

**Clause 93**

BARONESS MERRON

137 Clause 93, page 52, line 36, at end insert –

“(da) filters;”

***Member's explanatory statement***

*This extends the power under the clause to filters.*

**Clause 94**

BARONESS MERRON

138 Clause 94, page 53, line 8, at end insert –

“(da) filters;”

***Member's explanatory statement***

*This extends the power under the clause to filters.*

**Clause 95**

BARONESS MERRON

- 139 Clause 95, page 54, line 9, at end insert –  
“(iva) filters;”

***Member's explanatory statement****This extends the power under the clause to filters.***Clause 96**

BARONESS MERRON

- 140 Clause 96, page 54, line 32, at end insert –  
“(da) filters;”

***Member's explanatory statement****This extends the power under the clause to filters.***Clause 97**

BARONESS MERRON

- 141 Clause 97, page 55, line 9, at end insert –  
“(da) filters;”

***Member's explanatory statement****This extends the power under the clause to filters.***Clause 99**

BARONESS MERRON

- 142 Clause 99, page 56, line 16, at end insert –  
“(da) filters;”

***Member's explanatory statement****This extends the power under the clause to filters.*

**Clause 100**

BARONESS MERRON

143 Clause 100, page 56, line 33, at end insert –

“(iva) filters,”

***Member's explanatory statement***

*This extends the power under the clause to filters.*

**Clause 102**

BARONESS MERRON

144 Clause 102, page 57, line 27, leave out subsection (5) and insert –

“(5) Regulations under this Part creating an offence –

- (a) may provide for it to be punishable with a term of imprisonment or a fine (or both);
- (b) may not provide for the maximum term of imprisonment to exceed 2 years.”

***Member's explanatory statement***

*Clause 102 currently requires offences created by regulations under Part 5 to be either way offences with a maximum penalty of 2 years imprisonment. The amendment allows more flexibility so that summary only offences with lesser maximum penalties can be created.*

**Clause 103**

BARONESS MERRON

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

**“Enforcement**

- (1) Regulations under this Part may include provision about enforcement.
- (2) The provision that may be made about enforcement includes –
  - (a) provision conferring functions on the relevant enforcement authorities;
  - (b) provision for the appropriate national authority to –
    - (i) direct, in relation to cases of a particular description or a particular case, that any function conferred on a relevant enforcement authority by virtue of the regulations is to be carried out by the appropriate national authority and not by the relevant enforcement authority;
    - (ii) take over the conduct of any proceedings from a relevant enforcement authority in respect of an offence under this Part.
- (3) The provision that may be made about enforcement includes –

- (a) provision conferring on a relevant enforcement authority the power to prohibit a person, for a period of up to 6 months, from supplying a product, if the authority has reasonable grounds to suspect that there has been a breach of regulations under this Part in relation to that product;
  - (b) provision for the forfeiture of products –
    - (i) in England and Wales or Northern Ireland, by court order;
    - (ii) in Scotland, by order of a sheriff;
  - (c) provision similar or corresponding to section 88 (HMRC seizure powers).
- (4) Provision made by virtue of subsection (3)(a) may include –
- (a) provision for compensation to be payable by a relevant enforcement authority in specified circumstances;
  - (b) provision about the resolution of disputes about compensation.
- (5) Regulations under this section may include provision conferring jurisdiction on a court or tribunal, including –
- (a) provision conferring jurisdiction to order a person to reimburse a relevant enforcement authority’s expenditure in specified circumstances;
  - (b) provision about appeals.
- (6) In this section –
- “appropriate national authority” means –
    - (a) in relation to England, the Secretary of State,
    - (b) in relation to Wales, the Welsh Ministers,
    - (c) in relation to Scotland, the Scottish Ministers, and
    - (d) in relation to Northern Ireland, the Department of Health;
  - “relevant enforcement authority” means –
    - (a) in relation to England, a local weights and measures authority,
    - (b) in relation to Wales, a local weights and measures authority,
    - (c) in relation to Scotland, a local weights and measures authority, and
    - (d) in relation to Northern Ireland, a district council;
  - “supplying” includes –
    - (a) agreeing to supply;
    - (b) offering or exposing for supply.”

