

Tobacco and Vapes Bill

COMMONS CONSEQUENTIAL AMENDMENTS

[The page and line references are to HL Bill 89, the Bill as first printed for the Lords]

After Clause 39

LORDS AMENDMENT 28

28 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- (7) Where a fixed penalty notice has been given to a person (and has not been withdrawn)—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.”

COMMONS AMENDMENTS CONSEQUENTIAL UPON THE LORDS AMENDMENT

The Commons propose the following amendments to the Bill consequential upon the Lords Amendment –

- 28A** Clause 43, page 22, line 9, leave out “Section 37 has” and insert “Sections 37 and (*Fixed penalty notices: Wales*) have”
- 28B** Clause 43, page 22, line 10, leave out “that section” and insert “each of those sections”
- 28C** Clause 44, page 22, line 20, leave out “and 37(1)” and insert “, 37(1) and (*Fixed penalty notices: Wales*)(1)”

LORDS AMENDMENT 29

- 29** 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*).

COMMONS AMENDMENTS CONSEQUENTIAL UPON THE LORDS AMENDMENT

The Commons propose the following amendments to the Bill consequential upon the Lords Amendment –

- 29A** Clause 43, page 22, line 15, leave out “Section 38 has” and insert “Sections 38 and (*Fixed penalties in Wales: use of proceeds*) have”
- 29B** Clause 43, page 22, line 15, leave out “it” and insert “they”
- 29C** Clause 44, page 22, line 36, leave out “section 38 has effect as if it” and insert “sections 38 and (*Fixed penalties in Wales: use of proceeds*) have effect as if they each”

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