



HL Bill 89 of 2024–25

Tobacco and Vapes Bill

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The [Tobacco and Vapes Bill](#) completed its stages in the House of Commons on 26 March 2025 and is scheduled to have its second reading in the House of Lords on 23 April 2025. It includes measures intended to stop anyone born on or after 1 January 2009 from ever smoking tobacco, creating a ‘smoke-free generation’. The bill also aims to stop vaping being advertised to appeal to children, while enabling adult tobacco smokers to use vaping to help them quit. The bill aims to ensure a consistent approach to tobacco and vaping regulation across the UK. Measures include:

- a ban on advertising and sponsorship of vaping and nicotine products
- a ban on selling vapes, including non-nicotine vapes, and nicotine products to under 18s
- outlawing free distribution of vape and tobacco products and their sale from vending machines
- powers to regulate flavours, packaging and display, and update product standards
- powers to designate certain outdoor public places and workplaces as smoke-free





- powers to make certain smoke-free places also vape-free and heated-tobacco-free
- powers to introduce licensing and product registration schemes

The bill is similar to the [Tobacco and Vapes Bill 2023–24](#), introduced by the previous (Conservative) government, which fell at dissolution 2024. During the bill's Commons proceedings, MPs noted the new bill includes further measures, including more regulation-making powers.

The aims of the bill received broad support in the Commons, though some members expressed concerns about specific measures and the practicality and ethics of their implementation.

Alongside the bill, the government has published [explanatory notes](#), an [impact assessment](#), a [factsheet](#), and a [delegated powers memorandum](#).

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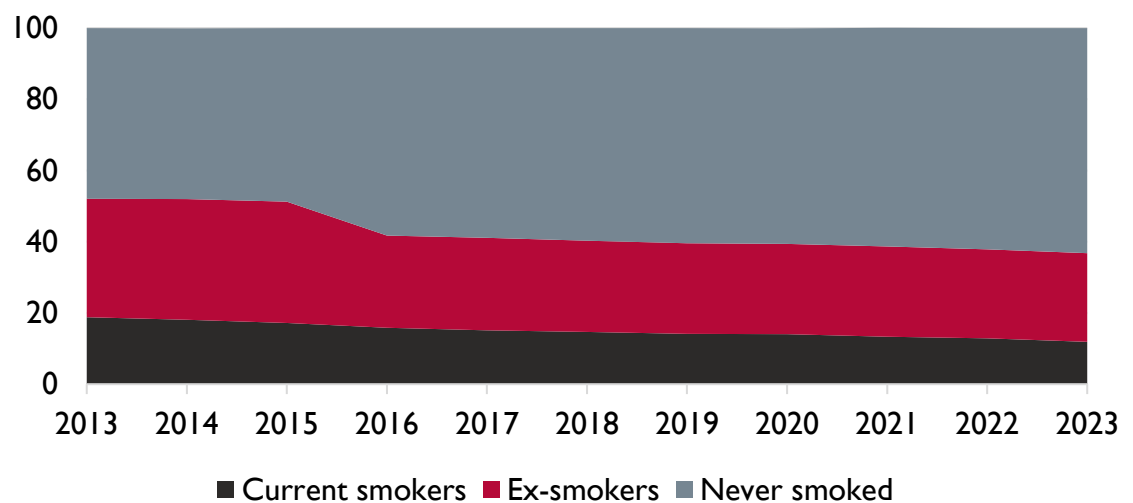


I. Background

I.1 Smoking prevalence and impacts

The latest UK figures from the Office for National Statistics (ONS), for 2023, and based on a survey sample size of almost 125,000 UK residents aged 18 and over, showed an estimated 10.1% of women and 13.7% of men smoke: about 6 million people.¹ The age group most likely to smoke was 25 to 34-year-olds. Smoking incidence varied by region and was correlated with deprivation.

Figure I. Percentage of UK population over 18 by smoking status



(Office for National Statistics, '[Smoking habits in the UK and its constituent countries](#)', 1 October 2024)

¹ Office for National Statistics, '[Adult smoking habits in the UK: 2023](#)', 1 October 2024.



Smoking is addictive.² The 2023 data also showed 55.9% of the people who smoked intended to quit.³ Almost a quarter of current smokers (23.8%) intended to quit within three months.

Smoking significantly increases the risks of health conditions including cancers, heart disease, chronic obstructive pulmonary disease and dementia.⁴ On average, the life expectancy for smokers is around 10 years shorter than for non-smokers.⁵ Two-thirds of long-term smokers die from smoking-related causes.⁶

Smoking can also harm non-smokers who are exposed to smoke, including children. Smoking in pregnancy increases the risk of complications, stillbirth and infant health problems.⁷

Cancer Research UK has estimated that up to 75,000 GP appointments each month were linked to smoking.⁸ The government has stated that smoking costs the NHS and social care £3bn each year, and costs the wider economy £17bn, which it notes “far outweighs” Treasury income from taxes on tobacco products.⁹

² The addictive ingredient in tobacco-related products is nicotine (NHS, '[Stop smoking treatments](#)', accessed 8 April 2025).

³ Office for National Statistics, '[Adult smoking habits in the UK: 2023](#)', 1 October 2024.

⁴ Department of Health and Social Care, '[Tobacco and Vapes Bill: Impact assessment](#)', 5 November 2024.

⁵ NHS England, '[Why it is always the right time to quit](#)', 31 October 2022.

⁶ Emily Banks et al, '[Tobacco smoking and all-cause mortality in a large Australian cohort study: Findings from a mature epidemic with current low smoking prevalence](#)', BMC Medicine, 24 February 2015, vol 13.

⁷ Action on Smoking and Health, '[Smoking, pregnancy and fertility](#)', December 2021.

⁸ Cancer Research UK, '[Ending smoking could free up 75,000 GP appointments each month](#)', 7 March 2023.

⁹ Department of Health and Social Care, '[Creating a smoke-free generation and tackling youth vaping: What you need to know](#)', 15 April 2024.



1.2 Vaping prevalence and impacts

The same ONS release noted an estimated 5.9% of people aged 16 and over in Great Britain reported vaping (using e-cigarettes) daily in 2023, up from 5.2% in 2022.¹⁰ A further 3.9% vaped occasionally, compared to 3.5% in 2022. This totals to around 5.1 million vape users.

Between 2022 and 2023 the number of people who had never smoked but used a vape daily was estimated to have doubled to 1.2% (about 400,000 people).

The age group most likely to vape was 16 to 24-year-olds.

Smoking cessation charity Action on Smoking and Health (ASH) commissions surveys of young people's use of vapes.¹¹ It found that in 2024, 18% of 11- to 17-year-olds had tried vaping (around 980,000 children). The percentages of young people that said they currently vaped were 4.6% of those aged 11 to 15, 14% for 16 to 17-year-olds and 17% for 18-year-olds.

The NHS has described vapes as “far less harmful than cigarettes” but “not completely risk-free”.¹² Vapes can include nicotine, which is addictive, and other ingredients for which the long-term effects of regular inhalation are not known. The NHS has said the “risks of vaping are not yet clear” and the developing lungs and brains of

¹⁰ Office for National Statistics, '[Adult smoking habits in the UK: 2023](#)', 1 October 2024. This estimate was drawn from a different survey with a smaller sample size. The ONS cautions that users of the survey estimates cannot compare estimates for smoking in the UK with smoking and vaping in Great Britain as the surveys used “cover different geographical areas and define a current smoker differently”.

¹¹ Action on Smoking and Health, '[Use of vapes \(e-cigarettes\) among young people in Great Britain](#)', August 2024. There is also data available from NHS England, '[Smoking, drinking and drug use among young people in England, 2023](#)' (17 October 2024).

¹² NHS, '[Using e-cigarettes to stop smoking](#)', accessed 8 April 2025.



children and young people make them more sensitive to potential risks.¹³

The NHS has stated that vapes can be used to help people quit smoking.¹⁴ A 2021 review found people who used vapes to quit smoking, as well as having expert face-to-face support, can be up to twice as likely to succeed as people who used other nicotine replacement products, such as patches or gum.

2. Current law

Since 2007 (and 2008 in Northern Ireland) the minimum age to buy tobacco products has been 18 (raised from 16). The [Children and Families Act 2014](#) makes it an offence for someone aged 18 or over to buy, or attempt to buy, tobacco products or cigarette papers on behalf of someone who is under 18, known as ‘proxy purchasing’.