***Member's explanatory statement***

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

### Clause 111

BARONESS MERRON

146 Clause 111, page 60, line 36, at end insert –

““filter” means a filter that is intended to be used when smoking a tobacco product or herbal smoking product (including a filter that forms part of, or that is intended to be inserted into, an item such as a cigarette holder or pipe);”

***Member's explanatory statement***

*This defines “filter” for the purposes of my amendments to Part 5 of the Bill.*

THE EARL OF LINDSAY  
LORD MENDELSON

147 Clause 111, page 60, line 36, at end insert –

““handmade cigar” means a cigar (or unit) which –

- (a) is wrapped in a whole tobacco leaf,
- (b) contains a binder composed entirely of natural tobacco leaf,
- (c) contains filler tobacco composed entirely of natural tobacco leaves, at least 50 per cent of which by weight consists of long-filler tobacco,
- (d) contains no reconstituted, or homogenised tobacco,
- (e) is handmade or hand-rolled individually, without the use of automated machinery, save for simple handheld tools,
- (f) has no filter, non-tobacco tip or mouthpiece,
- (g) contains no characterising flavour other than tobacco,
- (h) contains only tobacco, water and vegetable gum, and
- (i) conforms to a standard whereby the weight of one thousand units exceeds six pounds;”

***Member's explanatory statement***

*This amendment inserts a definition of “handmade cigar” for the purposes of Part 5 of the Act only, ensuring that the exemption from retail packaging requirements applies narrowly to genuinely handmade, premium cigars and cannot be extended to mass-market or flavoured products.*

### Clause 113

BARONESS MERRON

148 Clause 113, page 62, line 31, leave out “or effect is” and insert “is or effect will be”

***Member's explanatory statement***

*See the explanatory statement for my amendment to clause 15.*

## LORD UDNY-LISTER

149 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

## BARONESS MERRON

150 Clause 114, page 63, line 20, leave out “or effect is” and insert “is or effect will be”

***Member's explanatory statement***

*See the explanatory statement for my amendment to clause 15.*

LORD UDNY-LISTER  
BARONESS FOX OF BUCKLEY

151 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  
BARONESS FOX OF BUCKLEY

152 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

153 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**

BARONESS MERRON

154 Clause 115, page 64, line 4, leave out “or effect is” and insert “is or effect will be”

***Member's explanatory statement***

*See the explanatory statement for my amendment to clause 15.*

LORD UDNY-LISTER

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

**Clause 116**

BARONESS MERRON

156 Clause 116, page 64, line 32, leave out “or effect is” and insert “is or effect will be”

***Member's explanatory statement***

*See the explanatory statement for my amendment to clause 15.*

LORD UDNY-LISTER

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

**Clause 117**

BARONESS MERRON

158 Clause 117, page 65, line 18, leave out “or effect is” and insert “is or effect will be”

***Member's explanatory statement***

*See the explanatory statement for my amendment to clause 15.*

LORD UDNY-LISTER

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

BARONESS MERRON

160 Clause 117, page 65, line 33, leave out “or effect is” and insert “is or effect will be”

***Member's explanatory statement***

*See the explanatory statement for my amendment to clause 15.*

## LORD UDNY-LISTER

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

**Clause 118**

## BARONESS MERRON

162 Clause 118, page 66, line 22, leave out “or effect is” and insert “is or effect will be”

*Member's explanatory statement*

*See the explanatory statement for my amendment to clause 15.*

## LORD UDNY-LISTER

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

## BARONESS MERRON

164 Clause 118, page 66, line 38, leave out “or effect is” and insert “is or effect will be”

*Member's explanatory statement*

*See the explanatory statement for my amendment to clause 15.*

**After Clause 118**

## BARONESS MERRON

165 After Clause 118, insert the following new Clause –

**“Exceptions for internet service providers (conduits, caching and hosting)”**

- (1) An internet service provider does not commit an offence under section 113, 116, 117 or 118 by –
  - (a) providing access to a communication network, or
  - (b) transmitting, in a communication network, information provided by a user, if the provider does not –
    - (i) initiate the transmission,
    - (ii) select the recipient of the transmission, or
    - (iii) select or modify the information contained in the transmission.
- (2) The references in subsection (1) to providing access to, or transmitting information in, a communication network include storing the information transmitted so far as the storage –
  - (a) is automatic, intermediate and transient,
  - (b) is solely for the purpose of carrying out the transmission in the network, and

- (c) is for no longer than is reasonably necessary for the transmission.
- (3) An internet service provider does not commit an offence under section 113, 116, 117 or 118 by storing information provided by a user for transmission in a communication network if –
- (a) the storage of the information –
    - (i) is automatic, intermediate and temporary, and
    - (ii) is solely for the purpose of making more efficient the onward transmission of the information to other users at their request, and
  - (b) the internet service provider –
    - (i) does not modify the information,
    - (ii) complies with any conditions attached to having access to the information, and
    - (iii) upon knowing of a matter within subsection (4), promptly removes the information or disables access to it.
- (4) The matters within this subsection are –
- (a) that the information at the initial source of the transmission has been removed from the network;
  - (b) that access to the information has been disabled;
  - (c) that a court or administrative authority has ordered the removal from the network of, or the disablement of access to, the information.
- (5) An internet service provider does not commit an offence under section 113, 116, 117 or 118(1) by storing information provided by a user who is not acting under the authority or control of the provider if –
- (a) when the information was provided, the provider did not know that it was or contained a relevant advertisement, and
  - (b) upon knowing that the information is or contains a relevant advertisement, the provider promptly removes the information or disables access to it.
- (6) In this section –
- “internet service provider” means a provider of –
- (a) a service that is made available by means of the internet, or
  - (b) a service that provides access to the internet;
- “relevant advertisement” means an advertisement whose purpose is, or effect will be, to promote –
- (a) a tobacco product,
  - (b) a herbal smoking product,
  - (c) cigarette papers,
  - (d) a vaping product, or
  - (e) a nicotine product;
- “user”, in relation to an internet service provider, means a user of a service provided by the internet service provider.
- (7) In the definition of “internet service provider” in subsection (6), a reference to the internet includes a combination of the internet and an electronic communications service (as defined by section 32(2) of the Communications Act 2003).”

**Member's explanatory statement**

*This creates exceptions to the advertising offences in relation to mere conduit services, caching services, and hosting services.*

**After Clause 119**

BARONESS MERRON

**166** After Clause 119, insert the following new Clause—

**“Advertising defence: public health campaigns**

- (1) Where a person is charged with an offence under any of sections 113 to 118 in relation to an advertisement whose purpose is to promote vaping products or nicotine products in general, or a category of such products, it is a defence for the person to show that they knew or reasonably believed that they were acting in accordance with arrangements made by a public authority.
- (2) A public authority may only make such arrangements for the purposes of promoting or protecting public health.
- (3) Where in accordance with subsection (1) it is a defence for a person charged with an offence to show a particular matter, the person is taken to show that matter if—
  - (a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and
  - (b) the contrary is not proved beyond reasonable doubt.
- (4) A reference in this section to a “category” of vaping products or nicotine products does not include a brand.”

**Member's explanatory statement**

*This creates a defence to the advertising offences created by the Bill for public health campaigns. The defence is available only where a person knows or reasonably believes that they are acting in accordance with arrangements made by a public authority.*

**Clause 120**

BARONESS MERRON

**167** Clause 120, page 68, line 29, leave out “or effect is” and insert “is or effect will be”

**Member's explanatory statement**

*See the explanatory statement for my amendment to clause 15.*

**After Clause 120**

LORD SHARPE OF EPSOM  
LORD BRADY OF ALTRINCHAM  
BARONESS FOX OF BUCKLEY  
LORD NASEBY

168 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  
BARONESS FOX OF BUCKLEY

169 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 122**

BARONESS MERRON

170

Clause 122, page 70, line 18, leave out “or effect of the use is” and insert “of the use is, or the effect of the use will be,”

***Member's explanatory statement***

*See the explanatory statement for my amendment to clause 15.*

**Clause 123**

BARONESS MERRON

- 171** Clause 123, page 71, line 13, leave out from “purpose” to end of line and insert “of anything done as a result of the agreement is, or its effect will be,”

***Member's explanatory statement***

*See the explanatory statement for my amendment to clause 15.*

**Clause 124**

BARONESS MERRON

- 172** Clause 124, page 71, line 39, leave out from “purpose” to “to” in line 40 and insert “of anything done on or after the specified date as a result of the agreement is, or its effect will be”

***Member's explanatory statement***

*See the explanatory statement for my amendment to clause 15.*

**Schedule 16**

BARONESS MERRON

- 173** Schedule 16, page 162, line 20, at beginning insert “In”

***Member's explanatory statement***

*This is consequential on my amendment to Schedule 16, page 162, line 20*

BARONESS MERRON

- 174** Schedule 16, page 162, line 20, leave out from “radio)” to end of line 23 and insert “for subsections (10) and (11) substitute –

“(10) So far as relating to product placement falling within paragraph 4(ba), (bb), (bc), (bd), (bg) or (bh) of Schedule 11A (herbal smoking products, cigarette papers and nicotine products) subsection (2)(fa) does not apply in relation to programmes the production of which began before the coming into force of paragraph 8 of Schedule 16 to the Tobacco and Vapes Act 2026.