The [Nicotine Inhaling Products \(Age of Sale and Proxy Purchasing\) Regulations 2015](#) made it an offence to sell nicotine vapes to children under the age of 18. Non-nicotine vaping products do not currently have age restrictions.

It is against the law to smoke in enclosed public places, such as restaurants, shops or pubs, under the [Health Act 2006](#) for England and Wales, the [Smoking \(Northern Ireland\) Order 2006](#) for Northern Ireland and the [Smoking, Health and Social Care \(Scotland\) Act 2005](#) for Scotland. All UK nations also have restrictions on smoking in cars with under-18s present.

¹³ As above; and NHS, [‘Better health: Young people and vaping’](#), accessed 8 April 2025.

¹⁴ NHS, [‘Using e-cigarettes to stop smoking’](#), accessed 8 April 2025.



The display and advertisement of tobacco products in shops is only legal inside specialist tobacconists.¹⁵ Under the [Tobacco Advertising and Promotion Act 2002](#) and regulations made under it, the sale of tobacco cigarettes is regulated. They must have plain packaging and be held in storage behind the counter out of sight. There are currently no restrictions around the display of vapes at the point of sale in shops.

The 2002 act also banned tobacco sponsorship deals and giving away tobacco products or coupons for free. However, there are currently no restrictions on businesses giving away free samples of, or coupons for, vaping products, cigarette papers, or herbal smoking products.

The [Tobacco and Related Products Regulations 2016](#) set out requirements for tobacco products and vapes, including rules for advertising, packaging, sales and ingredients. Section 17 prohibits the production and sale of tobacco for oral use (for example snus). The regulations apply across the UK.

The regulations were the UK's implementation of the [European Union Tobacco Products Directive](#), which came into force in 2014. Devolved governments are also able to introduce their own legislation to further regulate tobacco and vapes. For example, Scotland and Northern Ireland both have licensing regimes for tobacco retail.

The [Protection from Tobacco \(Sales from Vending Machines\) \(England\) Regulations 2010](#) prohibit the sale of tobacco from vending machines in England and Wales. This was enabled by the [Children and Young Persons \(Protection from Tobacco\) Act 1991](#), which also makes it an offence for a tobacco retailer to sell cigarettes that are

¹⁵ House of Commons Library, '[Shop displays of tobacco and vaping products](#)', 26 October 2023.



not in the original packaging, and requires retailers to display age of legal sale notices.

Further detail is available in the following House of Commons Library briefings:

- [‘Advertising, marketing and promotion of vaping products’](#), 16 July 2024
- [‘The regulation of e-cigarettes’](#), 10 January 2024
- [‘Shop displays of tobacco and vaping products’](#), 26 October 2023

3. Previous government’s plans

3.1 Smoke-free generation

In 2019, the UK government announced its ambition for England to become ‘smoke-free’ by 2030, defined as a reduction in the prevalence of smoking in England to less than 5% of the population.¹⁶

In 2022, an independent review by Dr Javed Khan assessed the government’s goal.¹⁷ The Khan review found that without further action, the smoke-free target would be missed “by at least seven years” and not met in the poorest areas until 2044. It recommended a range of measures including “increasing the age of sale from 18, by one year, every year until no one can buy a tobacco product in this country”.

In October 2023, during his speech to the Conservative Party conference, then Prime Minister Rishi Sunak announced the

¹⁶ Cabinet Office and Department of Health and Social Care, [‘Advancing our health: Prevention in the 2020s— consultation document’](#), 22 July 2019.

¹⁷ Office for Health Improvement and Disparities, [‘The Khan review: Making smoking obsolete’](#), 9 June 2022.



government would raise the smoking age by one year each year.¹⁸ In a policy paper published to coincide with Mr Sunak's speech, the then government confirmed it intended to bring forward legislation to make it an offence for people born on or after 1 January 2009 to ever be sold tobacco products when they reach adulthood.¹⁹

Professor Sir Chris Whitty, the chief medical officer for England, and the NHS Confederation both praised the plan, arguing it would improve public health and prevent disability and death.²⁰ Labour also said it would support the prime minister's proposals. However, critics of the bill, including the Institute of Economic Affairs, argued the plan would discriminate against certain adults based on age.²¹ It also argued the policy could lead to a black market in cigarettes and missed tax revenues.

3.2 Young people vaping

The previous government also expressed concern that e-cigarettes “have become highly appealing products for children because of the wide range of flavours, bright colours, use of cartoons and highly visible points of display in shops”.²² It said it had a duty of care to protect children from the potential harms of nicotine and dependence on vapes.

¹⁸ BBC News, '[Tory conference: Six takeaways from Rishi Sunak's speech](#)', 4 October 2023.

¹⁹ Department of Health and Social Care, '[Stopping the start: Our new plan to create a smoke-free generation](#)', updated 8 November 2023.

²⁰ Steven Swinford and Chris Smyth, '[Smoking ban is biggest health shift in a generation, says Rishi Sunak](#)', Times (£), 5 October 2023.

²¹ Institute of Economic Affairs, '[Cigarette ban hideously illiberal and full of holes](#)', 4 October 2023.

²² Department of Health and Social Care, '[Creating a smoke-free generation and tackling youth vaping: What you need to know](#)', 15 April 2024.

In 2023, the government consulted on a series of proposals on youth vaping, including:

- restricting vape flavours
- regulating packaging, product appearance and point of sale displays
- restricting the supply and sale of disposable vapes
- exploring further restrictions for non-nicotine vapes and other nicotine products such as nicotine pouches
- exploring a new duty on vapes

This was in addition to plans in the government’s paper ‘[Stopping the start: Our new plan to create a smoke-free generation](#)’ (October 2023) to “close the loophole in our laws which allows industry to give free samples of nicotine and non-nicotine vapes (and other nicotine products) to under 18s, as well as to introduce an age restriction for non-nicotine vapes”.²³

3.3 Tobacco and Vapes Bill 2023–24

The then government sought to implement its proposals through the [Tobacco and Vapes Bill 2023–24](#). The bill included a progressive smoking ban and brought in measures “to reduce the appeal and availability of vapes to children” and “strengthen enforcement activity” to support implementation of these measures.²⁴

²³ Department of Health and Social Care et al, ‘[Consultation: Creating a smoke-free generation and tackling youth vaping](#)’, 12 February 2024.

²⁴ [Explanatory notes to the Tobacco and Vapes Bill 2023–24](#), p 2.



Amongst its provisions, the bill would have:²⁵

- provided regulation-making powers to restrict the flavours and flavour descriptions of vapes, the packaging and product presentation of vapes and point of sale displays
- enabled the regulation of non-nicotine vapes and other nicotine products under a similar regulatory framework as nicotine vapes across the UK
- extended existing vaping restrictions around the age of sale and proxy purchasing to non-nicotine vapes in England and Wales
- provided regulation-making powers to extend these restrictions to other nicotine products across the UK
- introduced a ban on the free distribution of vapes to under 18-year-olds in England and Wales and a regulation making power for Northern Ireland to introduce the ban (powers already exist in Scotland to enable a ban on the free distribution of nicotine vapour products, nicotine and non-nicotine)

The bill would also have introduced a provision for non-nicotine vapes and nicotine products (like nicotine pouches) “to be notified under a similar notification system as nicotine vapes”. This would mean that producers and manufacturers would have to notify their product to the secretary of state and pay a fee to do so, as well as having their product assessed by the Medicines and Healthcare Product Regulatory Agency.²⁶

²⁵ As above, pp 6–7.

²⁶ As above, p 7.



At second reading, then Parliamentary Under Secretary of State for Health and Social Care Dame Andrea Leadsom said the bill was necessary to prevent the cycle of addiction to nicotine, often starting in childhood.²⁷ She argued the bill was “not about freedom to choose” but rather “about freedom from addiction”.²⁸

Then Shadow Health and Social Care Secretary Wes Streeting also spoke in support of the bill, arguing it would improve public health and reduce public spending.²⁹

The [Tobacco and Vapes Bill 2023–24](#) fell at dissolution 2024.