(11) So far as relating to product placement falling within paragraph 4(be) of Schedule 11A (vaping products), subsection (2)(fa) –

(a) does not apply in relation to programmes the production of which began before 20 May 2016, and

- (b) in relation to the product placement of –
  - (i) vaping substances that do not contain nicotine, or
  - (ii) vapes which are intended solely for use with substances that do not contain nicotine,
 does not apply in relation to programmes the production of which began before the coming into force of paragraph 8 of Schedule 16 to the Tobacco and Vapes Act 2026.
- (11A) So far as relating to product placement falling within paragraph 4(bf) of Schedule 11A (undertakings whose principal activity is the manufacture or sale of vaping products) subsection (2)(fa) –
  - (a) does not apply in relation to programmes the production of which began before 1 November 2020, and
  - (b) in relation to product placement by or on behalf of an undertaking whose principal activity is the manufacture or sale of –
    - (i) vaping substances that do not contain nicotine, or
    - (ii) vapes which are intended solely for use with substances that do not contain nicotine,
 (or both) does not apply in relation to programmes the production of which began before the coming into force of paragraph 8 of Schedule 16 to the Tobacco and Vapes Act 2026.
- (11B) In subsections (11) and (11A) “vape” and “vaping substance” have the meaning given by section 111 of the Tobacco and Vapes Act 2026.”

***Member's explanatory statement***

*This ensures that changes to the rules about product placement in TV and radio programmes do not apply to programmes the production of which began before those changes are introduced.*

BARONESS MERRON

175 Schedule 16, page 162, line 24, leave out “In”

***Member's explanatory statement***

*This is consequential on my amendment to Schedule 16, page 162, line 29*

BARONESS MERRON

176 Schedule 16, page 162, line 25, at beginning insert “is amended as follows.  
(2)”

***Member's explanatory statement***

*This is consequential on my amendment to Schedule 16, page 162, line 29*

BARONESS MERRON

177 Schedule 16, page 162, leave out lines 28 and 29

***Member's explanatory statement***

*This is consequential on my amendment to Schedule 16, page 162, line 29*

BARONESS MERRON

178 Schedule 16, page 162, line 29, at end insert –

“(3) After subsection (1) insert –

“(1A) Advertising of vaping products or nicotine products is only permitted in an on-demand programme service if –

- (a) the advertising relates to those products in general or to a category of those products, but not to a particular brand, and
- (b) the inclusion of the advertising in the service is in accordance with arrangements made by a public authority.

(1B) A public authority may only make such arrangements for the purposes of promoting or protecting public health.””

***Member's explanatory statement***

*This permits the advertising of vaping and nicotine products in on-demand programme services for public health campaigns.*

BARONESS MERRON

179 Schedule 16, page 163, line 3, leave out “In”

***Member's explanatory statement***

*This is consequential on my amendment to Schedule 16, page 163, line 15.*

BARONESS MERRON

180 Schedule 16, page 163, line 4, after “placement” insert “is amended as follows.

(2)”

***Member's explanatory statement***

*This is consequential on my amendment to Schedule 16, page 163, line 15.*

BARONESS MERRON

181 Schedule 16, page 163, line 12, leave out “or nicotine products”

***Member's explanatory statement***

*This is consequential on my amendment to Schedule 16, page 163, line 15.*

## BARONESS MERRON

- 182 Schedule 16, page 163, line 14, leave out “or nicotine products, or” and insert—
- “(bg) it is of nicotine products,
  - (bh) it is by or on behalf of an undertaking whose principal activity is the manufacture or sale of nicotine products, or”

***Member's explanatory statement***

*This is consequential on my amendment to Schedule 16, page 163, line 15.*

## BARONESS MERRON

- 183 Schedule 16, page 163, line 15, at end insert—
- “(3) For subsections (15A) and (15B) substitute—
- “(15A) Subsection (4)(ba), (bb), (bc), (bd), (bg) and (bh) do not apply in relation to programmes the production of which began before the coming into force of paragraph 5 of Schedule 16 to the Tobacco and Vapes Act 2026.
- (15B) Subsection (4)(be)—
- (a) does not apply in relation to programmes the production of which began before 20 May 2016, and
  - (b) in relation to the product placement of—
    - (i) vaping substances that do not contain nicotine, or
    - (ii) vapes which are intended solely for use with substances that do not contain nicotine,
 does not apply in relation to programmes the production of which began before the coming into force of paragraph 5 of Schedule 16 to the Tobacco and Vapes Act 2026.
- (15BA) Subsection (4)(bf)—
- (a) does not apply in relation to programmes the production of which began before 1 November 2020, and
  - (b) in relation to product placement by or on behalf of an undertaking whose principal activity is the manufacture or sale of—
    - (i) vaping substances that do not contain nicotine, or
    - (ii) vapes which are intended solely for use with substances that do not contain nicotine,
 (or both) does not apply in relation to programmes the production of which began before the coming into force of paragraph 5 of Schedule 16 to the Tobacco and Vapes Act 2026.
- (15BB) In subsections (15B) and (15BA) “vape” and “vaping substance” have the meaning given by section 111 of the Tobacco and Vapes Act 2026.””

***Member's explanatory statement***

*This ensures that changes to the rules about product placement in on-demand services do not apply to programmes the production of which began before those changes are introduced.*

BARONESS MERRON

184 Schedule 16, page 163, line 31, leave out paragraph 7

***Member's explanatory statement***

*This leaves out amendments to section 368Z of the Communications Act 2003 since it has been repealed by the Online Safety Act 2023 and that repeal is now in force.*

BARONESS MERRON

185 Schedule 16, page 164, line 14, after “4” insert “–

- (a) in paragraph (b), after “tobacco products” insert “(or both)”;
- (b)”

***Member's explanatory statement***

*This ensures that the drafting of paragraph 4(b) of Schedule 11A to the Communications Act 2003 is consistent with my amendment to Schedule 16, page 163, line 15.*

BARONESS MERRON

186 Schedule 16, page 164, line 21, leave out “or nicotine products”

***Member's explanatory statement***

*This is consequential on my amendment to Schedule 16, page 162, line 20.*

BARONESS MERRON

187 Schedule 16, page 164, line 23, leave out “or nicotine products; or” and insert –

- “(bg) of nicotine products;
- (bh) by or on behalf of an undertaking whose principal activity is the manufacture or sale of nicotine products; or”

***Member's explanatory statement***

*This is consequential on my amendment to Schedule 16, page 162, line 20.*

**Clause 132**

BARONESS MERRON

188 Clause 132, page 75, line 12, at end insert –

“(za) a filter that does not form part of a tobacco product or herbal smoking product;”

***Member's explanatory statement***

*This extends the power under the clause to filters.*

LORD UDNY-LISTER

189 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

190 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 134**

BARONESS MERRON

191 Clause 134, page 76, line 17, at end insert –

““filter” has the meaning given by section 111;”

***Member's explanatory statement***

*This defines “filter” for the purposes of my amendment to clause 132.*

**Clause 135**THE EARL OF LINDSAY  
LORD MENDELSON

192 Clause 135, page 77, line 21, at end insert –

“(3B) Regulations made under this section may not designate as smoke-free any premises, or any part of premises, which are exempt from the

prohibition on smoking by virtue of regulation 7 of the Smoke-free (Exemptions and Vehicles) Regulations 2007.”

***Member's explanatory statement***

*This amendment would preserve the existing suspension for specialist tobacconists' premises, or parts of premises under the Smoke-free (Exemptions and Vehicles) Regulations 2007, ensuring that the regulation-making power in clause 135 cannot be used to remove or override that long-standing allowance.*

**Clause 136**

LORD KAMALL  
EARL HOWE

**192A** Clause 136, page 78, line 11, at end insert –

“(3) Regulations made under this section may not be read as placing any burden on a person to prove to any enforcing authority that smoking is necessary for artistic reasons, and in any proceedings relating to an alleged offence it is for the enforcing authority to establish that the conditions for any exemption do not apply.”