4. Labour government’s plans

During the 2024 election campaign, Labour said it would reintroduce measures to “ensure the next generation can never legally buy cigarettes”, as well as making opt-out smoking cessation interventions part of routine NHS care.³⁰

Labour’s earlier ‘[Build an NHS fit for the future](#)’ document published in May 2023 had set out further plans:

The first steps of [creating a roadmap for a smoke-free Britain] will be to make all hospital trusts integrate ‘opt-out’ smoking cessation interventions into routine care, making every clinical consultation count in health improvement, report on progress in their annual reports, and have a named lead on smoking cessation. We will also legislate to require tobacco companies to include information in tobacco products that dispels the myth that smoking reduces stress and anxiety. And we will ban

²⁷ [HC Hansard, 16 April 2024, col 266.](#)

²⁸ [HC Hansard, 16 April 2024, col 266.](#)

²⁹ [HC Hansard, 16 April 2024, col 195.](#)

³⁰ Labour Party, ‘[Labour Party manifesto 2024](#)’, June 2024, p 102.



vapes from being branded and advertised to appeal to children and we will work with local councils and the NHS to ensure they are being used as a stop smoking aide, rather than a new form of smoking.³¹

The Labour government introduced its [Tobacco and Vapes Bill](#) in the House of Commons on 5 November 2024.

Separately, the government has introduced a ban on single-use vapes, to come into force on 1 June 2025.³²

The government has also announced funding for a 10-year study on the impacts of vaping on young people, as well as an advertising campaign to discourage young people from vaping.³³

5. Overview of the bill

Key measures in the bill aim to:³⁴

- make it an offence to sell tobacco products, herbal smoking products and cigarette papers to anyone born on or after 1 January 2009
- ban the advertising and sponsorship of all vapes and other nicotine products (such as nicotine pouches), mirroring restrictions on tobacco advertising

³¹ Labour Party, '[Build an NHS fit for the future](#)', February 2023, p 13.

³² Department for Environment, Food and Rural Affairs, '[Single-use vapes ban](#)', 30 March 2025.

³³ Department of Health and Social Care, '[10-year study to shed light on youth vaping](#)', 19 February 2025.

³⁴ Department of Health and Social Care, '[Tobacco and Vapes Bill: Creating a smoke-free UK and tackling youth vaping factsheet](#)', 13 November 2024.



- ban all vapes and nicotine products (and non-nicotine vapes) from being sold to under 18s as well as banning the free distribution of these products and their sale from vending machines
- provide ministers with powers to regulate the flavours, packaging and display of all vapes and other nicotine products, as well as powers to amend and update product standards
- expand current indoor smoking restrictions to certain outdoor public places and workplaces, to be set out in secondary legislation after consultation
- provide powers to make certain places vape-free and heated-tobacco-free
- provide powers to introduce a licensing scheme for the retail sale of tobacco and vaping products in England and Wales
- provide powers to introduce a new product registration scheme for tobacco, vapes and nicotine products

The legislation has been developed with the Scottish government, Welsh government and Northern Ireland executive and is intended to apply UK-wide, though the extent of some measures varies due to devolution. For example, Wales and Scotland have more designated smoke-free places than England.

The implementation date for the restriction on sales of tobacco products would be 1 January 2027, when those born on 1 January 2009 turn 18.



The government's impact assessment set out the expected benefits of the policy 30 years after implementation:

Expected benefits are the health benefits that would accrue from the reduction in the number of people taking up smoking, resulting in monetised QALYs [quality-adjusted life years] gains from fewer deaths of £417mn. There will also be wider societal benefits: productivity gains of £27,298mn, reduced healthcare usage costs of £2,814mn, reduced social care usage costs of £1,838mn, and reductions in fire costs associated with smoking of £982mn.³⁵

The government also assessed that costs would be incurred by tobacco retailers and wholesalers.³⁶ The impact assessment estimated there are 50,387 convenience stores, of which 71% are independently operated, and 5,944 supermarkets that are assumed to all sell tobacco and vape products.³⁷ There are also estimated to be 3,573 specialist vape shops.

The bill includes 66 measures which contain new or amended delegated powers, of which 15 are 'Henry VIII powers' to amend primary legislation through secondary legislation.³⁸ The government's delegated powers memorandum said these powers would enable adjustments to be made to regulations in the context of emerging products and evolving evidence of health harms. It added they would also allow for striking the balance of the potential harms of youth vaping, versus promoting vaping as a quitting aid.³⁹

³⁵ Department of Health and Social Care, '[Tobacco and Vapes Bill: Impact assessment](#)', 5 November 2024, p 21.

³⁶ As above.

³⁷ As above, p 129.

³⁸ [Delegated powers memorandum](#), p 2.

³⁹ As above, pp 3–4.



6. Provisions of the bill

The [Tobacco and Vapes Bill](#) as introduced in the House of Lords has 170 clauses and 21 schedules. It is in eight parts.

Part 1 (clauses 1 to 48) sets out measures related to the sale and distribution of products in England and Wales.

Clause 1 would make it an offence to sell tobacco products, herbal smoking products or cigarette papers to people born on or after 1 January 2009. A conviction would result in a fine up to level four on the standard scale (currently £2,500). The clause allows for the secretary of state to specify through regulations measures a person could have taken to check age that would constitute a defence. Regulations would be subject to the negative procedure, meaning they would remain in effect after being signed into law unless either House of Parliament passed a motion to cancel them within a set time period.

Clause 2 would make it an offence for a person to buy or attempt to buy the listed smoking products for someone born on or after 1 January 2009. They would also be subject to a fine on conviction up to level four. The clause sets out that defences would include if they had no reason to suspect the person was born on or after 1 January 2009, or if they were buying papers and they believed the person was going to use them for a purpose not related to smoking.

Clause 3 would prohibit tobacco vending machines. The person managing or controlling the premises in which a machine was operating could be subject to a fine up to level four.

Clause 4 sets out an offence of selling cigarettes not in their original packaging.

Clauses 5 and 6 would require businesses in England and Wales to display notices stating “It is illegal to sell tobacco products to anyone



born on or after 1 January 2009”. In Wales, the signs would be in English and Welsh.

Clauses 7, 8 and 9 would create offences related to snus, or oral tobacco products other than chewing tobacco. The clauses would outlaw the manufacture, sale and possession of such products with intent to supply. A person convicted could receive a fine or be imprisoned for up to two years, or both.

Clause 10 would make it an offence to sell a vaping or nicotine product to someone under the age of 18. The clause allows for the secretary of state to specify through regulations measures a person could have taken to check age that would constitute a defence. Regulations would be subject to the negative procedure.

Clause 11 would create an offence for a person aged 18 or over to proxy purchase a vaping or nicotine product on behalf of someone who was under 18.

Clause 12 would make it an offence for a person who manages or controls a premises to have a vape or nicotine product vending machine that customers could buy from or from which items are dispensed in relation to a sale. The latter provision is to cover instances where sales take place separately from a machine, so that any system using tokens, coupons or receipts is also outlawed.⁴⁰

Clauses 13 and 14 would give regulation-making powers over the display of tobacco and vaping products, and their packaging and prices, in England and Wales. Regulations would be subject to the draft affirmative procedure, meaning they would require the approval of both Houses of Parliament before becoming law.

Clause 15 would create offences of giving away, heavily discounting or providing coupons for tobacco, nicotine or vaping products. There

⁴⁰ [Explanatory notes](#), p 51.



would be a defence available where the actions were in accordance with arrangements made with a public authority so that, for example, a government-sponsored smoking cessation programme could give away free vapes as a quitting tool.

Clauses 16, 17 and 18 relate to retail licensing in England. They include regulation-making powers for the secretary of state to make provision for the grant of personal licences and premises licences to sell tobacco, vaping and nicotine products. Regulations would be made using the affirmative procedure. Before exercising the power to make regulations under this clause, the secretary of state would have to consult. Further detail on what the licensing scheme regulations in England may include are set out in schedule 1. Clauses 17 and 18 create offences related to providing false or misleading information to the licensing authority and breaching licensing conditions. **Clauses 19 to 22** provide for the equivalent measures in Wales.

Clause 23 would create the ability for magistrates' courts to make restricted premises orders, prohibiting a persistent offending business (which committed a relevant offence on at least two other occasions within a two-year period) from selling relevant products for up to a year. **Clauses 24 to 27** set out conditions, appeals and consequences of breaches of restricted premises orders, as well as creating relevant regulation-making powers for Welsh ministers to add to the list of offences.

Clause 28 would create a similar offence for individuals: a 'restricted sale order' which would prevent a named person from selling relevant products. **Clauses 29 and 30** set out provisions for appeals and breaches.

Clause 31 makes a "relevant person" (like a company manager or partner) liable for an offence committed by a body, if committed with their consent, connivance, or neglect. This would apply to breaches



of restricted premises orders and any other offence under part I of the bill, as well as any regulations made under clauses 13 and 14.

Clause 32 would place a duty on local weights and measures authorities (local authority trading standards services or equivalent) to enforce the measures in part I and regulations made under clauses 13 and 14. **Clauses 33 and 34** would require authorities in England and Wales to annually review their programme of enforcement action.

Clauses 35 and 36 would enable the secretary of state or Welsh ministers to take over enforcement or proceedings in particular cases from local authorities. The explanatory notes state that this is in case “a local enforcement authority is unable or unwilling” to undertake enforcement or legal proceedings in a certain instance.⁴¹

Clause 37 would allow for fixed penalty notices of £200 to be issued for offences related to:

- clause 1: sales to a person born on or after 1 January 2009
- clause 2: proxy purchasing of tobacco products
- clauses 5 and 6: point of sale notices
- clause 10: sale of nicotine or vaping products to under 18s
- clause 11: proxy purchasing of nicotine or vaping products
- clauses 13 and 14: displays of products or prices
- clause 15: free distribution and product discounts

⁴¹ As above, p 36.



Fixed penalty notices could also be used for licensing offences, but attract a higher penalty, equal to level four fines.

Clause 38 would provide that proceeds from fixed penalty notices for licensing offences must be paid to the relevant consolidated fund once investigation and enforcement costs have been deducted by the local weights and measures authority.⁴² Proceeds from fixed penalty notices for all other offences would have to be used in connection with enforcing smoking and vaping control measures.

Clause 39 gives the secretary of state and Welsh ministers powers to change amounts and early payments discounts for fixed penalty notices, subject to the affirmative procedure. **Clause 40** introduces schedule 5, which would amend the Public Health (Wales) Act 2017 to align with the bill's age of sale restrictions.

Clause 41 concerns consequential amendments relating to provisions in part I.

Clauses 42 and 43 are designed to ensure programmes of enforcement and the fixed penalty notice regime in the bill are applied to existing tobacco control measures until new measures come into force on 1 January 2027.

Clause 44 sets out transitional provisions.

Clause 45 would create a power to make regulations to extend part I to other products, subject to the affirmative resolution procedure, consultation, and consent of Welsh ministers (where relevant).

Clause 46 would provide that part I and any regulations made under it apply to all bodies and persons acting as servants of the crown such as government departments, prisons run by HM Prison Service, and to members of the armed forces. The crown itself may

⁴² As above, p 37.



not be criminally liable but people such as civil servants or prison employees could be criminally liable.⁴³

Clauses 47 and 48 concern interpretation matters and the definition of “nicotine product”.

Part 2 (clauses 49 to 67) applies to the sale and distribution of products in Scotland. **Clauses 49 to 64 and 66 to 67** largely replicate the provisions in part I by amending the Tobacco and Primary Medical Services (Scotland) Act 2010.

Scotland already has a tobacco and vaping retailer register. **Clause 65** would introduce schedule 9, which would expand the register to apply to retailers of herbal smoking products and nicotine products.

Part 3 (clauses 68 to 87) would amend the [Health and Personal Social Services \(Northern Ireland\) Order 1978](#) to introduce the measures in Northern Ireland. It would also amend the [Tobacco Retailers Act \(Northern Ireland\) 2014](#) through schedule 10 to extend provisions about the registration of tobacco retailers to vaping and nicotine retailers.

Part 4 (clause 88) would enable customs officers to seize and detain snus for up to 48 hours.

Part 5 (clauses 89 to 112) would give the secretary of state regulation-making powers, subject to the affirmative procedure, concerning:

- packaging and features of products (including appearance, shape, information provided on them and branding)
- contents and flavour

⁴³ As above, pp 39–40.



- the nature and amount of substances that may be released into the body of a person using products
- emissions that may be released from the product
- publishing images of products or their packaging
- registration of products
- information provided by producers or importers
- requiring producers to carry out a study of a product or ingredient in it
- nominating a responsible person to provide information required by other regulations
- product testing
- product safety

Clauses 109 and 110 specify that any powers made under part 5 must be subject to consultation, as well as relevant consents from devolved governments.

Part 6 (clauses 113 to 134) concerns advertising and sponsorship. **Clauses 113 to 117** would make it an offence to (or cause others to) publish, design, print or distribute an advert promoting a tobacco product, herbal smoking product, cigarette paper, vaping product or nicotine product in the UK market. **Clause 118** would create an offence of providing an internet service used to publish or distribute such adverts in the UK. It would also be an offence if the person failed to take all reasonable steps to prevent an advert, once discovered, from being further viewed by or distributed to the UK public.



Clause 119 sets out defences for the advertising offences. It would be a defence to show that information was:

- contained in a communication about a relevant trade
- in response to a specific request from an individual
- contained in a publication, other than an in-flight magazine, printed and principally distributed outside the UK

Clause 120 would allow specialist tobacconists to advertise products within their premises, excluding cigarettes or hand-rolling tobacco, as long as the advert is not visible from outside the shop.

Clause 121 provides that no advertising offence is committed if a product or other material which is displayed is compliant with the law relating to displays.

Clause 122 would provide the secretary of state with the power to introduce regulations that prohibit brandsharing: a form of indirect advertising promoting a product by putting its branding on other products or services, or vice versa. The explanatory notes provide the examples of using a tobacco product logo on a T-shirt or a confectionary company using their branding on a vape.⁴⁴

Clauses 123 and 124 would outlaw sponsorship that would promote tobacco, vaping or nicotine products.

Clause 126 introduces schedule 16, which would amend the [Communications Act 2003](#) to extend the ban on advertising vaping products on television, radio and on-demand programming to apply to herbal smoking products, cigarette papers, vaping products and nicotine products.

⁴⁴ As above, p 68.



The part also includes regulation-making powers to extend provisions to other tobacco products or devices, subject to the affirmative procedure.

Part 7 (clauses 135 to 157) concerns smoke-free places.

Clause 135 would amend the [Health Act 2006](#) to allow the secretary of state to designate any place in England that is a workplace or open to the public as smoke-free. Regulations may provide for exemptions, and include places and vehicles being smoke-free for particular times or uses. **Clause 136** would allow the secretary of state to make exemptions for performers to smoke for artistic integrity.

Clause 137 sets out that whoever occupies or manages a no-smoking premises would be responsible for ensuring the relevant no-smoking signs are displayed in or near the premises. It also gives regulation-making powers related to the display and design of no-smoking signs.

Clause 138 would amend the Health Act 2006 to allow the secretary of state to make regulations designating places or vehicles in England to be vape-free, but only if these places are already smoke-free. It would create an offence of vaping in a vape-free place and place a duty on the person managing a vape-free place to stop others vaping. Managers would be required to put in place no-vaping signs, with the secretary of state holding regulation-making powers about the display and design of signs.

Clause 139 would create the ability to designate places as heated-tobacco-free.

Clauses 141 to 144 would amend the [Smoking, Health and Social Care \(Scotland\) Act 2005](#) to give Scottish ministers powers to designate further smoke-free, vape-free and heated-tobacco-free places, as well as powers to set signage requirements. **Clauses 146**



to **151** would make the changes in Wales. **Clauses 152 to 157** would apply the measures in Northern Ireland.

Part 8 (clauses 158 to 170) includes other general measures, including regulation-making powers to make consequential provisions. It also provides commencement dates and powers to make transitional or saving provisions.⁴⁵ **Clause 158** would mean that the bill and regulations made under it applied to the parliamentary estate.

7. Reaction to the bill

Health organisations and campaign groups support the bill's aims.⁴⁶ A July 2024 letter in the *British Medical Journal* calling for the Labour government to reintroduce a tobacco and vapes bill was signed by over 1,000 health professionals and organisations.⁴⁷ A 2024 YouGov poll for anti-smoking organisation Action on Smoking and Health (ASH) found 71% of the public were in favour of plans to create a smoke-free generation, while 17% were opposed.

Forest, an organisation that advocates for the interests of people who choose to smoke or consume tobacco, also commissioned polling. Presenting different policy options, it found 39% of people in favour of a generational ban, with 31% preferring to raise the legal age of sale to 21, and 24% of people supporting leaving the legal purchase age at 18.⁴⁸ Forest has argued that a generational ban would “create a

⁴⁵ Commencement dates are set out on pages 82 to 83 of the [explanatory notes](#).

⁴⁶ For example: Editorial, '[The UK Tobacco and Vapes Bill: A historic opportunity](#)', *Lancet Respiratory Medicine*, January 2025, vol 13 issue 1; Action on Smoking and Health and Smoke-free Action Coalition, '[ASH/Smoke-free Action Coalition briefing: The Tobacco and Vapes Bill](#)', November 2024; and Cancer Research UK, '[Tobacco and Vapes Bill 2.0 introduced to Parliament: What's changed?](#)', 5 November 2024.

⁴⁷ Various signatories, '[New Labour government must reintroduce Tobacco and Vapes Bill in next parliamentary session](#)', *BMJ*, 7 July 2024, vol 386; and *BMJ*, '[List of signatories](#)', July 2024.

⁴⁸ Forest, '[Majority support alternatives to generational tobacco sales ban](#)', 25 March 2025.



two-tier society in which some adults have different rights to others”.⁴⁹

The ASH and Smoke-free Action Coalition, which includes organisations such as Cancer Research UK and the Royal College of Physicians, has said the bill will save lives.⁵⁰ However the coalition also said the bill “does very little to help the 6 million current smokers living in the UK to quit”. Additionally, it expressed disappointment that the government was not currently considering making outdoor hospitality settings smoke-free.

The Local Government Association (LGA) supports the bill but has emphasised “there should be sufficient lead-in time and guidance [...] so that councils, retailers and others understand their new obligations and can prepare accordingly”.⁵¹ The LGA also said local authority trading standards teams had staff shortages and decreased core budgets, while their enforcement responsibilities were increasing. It called for additional funding from central government.

Some organisations representing small businesses have raised concerns about the bill. For example, the Scottish Grocers’ Federation said refusing sales and asking for identification are the situations in which retail staff are most likely to experience threatening behaviour.⁵² It also said it “would not support any scheme that would put an additional administrative or cost burden on small retailers at this difficult time”.

⁴⁹ Forest, ‘[Campaigners urge MPs to reject “divisive” tobacco ban](#)’, 25 November 2024.

⁵⁰ Action on Smoking and Health and Smoke-free Action Coalition, ‘[ASH/Smoke-free Action Coalition briefing: The Tobacco and Vapes Bill](#)’, November 2024.

⁵¹ Local Government Association, ‘[Tobacco and Vapes Bill: Second reading, House of Commons](#)’, 26 November 2024.

⁵² Scottish Grocers’ Federation, ‘[Tobacco and Vapes Bill: Call for evidence—public bill committee](#)’, 11 December 2024.



The Independent British Vape Trade Association supported some measures in the bill, but warned against “excessive restrictions”. It said:

There are things to be welcomed in this bill, such as strengthened powers of enforcement against retailers who engage in illegal sales. However, there is also a danger that with so many legislative avenues being sought to reduce youth uptake of vaping, ‘regulatory overkill’ may hamper the future of vaping as the UK’s leading quit aid for adults. [...]

Excessive restrictions on the types of products that our members can provide may reduce the products’ appeal.⁵³

The UK Vaping Industry Association welcomed the introduction of a licensing scheme as a “victory for law abiding vape businesses”.⁵⁴

Researchers at the University of Bath studied evidence provided by the tobacco and nicotine industry for the previous 2023–24 bill’s committee stage. They also looked at evidence submitted by actors the researchers assessed to be associated with the industry.⁵⁵ The researchers found the submissions opposed the generational ban, arguing it lacked evidence and would both harm the economy and increase violence against retailers. Proposed alternative approaches included raising the age of sale to 21. The submissions opposed restrictions on nicotine product flavours, packaging and display,

⁵³ Independent British Vape Trade Association, [‘IBVTA statement on the Tobacco and Vapes Bill’](#), 5 November 2024.

⁵⁴ UK Vaping Industry Association, [‘UK Vaping Industry Association \(UKVIA\) says the inclusion of powers to introduce a licensing scheme for vape retailers as part of the Tobacco and Vapes Bill is ‘victory for law abiding vape businesses’](#)’, accessed 2 April 2025.

⁵⁵ Britta K Matthes et al, [‘The UK Tobacco and Vapes Bill \(2023/4\): Framing strategies used by tobacco and nicotine industry actors faced with an endgame policy \(a generational sales ban of tobacco products\) and nicotine product restrictions’](#), BMJ Tobacco Control, 27 February 2025.



arguing these would infringe on rights, harm retailers, stifle innovation, and increase smoking and illicit trade. The researchers contended these arguments echoed those used in the past about measures like packaging changes, with industry preferring public health education and individual responsibility to regulation.

8. House of Commons proceedings

8.1 Second reading

Second reading in the House of Commons was held on 26 November 2024.⁵⁶ The public health aims of the bill found broad support, but there were concerns raised about some of the measures.

Secretary of State for Health and Social Care Wes Streeting said the government's plans were the “most significant public health intervention in a generation”.⁵⁷ He continued:

Today, across the UK, 350 young people aged 25 and under will take up smoking. It is a decision that the vast majority will later regret. They will try to quit again and again, but most will not be able to break their addiction. They will suffer strokes, diabetes, heart disease, cancer, stillbirth, dementia or asthma as a direct result of smoking. For two in three of those young people, the habit they are beginning today will eventually kill them [...]

The bill before the House will raise the legal age of the purchase of tobacco by one year every year, creating the first smoke-free generation and, eventually, a smoke-free nation. The bill will enable the government to extend the current indoor smoking ban to certain outdoor settings, and we will

⁵⁶ [HC Hansard, 26 November 2024, cols 683–743.](#)

⁵⁷ [HC Hansard, 26 November 2024, col 683.](#)



consult on banning smoking outside schools and hospitals and in playgrounds, protecting children and vulnerable people from the harms of second-hand smoke.

The bill will come down on the vaping industry like a ton of bricks, to prevent a new generation of children and young people from getting hooked on nicotine.⁵⁸

Shadow Secretary of State for Health and Social Care Edward Argar said the bill was “good in parts” but questioned the potential impact on shopkeepers “of enforcing and operating within increased restrictions, and the extent to which those restrictions are practically enforceable”.⁵⁹ He also questioned how the government would avoid an increased black market for vapes or cigarettes.

Comparing the bill to the 2023–24 bill, Mr Argar said the government was seeking more powers to make regulations:

The new government have introduced a bill that may have the same name, but is not quite the same bill that was introduced back in March [2024]. The bill before us today gives the secretary of state new, or significantly modified, powers under the Health Act 2006. It runs the risk of piling an unknown number of regulations on to retailers through a new licensing scheme, and it creates a whole new registration scheme.⁶⁰

Mr Argar asked why the government wanted to remove the condition that a place could only be designated as smoke-free if there was significant risk that people there would be exposed to significant quantities of smoke. He said, “members are being asked to decide now whether they support expanding smoke-free places to an

⁵⁸ [HC Hansard, 26 November 2024, col 683.](#)

⁵⁹ [HC Hansard, 26 November 2024, cols 692–3.](#)

⁶⁰ [HC Hansard, 26 November 2024, cols 693–4.](#)



unknown list of outdoor spaces in the future” with the relevant provision giving the secretary of state “much greater discretion to do as he wishes at a future date”.⁶¹

He said any division at second reading would be a free vote for his party.⁶²

Liberal Democrat Health Spokesperson Helen Morgan also confirmed that any division would be a free vote for her party, though she expressed her own intention to vote in favour.⁶³ Ms Morgan said that the measures related to vaping were in line with Liberal Democrat Party policy. However, she said the progressive smoking ban was “problematic” due to the enforcement complications of adults close to the smoke-free generation cut-off being allowed to buy tobacco products for themselves, but not friends a few weeks younger.⁶⁴

Ms Morgan said her party was “strongly opposed to requiring people to carry ID around with them, for various issues of privacy and personal liberty”. She also argued society was generally opposed to discriminating between people based on age, but that this was a feature of the bill.

Ms Morgan added that retailers needed to be protected from a potential increase in abuse. Like Mr Argar, she also raised concerns that the powers in the bill to create more smoke-free spaces were “far reaching”.

Bob Blackman (Conservative MP for Harrow East), co-chair of the All-Party Parliamentary Group on Smoking and Health, supported the bill, but expressed concerns that “while the enforcement duties in the

⁶¹ [HC Hansard, 26 November 2024, cols 694–5.](#)

⁶² [HC Hansard, 26 November 2024, col 696.](#)

⁶³ [HC Hansard, 26 November 2024, col 698.](#)

⁶⁴ [HC Hansard, 26 November 2024, col 699.](#)



bill are greater than before, that has not been matched by additional funding”.⁶⁵ He proposed that the government should implement a “polluter pays” levy on the profits of tobacco companies.

While Mr Blackman welcomed that the bill retained the ability for the promotion of vapes as a quit-smoking aid, he asked for confirmation that “the Advertising Standards Agency will work with public health organisations to ensure that that works in practice”.⁶⁶

Robin Swann (UUP MP for South Antrim) also praised the government’s four nations approach and said the bill “has the potential to be even more impactful” than the 2023–24 bill.⁶⁷

Mr Swann noted government reassurances that the bill would be able to work in Northern Ireland. Jim Allister (TUV MP for North Antrim) pressed the government on that point, saying Northern Ireland was subject to the EU’s tobacco directive due to the Windsor Framework, which states “member states may not [...] prohibit or restrict the placing on the market of tobacco or related products”.⁶⁸ Then Parliamentary Under Secretary of State at the Department of Health and Social Care Andrew Gwynne said in reply, “we are assured that it complies with the requirements of the Windsor Framework. This law will stand”.⁶⁹

⁶⁵ [HC Hansard, 26 November 2024, col 710.](#)

⁶⁶ [HC Hansard, 26 November 2024, col 711.](#)

⁶⁷ [HC Hansard, 24 November 2024, col 721.](#)

⁶⁸ [HC Hansard, 24 November 2024, col 724.](#)

⁶⁹ [HC Hansard, 24 November 2024, col 725.](#)



Other members expressed concerns that the bill, particularly the generational ban, would go too far in impacting individual liberty and choice.⁷⁰

The bill passed second reading by 415 votes to 47. Of those voting against the bill, 35 were Conservatives, seven were Liberal Democrats and four were Reform UK MPs.

8.2 Committee

Public bill committee stage was held between 7 and 30 January 2025 over eight sittings, including two sessions of oral evidence.⁷¹ The committee heard from medical experts and health charities and campaign groups. The committee also received written evidence.⁷²

The total number of amendments tabled at committee stage was 108.⁷³ Four technical government amendments were made.

A further 27 amendments were moved and disagreed, all except one on division.⁷⁴ These amendments aimed to:

- raise the smoking age to 25, rather than introduce a ‘generational ban’
- reduce penalties for first offences

⁷⁰ Members from various parties expressed concerns, for example, James McCleary (Liberal Democrat MP for Lewes): [HC Hansard, 24 November 2024, col 713](#); and Andrew Rosindell (Conservative MP for Romford): [HC Hansard, 24 November 2024, col 705](#).

⁷¹ House of Commons Public Bill Committee, ‘[Tobacco and Vapes Bill: Compilation of sittings](#)’, 30 January 2025, session 2024–25, 1st to 8th sittings, cols 1–608.

⁷² UK Parliament, ‘[Tobacco and Vapes Bill: Publications](#)’, accessed 8 April 2025, see ‘Written evidence’.

⁷³ UK Parliament, ‘[Tobacco and Vapes Bill: Committee stage—amendments](#)’, accessed 4 April 2025.

⁷⁴ House of Commons, ‘[Tobacco and Vapes Bill: Committee stage decisions](#)’, 30 January 2025.



- limit the places that could be made smoke-free by regulation to NHS property, children’s playgrounds and education settings
- insert a requirement that a place could only be designated smoke-free if there was a significant risk that people would be exposed to significant quantities of smoke
- require the government to consult on licensing regulations and registration requirements within two months of the act passing
- introduce a requirement on online vaping product businesses to operate an age verification policy
- direct funds from fixed penalty notice fines to local public health initiatives
- allow vending machines for tobacco and vape products in mental health units
- ban the manufacture and sale of high-capacity count vaping devices
- ban the manufacture and sale of high-strength nicotine pouches

The first group of amendments sought to change clause 1 on the age for purchasing tobacco provisions from the 1 January 2009 date, instead raising the purchase age to 25.⁷⁵ MPs discussed whether it would be simpler for small shops to enforce an under 25 rule. However, members raised concerns that smoking would be made illegal for a group of current smokers, whose rights would be

⁷⁵ House of Commons Public Bill Committee, ‘[Tobacco and Vapes Bill: Compilation of sittings](#)’, 30 January 2025, session 2024–25, 1st to 8th sittings, cols 94–119.



impacted. The then minister, Andrew Gwynne, also said it would not align with the government's aim to create a smoke-free UK.

Shadow health minister Dr Caroline Johnson sought to amend clauses 1 and 2 to allow for a lower fine or police caution for a first offence of purchasing or proxy purchasing.⁷⁶ The minister responded that trading standards enforcement would be proportionate in practice.

Dr Johnson also tabled a new clause 10, which aimed to introduce an age verification policy for online vape product retailers, supported by national guidance.⁷⁷ The minister said the current clause 10 made the selling of vaping products to under-18s an offence, including for online retailers, and the Department for Science, Innovation and Technology was working on a framework to “enable the widespread use of trusted digital identity services”.

The minister and shadow minister agreed on a need to remove displays of brightly coloured vaping products from the shop floor, from countertops and from shop windows where they might appeal to children.⁷⁸ However, Dr Johnson asked the secretary of state to engage with the tobacco and vape industries before introducing display regulations. The minister said that under the [‘World Health Organization framework convention on tobacco control’](#), the UK was required to shield public health policy from the interests of the tobacco industry.

⁷⁶ House of Commons Public Bill Committee, [‘Tobacco and Vapes Bill: Compilation of sittings’](#), 30 January 2025, session 2024–25, 1st to 8th sittings, cols 120–32.

⁷⁷ House of Commons Public Bill Committee, [‘Tobacco and Vapes Bill: Compilation of sittings’](#), 30 January 2025, session 2024–25, 1st to 8th sittings, cols 217–36.

⁷⁸ House of Commons Public Bill Committee, [‘Tobacco and Vapes Bill: Compilation of sittings’](#), 30 January 2025, session 2024–25, 1st to 8th sittings, cols 251–6.



Dr Johnson moved new clause 6, which was considered alongside amendments 50 and 51 to clause 168.⁷⁹ Together, they would require the government to publish draft licensing regulations within two months of the bill receiving royal assent. This would be “to ensure the regulations are brought in swiftly” with a report on a mandated call for evidence to be laid before both Houses six months after royal assent. The minister said this would be “impractical” and might cause inconsistencies between England and other UK nations.

Members divided on whether clauses 35 and 36 should stand part of the bill. The clauses would provide powers for the secretary of state or Welsh minister to take over enforcement or legal proceedings in certain cases. The minister described the powers as “unlikely” to be used but a “useful safeguard for very extreme circumstances”.⁸⁰

Dr Johnson also queried whether the list of acceptable ID for age verification was too short.⁸¹ The minister noted that the previous bill did not have a list, which was criticised by its bill committee who felt a list was necessary. He said this element of the bill could be reviewed and strengthened on report.

Dr Johnson moved amendments to allow vapes to be promoted as a quit aid or public health measure.⁸² She said she wanted to ensure that health professionals would not inadvertently commit offences. Andrew Gwynne argued that it would be difficult to target adverts for vapes only to tobacco smokers, without the risk of children and

⁷⁹ House of Commons Public Bill Committee, ‘[Tobacco and Vapes Bill: Compilation of sittings](#)’, 30 January 2025, session 2024–25, 1st to 8th sittings, cols 583–7.

⁸⁰ House of Commons Public Bill Committee, ‘[Tobacco and Vapes Bill: Compilation of sittings](#)’, 30 January 2025, session 2024–25, 1st to 8th sittings, cols 293–6.

⁸¹ House of Commons Public Bill Committee, ‘[Tobacco and Vapes Bill: Compilation of sittings](#)’, 30 January 2025, session 2024–25, 1st to 8th sittings, cols 308–12.

⁸² House of Commons Public Bill Committee, ‘[Tobacco and Vapes Bill: Compilation of sittings](#)’, 30 January 2025, session 2024–25, 1st to 8th sittings, cols 441–56.



non-smokers seeing the promotional material. He also said enforcement would be complicated. The amendment was withdrawn.

The committee divided on an amendment from Sarah Bool (Conservative MP for South Northamptonshire) which would have exempted mental health units from the ban on vending machines.⁸³ The minister said products would still be available to purchase from shops in those settings, and patients would have access to cessation services.

Members also divided on new clause 9, which Dr Johnson said was “designed to regulate the design, manufacture, and sale of high-capacity vaping devices, specifically addressing concerns around devices that allow for an increased capacity beyond a specified limit”.⁸⁴ Dr Johnson also moved an amendment from Mary Glendon (Labour MP for Newcastle upon Tyne East and Wallsend), which aimed to ban the manufacture and sale of high strength nicotine pouches.⁸⁵ In both instances, the minister said the bill would allow the government to legislate on strength and other product specifications through secondary legislation.

Liberal Democrat Health Spokesperson Helen Morgan tabled an amendment to direct funds from fixed penalty notice fines to public health initiatives, determined by Local Health and Wellbeing Boards.⁸⁶ The minister argued allowing local authorities to keep funds “risks distorting the operational priorities of the licensing scheme”.

⁸³ House of Commons Public Bill Committee, ‘[Tobacco and Vapes Bill: Compilation of sittings](#)’, 30 January 2025, session 2024–25, 1st to 8th sittings, cols 239–51.

⁸⁴ House of Commons Public Bill Committee, ‘[Tobacco and Vapes Bill: Compilation of sittings](#)’, 30 January 2025, session 2024–25, 1st to 8th sittings, cols 593–5.

⁸⁵ House of Commons Public Bill Committee, ‘[Tobacco and Vapes Bill: Compilation of sittings](#)’, 30 January 2025, session 2024–25, 1st to 8th sittings, cols 574–80.

⁸⁶ House of Commons Public Bill Committee, ‘[Tobacco and Vapes Bill: Compilation of sittings](#)’, 30 January 2025, session 2024–25, 1st to 8th sittings, cols 300–4.



Jim Dickson (Labour MP for Dartford) moved amendment 10, which aimed to create regulations that could make all enclosed vehicles smoke-free.⁸⁷ Dr Johnson said she would support extending existing measures that prevent smoking with under-18s in the car to include vaping and other nicotine products. However, she thought it was excessive to prevent someone smoking in their own “private space”. The minister appreciated the goal of further reducing exposure to second-hand smoke, but said the government would not be extending measures into private spaces. The amendment was withdrawn.

Other amendments aimed to limit the secretary of state’s regulation-making ability in terms of which places could be designated as smoke-free in future. Amendments aimed to limit the list to locations including space outside NHS property, children’s playgrounds and education premises.⁸⁸ The government had previously considered consulting on whether to make outdoor hospitality spaces (like pub gardens) smoke-free but said it no longer planned to pursue the policy.

The shadow minister sought to retain a current provision in the Health Act 2006 that means the secretary of state could only make a space smoke-free if there is a significant risk of significant quantities of second-hand smoke exposure.⁸⁹ The minister said playgrounds would be unlikely to meet the test of the 2006 bill.

The committee also discussed amendments that would require consultation to be undertaken on registration and information requirements ahead of them coming into force. The minister

⁸⁷ House of Commons Public Bill Committee, ‘[Tobacco and Vapes Bill: Compilation of sittings](#)’, 30 January 2025, session 2024–25, 1st to 8th sittings, cols 511–14.

⁸⁸ House of Commons Public Bill Committee, ‘[Tobacco and Vapes Bill: Compilation of sittings](#)’, 30 January 2025, session 2024–25, 1st to 8th sittings, cols 497–510.

⁸⁹ House of Commons Public Bill Committee, ‘[Tobacco and Vapes Bill: Compilation of sittings](#)’, 30 January 2025, session 2024–25, 1st to 8th sittings, cols 497–510.



concluded that this would be “an unreasonable and impractical constraint on the government”.⁹⁰ It was divided on and disagreed.

For more detail about second reading and committee stages, read the House of Commons Library briefing: [‘Tobacco and Vapes Bill 2024–25: Progress of the bill’](#) (14 February 2025).

8.3 Report

Report stage was held on 26 March 2025.⁹¹ The government moved 36 amendments, relating to digital identification, extending display regulations to include smoking-related products like pipes and bongs, and prohibiting sales from vending machines.⁹² They were all agreed without division.

The House divided on four non-government amendments, which were all disagreed. The amendments, if made, would have:

- limited which places could be made smoke-free by secondary legislation to playgrounds, education settings, and outside medical buildings
- required the government to produce annual reports on the rate of sale and availability of illegal tobacco and vaping products
- required the government to make regulations within two years to ban plastic cigarette filters

⁹⁰ House of Commons Public Bill Committee, [‘Tobacco and Vapes Bill: Compilation of sittings’](#), 30 January 2025, session 2024–25, 1st to 8th sittings, cols 588–91.

⁹¹ [HC Hansard, 26 March 2025, cols 986–1070.](#)

⁹² UK Parliament, [‘Tobacco and Vapes Bill report stage: Amendments’](#), accessed 4 April 2025.



- directed money raised from fixed penalty notices to public health initiatives chosen by the relevant local authority

8.3.1 Government amendments

The government introduced amendments that Parliamentary Under Secretary of State for Health and Social Care Ashley Dalton said would “strengthen the bill and ensure greater clarity”.⁹³ The government amendments were agreed without division. Ms Dalton explained some of the amendments “remove potential ambiguity for retailers regarding the use of digital identity for verifying the age of prospective customers when selling tobacco, vaping and nicotine products”.⁹⁴

Ms Dalton said these amendments came in response to criticism of the identity documents list at committee stage. The amendments removed the list and give regulation-making powers instead.

Other government amendments aimed to alter the powers in the bill for England, Wales and Northern Ireland that regulate displays of products and their prices, so that they would also cover tobacco-related devices, like pipes and bongs.⁹⁵

Further government amendments were described as “clarifying amendments” to “make the scope of the prohibition on vending machines absolutely clear”.⁹⁶ For example, amendments 58 and 59 removed the duplication where previously a restricted premises order could have stopped a particular business or individual from

⁹³ [HC Hansard, 26 March 2025, col 1004.](#)

⁹⁴ [HC Hansard, 26 March 2025, col 1004.](#)

⁹⁵ [HC Hansard, 26 March 2025, col 1005.](#)

⁹⁶ [HC Hansard, 26 March 2025, col 1005.](#)



operating a vending machine, but running a vending machine would be prohibited generally elsewhere in the bill.

8.3.2 Other amendments

There were six Conservative amendments, in the name of Shadow Secretary of State for Health and Social Care Edward Argar, which Shadow Minister for Health and Social Care Dr Caroline Johnson spoke to. Amendment 85 sought to limit a list of places the secretary of state could designate as smoke-free to spaces outside a hospital, children’s playground, nursery, school, college or higher education premises.⁹⁷ She said the current wording “gives the secretary of state enormous powers to extend the smoke-free legislation to any place with minimal oversight and without needing to provide a reason”. MPs voted against the amendment by 303 votes to 92.⁹⁸

Dr Johnson also spoke in favour of new clause 18 and amendment 89, which would have required the secretary of state to publish draft licensing regulations for England and “ensure they receive parliamentary scrutiny”. She said this would “mean that the views and impact on businesses including small businesses are heard, and ensure that councils and trading standards have the capacity to deliver such a scheme”.

She also spoke in favour of new clause 19, which would have required the government to produce annual reports on the rate of sale and availability of illegal tobacco and vaping products and their impact on public health and safety. This was rejected by 307 votes to 159.⁹⁹

Members also discussed, but did not vote on, other Conservative amendments aimed at allowing the promotion of vaping as a cessation

⁹⁷ [HC Hansard, 26 March 2025, cols 1007–8.](#)

⁹⁸ UK Parliament, [‘Tobacco and Vapes Bill: Division 154’](#), accessed 4 April 2025.

⁹⁹ UK Parliament, [‘Tobacco and Vapes Bill: Division 152’](#), accessed 4 April 2025.



tool for existing tobacco smokers and adding age verification for online sales in England and Wales.¹⁰⁰

A division was held on new clause 2, tabled by Caroline Dineage (Conservative MP for Gosport). This would have required the government to make regulations within two years of royal assent to ban plastic cigarette filters.¹⁰¹ The House voted against it by 304 votes to 137.

The House also divided on a Liberal Democrat amendment to direct money raised from fixed penalty notices to public health initiatives chosen by the relevant local authority. It was defeated by 304 votes to 72.¹⁰² Other Liberal Democrat amendments aimed to:

- require the secretary of state to conduct a review into the prevalence of contaminated e-liquid¹⁰³
- restrict the secretary of state to only being able to designate open or unenclosed spaces outside a hospital, children’s playground, nursery, school, college or higher education premises, or places with significant risk of second-hand smoke, as smoke-free areas¹⁰⁴

Jack Rankin (Conservative MP for Windsor) who had been a member of the public bill committee, spoke at report to “disagree fundamentally with the bill”. He said the proposed generational ban “misrepresents the proper relationship between the state and the individual”.¹⁰⁵ However he also said he respected the view of the

¹⁰⁰ [HC Hansard, 26 March 2025, cols 1009–11.](#)

¹⁰¹ UK Parliament, ‘[Tobacco and Vapes Bill: Division 151](#)’, accessed 4 April 2025.

¹⁰² UK Parliament, ‘[Tobacco and Vapes Bill: Division 153](#)’, accessed 4 April 2025.

¹⁰³ [HC Hansard, 26 March 2025, cols 1044–5.](#)

¹⁰⁴ [HC Hansard, 26 March 2025, cols 1012–14.](#)

¹⁰⁵ [HC Hansard, 26 March 2025, cols 1019–22.](#)



House, and his proposed amendments focused on ensuring “less harmful vapes and nicotine products get to the adult smokers who could benefit from them”.

Mr Rankin proposed new clauses and an amendment that would require the government to consult before implementing advertising restrictions, allow for further warnings on products, and allow for the display of products where it could reasonably be expected only over-18s would see them. Mr Rankin said he hoped members in the House of Lords would recognise the value of his amendments.¹⁰⁶

The leader of Reform UK, Nigel Farage, also opposed the bill, and argued that people should make their own choices. He said the bill risked “a new black market”.¹⁰⁷

Mary Glendon (Labour MP for Newcastle upon Tyne East and Wallsend), chair of the All-Party Parliamentary Group for Responsible Vaping, suggested a series of amendments, including:¹⁰⁸

- a ban on the manufacture and sale of high-strength nicotine pouches
- a requirement for vapes sold to contain ‘age-gating technology’, for example “bluetooth-enabled chips that pair with a mobile app for secure identity verification”
- allowing advertising of vaping products inside specialist vape shops

¹⁰⁶ [HC Hansard, 26 March 2025, col 1022.](#)

¹⁰⁷ [HC Hansard, 26 March 2025, cols 1028–9.](#)

¹⁰⁸ [HC Hansard, 26 March 2025, cols 1022–4.](#)



- creating powers for the secretary of state to regulate ‘puff-count’ (vape capacity), flavour descriptors and other characteristics of vapes

Bob Blackman, co-chair of the All-Party Parliamentary Group for Action on Smoking and Health, also proposed amendments, including:¹⁰⁹

- creating an offence of selling tobacco products online
- requiring the secretary of state to consult on a ‘polluter pays’ levy on the profits of tobacco manufacturers and importers
- extending the ban on purchasing and sales to those born on or after 1 January 2009 to apply to all nicotine products

Sammy Wilson (DUP MP for East Antrim) tabled amendments to replace the smoke-free generation provisions with a minimum purchase age of 21.¹¹⁰ Mr Wilson also supported an amendment tabled by Jim Allister (TUV MP for North Antrim) to add a clause to assert the primacy of the regulations made in the bill over the EU tobacco directive. Mr Allister said:

According to that directive, states cannot limit the placing on the market of tobacco products. That caused the governments of two countries within the EU—the governments of Denmark and the Irish Republic—to withdraw proposals, while acknowledging that they wanted to do what this House is

¹⁰⁹ [HC Hansard, 26 March 2025, cols 1024–7.](#)

¹¹⁰ [HC Hansard, 26 March 2025, cols 1031–3.](#)



doing, but could not do so, because it would breach the tobacco directive.¹¹¹

He said members of the House of Lords may wish to revisit his point. The amendment was also supported by Robin Swann (UUP MP for South Antrim).¹¹²

In her closing remarks, Ashley Dalton said some of the amendments suggested would remove or water down the bill's key aims.¹¹³

On smoke-free places, Ms Dalton sought to reassure MPs that the government was planning to consult on creating smoke-free regulations for NHS property, playgrounds and education settings. She said the government did not currently intend to extend smoke-free places to outdoor hospitality settings:

Any regulations made under the clauses will be subject to a statutory consultation to ensure that there is sufficient scrutiny of any extension and as health is devolved, the devolved governments will decide which places they wish to designate as smoke-free.¹¹⁴

Ms Dalton said it would be “inappropriate” for local authorities to retain money from fixed penalty notices as “that could distort the enforcement priorities of local authorities and encourage revenue generation”.¹¹⁵

Ms Dalton disagreed with members who argued the bill would lead to an increased black market. She said, “history shows that when we

¹¹¹ [HC Hansard, 26 March 2025, cols 1039–40.](#)

¹¹² [HC Hansard, 26 March 2025, cols 1041–2.](#)

¹¹³ [HC Hansard, 26 March 2025, col 1048.](#)

¹¹⁴ [HC Hansard, 26 March 2025, col 1048.](#)

¹¹⁵ [HC Hansard, 26 March 2025, col 1048.](#)



have introduced targeted tobacco control measures, they have had a positive impact on tackling the problems of illicit tobacco”.¹¹⁶ She said the government already published annual data on the illicit trade.

On contaminated vapes, the minister said vapes contaminated with controlled drugs are illegal already, and therefore a matter for the police and Border Force.¹¹⁷

Ms Dalton said amendments on product specifications were unnecessary:

The bill already provides the government with powers to limit the amount of nicotine in a nicotine pouch, to regulate vaping products in such a way that would prohibit the sale of high puff count vaping devices, including setting tank capacity limits for devices where multiple refill tanks are attached, and to ban any other ingredient that may be harmful.¹¹⁸

For Northern Ireland, Ms Dalton repeated earlier assurances that the “measures drafted in the bill that apply in relation to Northern Ireland are consistent with our obligations under the Windsor Framework”. In contrast, she added the proposed new clause “would put us in breach of international law”.¹¹⁹

8.4 Third reading

Third reading took place immediately following report stage. Ms Dalton thanked members across the House for their “positive and constructive engagement” and former Prime Minister Rishi Sunak for

¹¹⁶ [HC Hansard, 26 March 2025, col 1048.](#)

¹¹⁷ [HC Hansard, 26 March 2025, col 1048.](#)

¹¹⁸ [HC Hansard, 26 March 2025, col 1050.](#)

¹¹⁹ [HC Hansard, 26 March 2025, col 1051.](#)



championing the previous bill.¹²⁰ Mr Argar recognised the “strongly held views on both sides of the debate” and praised members’ “courtesy and thoughtfulness”.¹²¹

The bill passed third reading by 336 votes to 41.¹²²

9. Read more

- House of Lords Library, ‘[Government plans to address children vaping](#)’, 28 August 2024
- House of Lords Library, ‘[Smoke-free legislation: The UK and New Zealand](#)’, 29 May 2024

¹²⁰ [HC Hansard, 26 March 2025, cols 1070–1.](#)

¹²¹ [HC Hansard, 26 March 2025, cols 1071–2.](#)

¹²² UK Parliament, ‘[Tobacco and Vapes Bill: Division 155](#)’, accessed 4 April 2025.

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