***Member's explanatory statement***

*This amendment seeks to clarify that regulations relating to smoking in theatrical performances do not alter the existing allocation of the burden of proof.*

**Clause 138**

LORD UDNY-LISTER  
BARONESS FOX OF BUCKLEY

**193** 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  
BARONESS FOX OF BUCKLEY

**194** 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 KAMALL  
EARL HOWE

**194A** Clause 138, page 81, line 41, at end insert –

“(6) Regulations under this section may not be made unless the Secretary of State has published the evidence relied upon in making a designation of a place or vehicle as vape-free, and is satisfied on the basis of this evidence that exposure to vapour from vaping products in the places or descriptions of places specified presents a risk to health which justifies the designation of those places as vape-free.”

***Member's explanatory statement***

*This amendment requires that decisions to designate premises as vape-free are based on a clear and published evidence base demonstrating a health risk from exposure to vapour. It reflects the fact that the evidence on passive vaping differs materially from that on passive smoking and ensures that restrictions are proportionate and evidence led.*

LORD UDNY-LISTER  
BARONESS FOX OF BUCKLEY

**195** 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  
BARONESS FOX OF BUCKLEY  
LORD NASEBY

**196** 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

197 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  
BARONESS FOX OF BUCKLEY

198 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  
BARONESS BENNETT OF MANOR CASTLE

199 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.*

**Clause 144**

BARONESS MERRON

- 200 Clause 144, page 91, line 18, leave out “occupies or is concerned in the management” and insert “has management or control”

***Member's explanatory statement***

*This amendment ensures that the person responsible for displaying signs about heated tobacco-free premises in Scotland is the same as the person responsible for displaying no-smoking signs and no vaping signs.*

**After Clause 157**BARONESS HOEY  
LORD DODDS OF DUNCAIRN

- 201 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 YOUNG OF COOKHAM  
BARONESS WALMSLEY  
BARONESS NORTHOVER

- 202 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

**203** 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.*

EARL RUSSELL  
LORD YOUNG OF COOKHAM  
LORD CRISP  
BARONESS WALMSLEY

**204** After Clause 157, insert the following new Clause –

**“Tobacco company levy scheme**

- (1) Within two years of the passage of this Act, the Secretary of State must by regulations make provision for the imposition of a scheme which constitutes a levy on companies deriving income from the manufacture of tobacco products.
- (2) Regulations under this section must provide that –
- (a) for the purposes of improving public health, the prices which may be charged for tobacco products are regulated;
  - (b) a levy is imposed on tobacco products by reference to sales or estimated sales of those products, to be used for the purposes of reducing smoking prevalence and improving public health;
  - (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) tobacco control activity and public health campaigns related to tobacco harm reduction, and
  - (c) healthcare services for people affected by smoking-related illnesses.
- (4) 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.*

**Before Clause 158**

BARONESS MERRON

205 Before Clause 158, insert the following new Clause –

**“Review of Act**

- (1) The Secretary of State must –
  - (a) carry out a review of the operation of this Act during the relevant period, and
  - (b) prepare and lay before Parliament a report setting out the conclusions of that review.
- (2) In carrying out the review the Secretary of State must, in particular –
  - (a) consider any evidence as to the economic or health impacts of the Act, and
  - (b) consult –
    - (i) the Welsh Ministers,
    - (ii) the Scottish Ministers, and
    - (iii) the Department of Health in Northern Ireland.
- (3) In this section “the relevant period” means such period as the Secretary of State considers appropriate being a period of not less than 4 years, nor more than 7 years, beginning with the day on which this Act is passed.”

***Member's explanatory statement***

*This requires the Secretary of State to review the operation of the Bill and lay a report before Parliament setting out the conclusions of that review.*

LORD LANSLEY  
LORD NORTON OF LOUTH  
BARONESS FOX OF BUCKLEY

206 Before Clause 158, 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.”

BARONESS FOX OF BUCKLEY

207

Before Clause 158, insert the following new Clause—

**“Review of the impact of this Act on domestic production, supply chains and market integrity**

- (1) The Secretary of State must, within three years of the day on which this Act is passed, prepare and publish a review of the impact of this Act on—
- (a) the structure and functioning of domestic production activities associated with products regulated under this Act, including manufacturing, processing, formulation, testing and quality assurance;
  - (b) patterns of investment, employment and skills within those domestic production activities in the United Kingdom;
  - (d) the configuration, resilience and transparency of supply chains serving the UK market, including the extent of reliance on overseas production;
  - (e) the extent to which the provisions of this Act have affected the structure and operation of the market, including whether they have reduced harmful use as intended or produced unintended or counterproductive effects;
  - (f) the effectiveness of enforcement arrangements in promoting compliance and supporting lawful operators;
  - (g) whether, in practice, the regulatory framework has clearly and consistently distinguished between compliant and non-compliant activity.

- (2) In preparing the review, the Secretary of State must consult—
- (a) persons carrying out domestic production activities relevant to subsection (1);
  - (b) representatives of workers in relevant sectors;
  - (c) enforcement authorities with responsibilities under this Act;
  - (d) such other persons as the Secretary of State considers appropriate.
- (3) The review must assess whether the provisions of this Act, including regulations, guidance and enforcement practices made under it, have had any unintended or disproportionate effects on lawful domestic activity, market integrity, or consumer protection.
- (4) The Secretary of State must lay the review before Parliament.”

***Member's explanatory statement***

*This amendment seeks to mandate a review of the impacts of the Bill on manufacturing, investment, employment and skills within domestic production activities of associated products, and, through consultation, to assess any unintended consequences on domestic production activities and affected parties.*

**Clause 165**

BARONESS MERRON

208 Clause 165, page 119, line 2, leave out “or orders”

***Member's explanatory statement***

*This and my other amendments to clause 165 reflect changes made by the Legislation (Procedure, Publication and Repeals) (Wales) Act 2025, which introduces the concept of a Welsh statutory instrument and makes related provision about procedure. There are no significant substantive changes to the procedure for regulations.*

BARONESS MERRON

209 Clause 165, page 119, line 2, leave out “or the Welsh Ministers”

***Member's explanatory statement***

*See the explanatory statement for my first amendment to clause 165, page 119, line 2.*

BARONESS MERRON

210 Clause 165, page 119, line 6, at end insert—

“(2A) Regulations or orders made by the Welsh ministers under this Act are to be made by Welsh statutory instrument.”

***Member's explanatory statement***

*See the explanatory statement for my first amendment to clause 165, page 119, line 2.*

## BARONESS MERRON

**211** Clause 165, page 119, line 15, leave out paragraph (b) and insert—

“(b) if made by the Welsh Ministers, are subject to the Senedd approval procedure (see Part 2A of the Legislation (Wales) Act 2019 (anaw 4));”

***Member's explanatory statement***

*See the explanatory statement for my first amendment to clause 165, page 119, line 2.*

## BARONESS MERRON

**212** Clause 165, page 119, line 29, leave out paragraph (b) and insert—

“(b) if made by the Welsh Ministers, are subject to the Senedd annulment procedure (see Part 2A of the Legislation (Wales) Act 2019 (anaw 4));”

***Member's explanatory statement***

*See the explanatory statement for my first amendment to clause 165, page 119, line 2.*

## BARONESS MERRON

**213** Clause 165, page 119, line 39, after “made” insert “by the Secretary of State or a Northern Ireland department”

***Member's explanatory statement***

*This excludes Welsh statutory instruments and Scottish statutory instruments from the provision about combining instruments that are subject to different procedures since there is general provision for the combination of such instruments under the legislation mentioned in my amendment to clause 165, page 119, line 41.*

## BARONESS MERRON

**214** Clause 165, page 119, line 40, after “made” insert “by them”

***Member's explanatory statement***

*This is consequential on my amendment to clause 165, page 119, line 39.*

## BARONESS MERRON

**215** Clause 165, page 119, line 41, at end insert—

“(7) See also—

- (a) section 33 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10) (combining Scottish subordinate legislation subject to different procedures);
- (b) section 37G of the Legislation (Wales) Act 2019 (combining Welsh subordinate legislation subject to different procedures).”

***Member's explanatory statement***

*See the explanatory statement for my amendment to clause 165, page 119, line 39.*

**Clause 167**

BARONESS HOEY  
LORD DODDS OF DUNCAIRN  
LORD NASEBY

**216** 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.*

BARONESS MERRON

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

***Member's explanatory statement***

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

**Clause 168**

BARONESS MERRON

**218** Clause 168, page 121, line 13, at end insert –

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

***Member's explanatory statement***

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

BARONESS MERRON

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

***Member's explanatory statement***

*This is consequential on my other amendment to clause 168.*

**Title**

LORD MURRAY OF BLIDWORTH  
LORD NASEBY

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

# Tobacco and Vapes Bill

---

SECOND MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
ON REPORT

---

*27 February 2026*

---

PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS