

EXPLANATORY NOTES

Tobacco and Vapes Act 2026

Chapter 18

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EXPLANATORY NOTES—TOBACCO AND VAPES ACT 2026

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TOBACCO AND VAPES ACT 2026

EXPLANATORY NOTES

What these notes do

These Explanatory Notes relate to the Tobacco and Vapes Act 2026 which received Royal Assent on 29 April 2026 (c. 18).

- These Explanatory Notes have been prepared by the Department of Health and Social Care in order to assist the reader of the Act. They do not form part of the Act and have not been endorsed by Parliament.
- These Explanatory Notes explain what each part of the Act will mean in practice; provide background information on the development of policy; and provide additional information on how the Act will affect previous legislation in this area.
- These Explanatory Notes are best read alongside the Act. They are not, and are not intended to be, a comprehensive description of the Act.

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Overview of the Act

1 The Tobacco and Vapes Act 2026 (the "Act") is a landmark step in creating a smoke-free UK. It:

   a. Creates a smoke-free generation, so that anyone born on or after 1 January 2009 cannot legally be sold tobacco: in practice this means the age of sale will gradually rise over time, breaking the cycle of addiction and disadvantage across the country.

   b. Extends powers to ban smoking in public places, including outdoor settings, and introduces new powers for vape-free and other free-from places.

   c. Introduces powers to restrict the branding and marketing of vapes and nicotine products, which have all too often been targeted at children and young people.

   d. Strengthens enforcement activity and implementation by providing powers to introduce a licensing scheme for the retail sale of tobacco, vapes and nicotine products in England, Wales and Northern Ireland, and extend the retail registration schemes in Scotland and Northern Ireland.

2 The Act sits alongside wider support across the health service to support smokers to quit.

3 The Act modifies, amends, extends, and re-enacts several tobacco and vaping control measures to create a consistent legislative framework. These changes ensure a consistent application of the law, close loopholes, improve readability and subsequent enforcement.

4 The Act broadly seeks to align provisions across the UK, building on other legislative frameworks that apply.

Policy background

Tobacco

5 Tobacco is a uniquely harmful product and drives negative health outcomes. It remains in the UK the leading preventable cause of death, disability and ill health[1], causing around 80,000 deaths per year[2]. In the UK, 10.6% of the population smoke which equates to around 5.3 million people[3].

6 Smoking causes harm throughout people's lives, increasing the chances of stillbirth when smoking in pregnancy[4] to greater risk of dementia in older people[5]. Almost every minute someone is admitted to hospital because of smoking. Up to 75,000 GP appointments could be attributed to smoking each month – over 100 appointments every hour in England[6]. Up to two-thirds of deaths in current smokers can be attributed to smoking[7].

7 Non-smokers are exposed to second-hand smoke (passive smoking) which means that through no choice of their own many come to harm. Passive smoking is particularly dangerous for vulnerable people like children, pregnant women and those with pre-existing but usually invisible conditions such as heart disease, lung disease or asthma which may not be visible to the smoker. The measures introduced in 2007 to restrict smoking indoors had a significant public health impact[8]. Evidence on the harm of from exposure to second-hand smoke is well established and there is no safe level of exposure[9].

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[1] OHID. Health Profile for England. 2021. Health Profile for England 2021 (phe.org.uk).

[2] Sum of the separate figures published for England, Scotland, Wales and Northern Ireland:

England: OHID. Local Tobacco Control Profiles – Smoking attributable mortality (new method). Directly standardised rate - per 100,000. 2021

Scotland: The Scottish Public Health Observatory. Tobacco use: smoking attributable deaths

Wales: Public Health Wales. Smoking in Wales

Northern Ireland: Department of Health, Northern Ireland. 2020. Ten-year tobacco control strategy for Northern Ireland.

[3] ONS. 2025. Adult smoking habits in the UK - Office for National Statistics

[4] Marufu et al. 2015. Maternal smoking and the risk of still birth: systematic review and meta-analysis - PMC

[5] Choi et al. 2018. Effect of smoking cessation on the risk of dementia: a longitudinal study

[6] Cancer Research UK. 2023. Ending smoking could free up 75,000 GP appointments each month

[7] Banks et al. 2015. Tobacco smoking and all-cause mortality in a large Australian cohort study: findings from a mature epidemic with current low smoking prevalence. BMC Medicine.

[8] Bauld. 2011. Impact of smokefree legislation in England: Evidence review

[9] WHO. Protecting people from tobacco smoke

8 Smoking drives socioeconomic and geographic disparities in health outcomes. Those living with mental health problems, the unemployed, and those on minimal incomes or living in deprivation are far more likely to smoke than the general population and 24% of adults with a long-term mental health condition in England smoke[10].

9 When tobacco expenditure is included in the assessment of poverty, an additional 500,000 households are classified as in poverty in the UK[11] and the children of smokers are almost 3 times as likely to start to smoke as children of non-smoking households, perpetuating the cycle of disadvantage[12]. In England, the prevalence of current smokers in 2022 to 2024 was highest in the most deprived decile of areas at 13.9% and lowest in the least deprived decile of areas at 8.1%.[13]. In England in 2024, 23.8% of people in accommodation rented through the local authority or housing association smoked, compared to 6.1% for people who own their house outright[14].

10 The harms created by tobacco financially burden the state and the NHS. In total, smoking costs the country £21.3 billion a year in England[15]. This includes an annual £18 billion loss to productivity, through smoking related lost earnings, unemployment, and early death, as well as costs to the NHS and social care of around £3 billion. This is equivalent to the annual salaries of around 500,000 nurses, 400,000 GPs, 450,000 police officers, or around 380 million GP appointments. Analysis has also found that long-term smokers are 7.5% less likely to be employed than non-smokers[16]. Comparatively, only £7.9 billion in tobacco duty was paid in 2024 to 2025[17].

11 Cigarettes addict the most vulnerable. More than 4 in 5 smokers start before the age of 20[18]. Those who start smoking as young adults and cannot quit lose an average 10 years of life expectancy[19]. Most smokers know the risks of smoking and want to quit but are unable to due to the addictive nature of nicotine. Just 15% of smokers in England state they are not intending to quit smoking[20].

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[10] Smoking Profile - Data - OHID (phe.org.uk). Smoking Profile - Data - OHID (phe.org.uk)

[11] Landman Economics. 2021. Estimates of poverty in the UK adjusted for expenditure on tobacco – 2021 update

[12] ASH. 2024. Young people and smoking - ASH

[13] Smoking Profile – Data – OHID (phe.org.uk). https://fingertips.phe.org.uk/profile/tobacco-control/data Smoking Profile - Data | Fingertips | Department of Health and Social Care

[14] Smoking Profile – Data – OHID (phe.org.uk). Smoking Profile - Data | Fingertips | Department of Health and Social Care

[15] ASH. 2025. New figures show cost of smoking to society in England dwarfs tobacco tax revenue - ASH

[16] ASH and Landman Economics. 2020. Smoking, employability, and earnings - ASH

[17] HMRC. 2025. Tobacco Bulletin - GOV.UK (www.gov.uk)

[18] Public Health England. 2015. Health matters: smoking and quitting in England - GOV.UK (www.gov.uk)

[19] Royal College of Physicians. 2018. Tobacco Dependency Prelims Layout 1 (rcp.ac.uk)

[20] Adult smoking habits in the UK - Office for National Statistics. 2025

12 Alongside measures to reduce the appeal, affordability and promotion of tobacco products, increasing the minimum age of sale can reduce youth smoking. When England and Wales raised the smoking age from 16 to 18, smoking prevalence in 16–17-year-olds fell by 30 per cent[21]. When US states raised the smoking age to 21, the chance of someone in that age group smoking fell by 39 per cent[22].

13 In England and Wales, the Children and Young Persons Act 1933[23] introduced age of sale legislation for tobacco products and cigarette papers and The Children and Young Persons (Sale of Tobacco etc) Order 2007[24] amended the legal age of sale from 16 to 18 years old in England and Wales. Previously, anyone who was under the age of 18 could not be sold tobacco products in England and Wales. Section 91 of the Children and Families Act 2014 prohibits proxy purchases, meaning it is illegal for adults to buy tobacco products on behalf of someone who is under 18.

14 In Scotland the Children and Young Persons (Scotland) Act 1937 introduced age of sale legislation for tobacco products and cigarette papers in Scotland and the Smoking, Health and Social Care (Scotland) Act 2005 (Variation of Age Limit for Sale of Tobacco etc. And Consequential Modifications) Order 2007 amended the legal age of sale from 16 to 18 years old.

15 The Tobacco and Primary Medical Services (Scotland) Act 2010[25] ("the 2010 Act") restated (with modifications) the offence of selling tobacco products and cigarette papers to someone under the age of 18 and prohibited proxy purchasing. The Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016 amended the 2010 Act and introduced requirements for age verification policies.

16 The Health and Personal Social Services (Northern Ireland) Order 1978 originally created the offence of selling tobacco to young persons under 16. The Children and Young Persons (Sale of Tobacco etc.) Regulations (Northern Ireland) 2008 amended the 1978 Order to increase the legal age of sale for tobacco products from 16 to 18 years, making it illegal since 1 September 2008 to sell tobacco products or cigarette papers to anyone under the age of 18.

17 In addition to the age of sale requirements, a number of legislative tobacco control measures have been enacted by Parliament to protect children and the public from the harms of tobacco, including second-hand smoke, and to help smokers quit. The Health Act 2006[26] made provision for enclosed and substantially enclosed public places and shared workplaces to be smoke-free in England and Wales and set out the offence of smoking in a smoke-free place.

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[21] Fidler et al. 2010. Changes in smoking prevalence in 16–17-year-old versus older adults following a rise in legal age of sale: findings from an English population study - Addiction - Wiley Online Library

[22] Abigail, F. et al. 2019. Tobacco-21 laws and young adult smoking: quasi-experimental evidence - PMC (nih.gov)

[23] https://www.legislation.gov.uk/ukpga/Geo5/23-24/12

[24] https://www.legislation.gov.uk/uksi/2007/767/contents/made

[25] https://www.legislation.gov.uk/asp/2010/3/contents

[26] https://www.legislation.gov.uk/ukpga/2006/28/contents

18 In Scotland, the smoking provisions of the Smoking, Health and Social Care (Scotland) Act 2005[27] (the 2005 Act) and the Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006[28] came into effect in 2006 to prohibit smoking in wholly enclosed or substantially enclosed public places, including public transport and most workplaces. Under this legislation, it is an offence to smoke in no-smoking premises or to knowingly permit smoking in no-smoking premises. Similar provisions were enacted in Northern Ireland through The Smoking (Northern Ireland) Order 2006[29].

19 The Health Act 2009[30] included amendments to The Children and Young Persons (Protection from Tobacco) Act 1991[31] and the Tobacco Advertising and Promotion Act 2002[32] (TAPA) which make provision in relation to sales from vending machines, as well as prohibiting the display of tobacco products in the course of a business (subject to exclusions) and gives powers to regulate (not prohibit) the display of prices of tobacco products for England, Wales and Northern Ireland. The Tobacco and Primary Medical Services (Scotland) Act 2010[33] made provision for Scotland banning vending machines for tobacco products and prohibiting the display of tobacco products and smoking related products in the course of business (subject to exclusions) and gives powers to regulate the display of prices for tobacco products and smoking related products.

20 TAPA introduced advertising and sponsorship restrictions in England, Scotland, Wales and Northern Ireland. The Children and Families Act 2014[34] in England and Wales made it an offence to purchase tobacco products or cigarette papers on behalf of a child under the age of 18, as well as amending smoke-free legislation to provide the Secretary of State, or the Welsh Ministers in relation to Wales, with the power to make regulations to provide for a private vehicle to be smoke-free when a person under the age of 18 is present. The 2014 Act also provided the Secretary of State the power to regulate tobacco packaging (to reduce the risk of harm to, or promote, the health or welfare of children). The Smoking Prohibition (Children in Motor Vehicles) (Scotland) Act 2016 makes it an offence for an adult to smoke in a private motor vehicle when the vehicle is in a public place and there is a person under 18 in the vehicle.

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[27] https://www.legislation.gov.uk/asp/2005/13/contents

[28] https://www.legislation.gov.uk/ssi/2006/90/contents/made

[29] https://www.legislation.gov.uk/nisi/2006/2957/contents

[30] https://www.legislation.gov.uk/ukpga/2009/21/contents

[31] https://www.legislation.gov.uk/ukpga/1991/23/contents

[32] https://www.legislation.gov.uk/ukpga/2002/36/contents

[33] https://www.legislation.gov.uk/asp/2010/3/contents

[34] https://www.legislation.gov.uk/ukpga/2014/6/contents/enacted

21 Recommendations to make smoking obsolete were considered in the 2022 independent Khan Review[35]. The headline recommendation of the review was to progressively raise the smoking age of sale. The review also recommended a package of other measures to make England smoke-free. This included increasing smoke-free places to protect young people from second-hand smoke and de-normalise smoking, and the introduction of a tobacco licence for retailers to limit where tobacco is sold.

22 The government at the time on the 4 October 2023 published a command paper with a plan to create a smokefree generation and tackle youth vaping[36]. Subsequently, on 12 October 2023, a UK-wide consultation was published on creating a smokefree generation and tackling youth vaping[37]. The consultation was undertaken across all four parts of the UK and all devolved governments contributed to its development. The response was published on 29 January 2024.

23 In the consultation, over 63% of respondents agreed with the policy of introducing a new age of sale to ban the sale of tobacco to those born on or after 2009. There were also high levels of support to prohibit proxy purchases for anyone born on or after 1 January 2009, to include all tobacco products, herbal smoking products and cigarette papers within the scope of the policy and reflect the new age of sale in updated retail warning notices. Polling data also shows support for the policy. In a YouGov/ASH poll in April 2024, 71% of adults supported the goal of Britain being a country where no one smokes[38].

Vaping and nicotine products

24 Vapes (also known as electronic cigarettes, e-cigarettes, electronic nicotine delivery system (ENDS), or vaporisers) work by heating a solution of water, flavouring, propylene glycol (or vegetable glycerine) and, typically, nicotine to create a vapour that the user inhales. The act of using a vape is often referred to as 'vaping'. Devices tend to consist of a mouthpiece, a battery-powered heating element, a cartridge or refillable tank containing the liquid solution and an atomiser that vaporises the solution when heated. A vaping product includes a vaping device or an item which is intended to form part of a device as well as a vaping substance.

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[35] https://assets.publishing.service.gov.uk/media/62a0c3f38fa8f503921c159f/khan-review-making-smoking-obsolete.pdf

[36] Stopping the start: our new plan to create a smokefree generation - GOV.UK

[37] https://www.gov.uk/government/consultations/creating-a-smokefree-generation-and-tackling-youth-vaping

[38] ASH. 2024. 71% of adults support the PM's ambition to stamp out smoking

25 Evidence shows that in in the short and medium term, vaping is less harmful than smoking[39]. This is because vaping products do not contain tobacco or carbon monoxide. Vapes can be an effective tool in supporting addicted smokers to stop[40] - they contribute an extra 30,000 to 50,000 quits per year in England[41]. However, the health advice is clear, whilst vapes can be an effective quit aid for adult smokers, children and non-smokers should never vape[42].

26 Selling nicotine vapes in England, Wales and Northern Ireland and nicotine and non-nicotine vapes in Scotland to under 18s is illegal. Yet due to the branding and advertising of vapes to children, youth vaping has more than doubled in the past 5 years in England, with 25% of 11-15-year-olds having ever tried vaping as of 2023[43]. Prior to their ban, single-use vapes played a significant role in the rise of youth vaping with 42% of vapers aged 11 to 17 in Great Britain using them in 2025, increasing from 8% in 2021, but down from 69% in 2022[44]. A ban on single-use vapes came into force for England, Scotland, Wales and Northern Ireland on 1 June 2025.[45]

27 There are health risks associated with the ingredients in vapes. The active ingredient in most vapes (apart from nicotine-free vapes) is nicotine which, when inhaled, is a highly addictive drug. Evidence shows that using nicotine-containing vapes can result in symptoms of nicotine dependency[46]. Giving up nicotine can be very difficult because the body has to get used to functioning without it. Withdrawal symptoms can include cravings, irritability, anxiety, trouble concentrating, headaches and other mental and physical symptoms[47]. Evidence suggests that children and young people may be more susceptible to any risks from nicotine use[4849]. There are also some health risks associated with the other ingredients in vapes. For example, propylene glycol and glycerine (components of e-liquids) can produce toxic compounds if they are overheated[50]. The long-term health harms of flavours when inhaled are unknown.

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[39] OHID. 2022. Nicotine vaping in England: 2022 evidence update - GOV.UK (www.gov.uk)

[40] Jamie Hartmann-Boyce. 2025. Electronic cigarettes for smoking cessation

[41] Jackson et al. 2024. Associations of Prevalence of E-cigarette Use With Quit Attempts, Quit Success, Use of Smoking Cessation Medication, and the Overall Quit Rate Among Smokers in England: A Time-Series Analysis of Population Trends 2007–2022

[42] Chief Medical Officer for England on vaping - GOV.UK

[43] NHS England. 2024 Smoking, Drinking and Drug Use among Young People in England, 2023 - NHS England Digital

[44] Action on Smoking and Health. 2025. Use of vapes (e-cigarettes) among young people in Great Britain

[45] Department for Environment Food and Rural Affairs. 2025 https://www.gov.uk/guidance/single-use-vapes-ban

[46] OHID. 2022. Nicotine vaping in England: 2022 evidence update summary

[47] NHS. Managing nicotine withdrawal symptoms - Better Health - NHS

[48] ABCD Study

[49] Association between vmPFC gray matter volume and smoking initiation in adolescents | Nature Communications

[50] Komura M and others. 2022. Propylene glycol, a component of electronic cigarette liquid, damages epithelial cells in human small airways

28 Vaping is associated with over 300 hospital admissions per year (this also includes harms from unregulated and faulty products) in England[51], this remains substantially lower than smoking hospital admissions which rose to 408,700 in 2022-2023[52]. While less harmful than smoking, vaping is not risk-free and data on longer-term health harms is still emerging. A 2022 comprehensive review identified six studies assessing second-hand exposure to vaping and found that prolonged exposures to heavy and sustained vaping resulted in increases in nicotine or potential toxicants in those exposed to second-hand aerosols[53]. It is plausible that risks may be greater in more vulnerable groups.

29 In England and Wales, The Nicotine and Inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015[54] and, in Northern Ireland, The Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations (Northern Ireland) 2021[55] made it an offence to sell a nicotine vape to someone under the age of 18 and for someone to buy a vape on behalf of someone who is under the age of 18 - proxy purchasing. In Scotland the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016 [56] similarly made selling nicotine and non nicotine vapes to under 18s and proxy purchasing an offence.

30 The Tobacco and Related Products Regulations 2016[57] that came into force in May 2016 brought in product requirements for nicotine containing vaping products (described as electronic cigarettes in the regulations) including a requirement for health warnings on the packaging, limits on nicotine strength and restrictions on permitted ingredients in nicotine containing liquid (a substance other than tobacco that is intended to be vaporised by a vape) across the UK.

31 The majority of vapes sold in the UK contain nicotine. However, many children are using non-nicotine vapes. In 2025 ASH reported[58] that 4% of 11-17 year olds who currently vape said that they use non-nicotine vapes. Non-nicotine vapes were covered by The General Product Safety Regulations 2005[59] (GPSR) in Great Britain and by the EU General Product Safety Regulation (EU) 2023/988 in Northern Ireland. The GPSR requires providers to ensure only safe products are placed on the market, together with any necessary warnings for safe use of the product. In Scotland, unlike the rest of the UK, the age of sale for non-nicotine vapes was previously regulated in the same way as nicotine vapes before the Act came into force.

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[51] NHS UK. 2024 Hospital admissions for vaping-related disorders - NHS England Digital

[52] https://www.england.nhs.uk/2023/12/hospital-admissions-due-to-smoking-up-nearly-5-per-cent-last-year-nhs-data-shows/

[53] OHID. 2022. Nicotine vaping in England: 2022 evidence update main findings - GOV.UK (www.gov.uk)

[54] https://www.legislation.gov.uk/uksi/2015/895/contents/made

[55] https://www.legislation.gov.uk/nisr/2021/330/made

[56] https://www.legislation.gov.uk/asp/2016/14/contents/enacted

[57] https://www.legislation.gov.uk/uksi/2016/507/contents/made

[58] https://ash.org.uk/uploads/youth-vaping-fact-sheet-2025-final.pdf?v=1772034547

[59] https://www.legislation.gov.uk/uksi/2005/1803/contents/made

32 The Act refers to nicotine products in order not only to capture nicotine pouches, but to ensure that future consumer nicotine products are also regulated without the need for further primary legislation. The consumer nicotine industry is highly adaptive and other non-medicinal nicotine products have entered the UK market in the form of pouches and soluble strips. There were no corresponding regulations setting a minimum legal age of sale, mandating health warnings, maximum nicotine levels or restricting advertising and promotion. Nicotine pouches come in varying degrees of nicotine strength, they are placed between the gum and the lip, and the nicotine is absorbed directly into the bloodstream through the membranes in the mouth. Consumer nicotine pouches can deliver levels of nicotine much higher than regulated vapes.

33 There are other potentially plausible delivery routes industry may explore (including absorption through tissues in the cheek, absorption through gels or creams, nasal inhalers, and more). These products are likely to be popular with young people and may be marketed towards them. Dry powder and nasal inhalers have the potential for very swift and strong nicotine delivery that greatly increases the potential for initiating dependence, especially in users under the age of 25. Some such potential products may fall under other legislation, but by regulating all consumer nicotine products, the Act aims to protect children and young people from the harmful effects of nicotine addiction no matter the form in which it is delivered.

34 In 2022, the independent Khan review[60] recommended that the government ban cartoons or imagery on the packaging of vapes, review vape flavours and descriptions and prohibit vape companies distributing free vape samples.

35 In April 2023, the Youth Vaping: call for evidence[61] explored where the government could go further to protect children from the risks from vaping. It explored a range of issues, including regulatory compliance, the marketing, advertising and promotion of vapes, the role of social media and the environmental impact of vaping. The call for evidence[62] found that the advertising, display, variety and packaging of vapes is enticing children and young people to start using these products. Some respondents even cited evidence[63] on the susceptibility of young people to vape advertising, including from adverts that were not designed to appeal to young people. However, the findings from the call for evidence[64] reiterated that vapes can be an effective way to help adult smokers quit smoking.

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[60] https://www.gov.uk/government/publications/the-khan-review-making-smoking-obsolete

[61] https://www.gov.uk/government/calls-for-evidence/youth-vaping-call-for-evidence/youth-vaping-call-for-evidence

[62] https://www.gov.uk/government/calls-for-evidence/youth-vaping-call-for-evidence/youth-vaping-call-for-evidence

[63] https://www.tobaccoinduceddiseases.org/Use-of-tobacco-and-e-cigarettes-among-youth-in-Great-Britain-nin-2022-Analysis-of,156459,0,2.html

[64] https://www.gov.uk/government/calls-for-evidence/youth-vaping-call-for-evidence/youth-vaping-call-for-evidence

36 The UK-wide consultation published on the 12 October 2023[65] also asked questions about vape flavours, displays and packaging and received support for the introduction of regulations to achieve this[66] and a YouGov/ASH survey in 2025 found 78% of respondents supported banning names of sweets, cartoons and bright colours on vape packaging and 77% support restricting point of sale of vapes[67].

37 To stop vapes and consumer nicotine products (such as nicotine pouches) from being deliberately branded and advertised to children, and to ensure they are only available as a tool to help adult smokers quit, the Act:

- bans vaping products and nicotine products from being sold to under 18s and bans the free distribution of these products;
- bans advertising, promotion and sponsorship agreements for vapes and nicotine products mirroring impactful restrictions on tobacco (with the exception of a defence for public health campaigns for vaping and nicotine products);
- provides regulation making powers to regulate the flavours, packaging, and other product standards of vapes, tobacco related devices and nicotine products;
- provides powers to regulate the display of vapes and nicotine products;
- bans vape and nicotine product vending machines;
- introduces powers to introduce a new registration scheme for all vapes and nicotine products (this scheme would also cover tobacco products),
- introduces powers to prohibit the use of vapes and heated tobacco devices in specified areas where smoking is prohibited.

Enforcement

38 Underage sale of tobacco, and more recently vapes, impacts upon public health. In 2024 to 2025, Trading Standards conducted a test purchasing exercise in England. Over 920 premises were tested for underage tobacco sales, with an average failure rate of 21%. In 2024 to 2025 over 3,100 premises were tested for underage vape sales, with an average failure rate of 23%[68].

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[65] https://www.gov.uk/government/consultations/creating-a-smokefree-generation-and-tackling-youth-vaping/outcome/creating-a-smokefree-generation-and-tackling-youth-vaping-consultation-government-response

[66] https://www.gov.uk/government/consultations/creating-a-smokefree-generation-and-tackling-youth-vaping/outcome/creating-a-smokefree-generation-and-tackling-youth-vaping-consultation-government-response#reducing-the-appeal-and-availability-of-vapes-to-children-flavours-displays-and-packaging

[67] ASH. 2025. ASH Regional Public support tool 2025.

[68] https://www.actso.org.uk/impacts-outcomes-reports/

39 The Children and Young Persons Act 1933[69] made the offence of selling tobacco products, herbal smoking products and cigarette papers to those under the age of sale punishable by a fine of up to £2,500 on conviction. The Children and Families Act 2014[70] introduced the same penalty for the sale of prohibited nicotine products to those under the age of sale. Pursuant to section 12A and 12B of the Children and Young Persons Act 1933[71],[72], where a business or individual has persistently committed age of sale offences, enforcement authorities can apply to a court for a restricted premises order or restricted sale order, to prohibit the business or individual from selling these products for up to 12 months.

40 A fixed penalty notice (FPN) is a notice giving an individual the opportunity to avoid prosecution for an alleged criminal offence in exchange for a payment of a fine. Individuals can, if they wish, choose not to pay the FPN and instead challenge the prosecution in court. FPNs are a well-established approach to enforce a range of regulatory offences, including tobacco and nicotine vape offences.

41 The Proxy Purchasing of Tobacco, Nicotine Products etc. (Fixed Penalty Notice) (England) Regulations 2015[73] permitted enforcement officers to issue FPNs for breaches of legislation prohibiting proxy purchasing of tobacco products and vapes. The Health Act 2006[74] introduced FPNs for breaches of the smoke-free premises legislation and the requirement to display no-smoking signs in smoke-free premises in England and Wales.

42 The Tobacco and Primary Medical Services (Scotland) Act 2010[75] introduced a retailer registration scheme and FPN regimes for the age of sale and proxy purchasing offences relating to the sale of tobacco products, and cigarette papers. These regimes were extended to cover vapes by the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016. FPNs are regularly utilised to enforce age of sale legislation and banning orders can be issued for persistent offenders. These regimes continue in Scotland, and the Act provides for them to be extended to include herbal smoking products and nicotine products.

43 The Tobacco Retailers Act (Northern Ireland) 2014[76] introduced a registration scheme and FPN regime for the age of sale and proxy purchasing offences relating to the sale of tobacco products, cigarette papers, nicotine inhaling products and sale/control of tobacco vending machines and FPNs are regularly utilised to enforce age of sale legislation. The Act provides for the registration scheme in Northern Ireland to be extended to include vapes and other nicotine products and for the introduction of a retail licensing scheme that will be commenced in the longer term.

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[69] Children and Young Persons Act 1933

[70] https://www.legislation.gov.uk/ukpga/2014/6/section/92

[71] https://www.legislation.gov.uk/ukpga/Geo5/23-24/12

[72] Added by the Criminal Justice and Immigration Act 2008 c. 4

[73] https://www.legislation.gov.uk/uksi/2015/936/contents/made

[74] https://www.legislation.gov.uk/ukpga/2006/28/contents

[75] https://www.legislation.gov.uk/asp/2010/3/contents

[76] https://www.legislation.gov.uk/nia/2014/4/contents/enacted

44 The Children and Young Persons Act 1933 and Children and Families Act 2014 did not provide FPNs for underage sales of tobacco products and nicotine vapes meaning, when enforcement authorities in England and Wales wish to issue a fine for selling tobacco products or nicotine vapes to someone who is under 18, they are required to prosecute the individual or business and the individual or business must be convicted in a magistrates' court. This can involve a time-consuming court procedure and can be expensive. FPNs allow enforcement authorities to act more quickly and without involving the courts.

45 The October 2023 consultation[77] considered how to enforce the future restrictions on tobacco, vapes and other consumer nicotine products. The consultation asked respondents if they think FPNs should be issued for breaches of age of sale restrictions for tobacco products and vapes and 88.3% of respondents said yes. Of the respondents who answered the question on the level of FPN for underage tobacco sale, 44% were in support of a £200 FPN, 17.8% were in support of a £100 FPN and 38.3% were in support of another value. Similar levels of support were shown for the value of FPNs for underage vape sales.

46 In June 2022, the independent Khan Review[78] recommended the government introduce a licensing scheme for the retail sale of tobacco to strengthen enforcement (prevent illicit and underage sales) and limit the availability of tobacco across the country.

47 A 2022 ASH survey[79] found that 81% of retailers in England support the introduction of a tobacco licence, 9% opposed, 7% neither supported or opposed and 3% didn't know. In addition, a 2025 ASH survey of the public found that in Great Britain, 86% of the public support tobacco retail licensing[80].

48 The Act strengthens enforcement activity to prevent underage sales of tobacco and vapes by:

- providing enforcement authorities in England and Wales with the power to issue Fixed Penalty Notices of £200 for the underage sale, proxy sale, and free distribution of tobacco, vaping and nicotine products, display restrictions, and breaches of tobacco age of sale notice restrictions, and FPNs of £2,500 for offences in connection with licensing;
- giving the Secretary of State and the Welsh Ministers powers to change the amount of the £200 FPNs which will help ensure they remain proportionate;
- updating the FPN regime and banning order powers in Scotland to capture all tobacco, herbal smoking, vaping and nicotine products, and include free distribution of tobacco, herbal smoking, vaping and nicotine product offences;
- updating Northern Ireland legislation such that the FPN regime is extended to capture all tobacco, vaping and nicotine products, and include free distribution of tobacco, vaping and nicotine products and display offences;

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[77] https://www.gov.uk/government/consultations/creating-a-smokefree-generation-and-tackling-youth-vaping

[78] https://www.gov.uk/government/publications/the-khan-review-making-smoking-obsolete

[79] https://ash.org.uk/uploads/Retailer-research-report-online.pdf?v=1667303463

[80] ASH. 2025. Public support for a smokefree society.

- setting out that it is a defence for retailers committing an age of sale offence that they took steps specified in regulations to verify that the prospective customer was of legal age, thereby supporting retailers to check either physical or digital ID;
- providing powers to introduce a licensing scheme for the retail sale of tobacco products, herbal smoking products, cigarette papers, vaping and nicotine products in England, Wales and Northern Ireland, and expanding the retailer registration scheme in Scotland so that it captures retailers of all relevant products; and
- retaining elements of the previous enforcement approach for tobacco and vape regulations, including criminal fines and, in England and Wales, restricted premises orders and restricted sale orders for persistent offenders which the Act extends to other offences.

Legal background

49 The legal background of the Act is set out in the Commentary on Provisions of the Act section of this document.

Territorial extent and application

50 Section 174 sets out the territorial extent of the Act, that is the jurisdictions in which the Act will form part of the law.

51 Part 1 of the Act extends to England and Wales. Part 2 extends to Scotland and Part 3 extends to Northern Ireland.

52 Part 4 of the Act extends to the whole of the UK and concerns oral tobacco products such as snus.

53 Part 5 of the Act extends to the whole of the UK as this concerns product requirements and standards that will apply to products placed on the UK market.

54 Part 6 of the Act extends to the whole of the UK as this concerns advertising and sponsorship requirements.

55 Part 7 of the Act extends to the whole of the UK and includes provisions on smoke-free, vape-free and heated tobacco-free places in England, Wales, Scotland and Northern Ireland.

56 Part 8 of the Act extends to the whole of the UK and includes standard provisions that help the legislation to function effectively.

57 There is a convention that Westminster will not normally legislate with regard to matters that are within the legislative competence of the Scottish Parliament, Senedd Cymru or the Northern Ireland Assembly without the consent of the legislature concerned. To the extent that the provisions of the Act fall within the legislative competence of devolved legislatures, the legislative consent process is engaged and a Legislative Consent Motion was given by the Scottish Parliament, Senedd Cymru and the Northern Ireland Assembly for the Act.

58 Annex A provides a summary of the position regarding territorial extent and application in the UK of the Act.

Commentary on provisions of the Act

Part 1: Sale and distribution: England and Wales

Sale of tobacco etc

Section 1: Sale of tobacco etc

59 Section 1 introduces a new age of sale restriction for tobacco products, herbal smoking products and cigarette papers. This section makes it an offence for retailers to sell, defined as sell by retail as outlined in Section 50 (Interpretation of Part 1), tobacco products, herbal smoking products or cigarette papers to anyone who is born on or after 1 January 2009. This replaces the previous age of sale restriction set out in the Children and Young Persons Act 1933[81] (the 1933 Act), as amended by The Children and Young Persons (Sale of Tobacco etc) Order 2007[82] which made it an offence to sell tobacco, herbal smoking products or cigarette papers to someone who is under the age of 18 in England and Wales. Tobacco products, herbal smoking products and cigarette papers were in scope of the 1933 Act and are also in scope of the new age of sale restrictions in the Act.

60 Section 50 (Interpretation of Part 1) sets out the scope of the age of sale restrictions by setting out the definition of tobacco products: "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. The intention is to include any type of tobacco product that might be produced for consumer use, regardless of how that product is consumed. Products that are were previously available on the UK market before the Act are all considered to be captured by this definition. The additional wording 'consumed in any other way' is intended to cover emerging products with novel forms of usage.

61 Cigarette papers include anything intended to be used to encase tobacco products or herbal smoking products to enable them to be smoked. These therefore include products such as cigarette tubes.

62 In the 1933 Act, herbal smoking products are understood to be a type of tobacco product as it is set out that the expression "tobacco" includes smoking mixtures intended as a substitute for tobacco (section 7(5)). This Act provides an altered definition of tobacco products which does not include herbal smoking products. Herbal smoking products are defined as a product consisting wholly or partly of vegetable matter and intended to be smoked but not containing tobacco. Herbal smoking products are captured by this Act, but they are defined and listed separately in this legislation.

63 The intention is to capture any products that contain tobacco and are used as consumer products as well as other herbal products that are smoked, due to the harmful nature of smoking. Whilst herbal smoking products do not contain nicotine or tobacco, they do contain

[81] https://www.legislation.gov.uk/ukpga/Geo5/23-24/12

[82] https://www.legislation.gov.uk/uksi/2007/767/contents/made

cancer causing chemicals, tar and carbon monoxide, similar to a tobacco cigarette. Cigarette papers have also been included in the new age of sale restrictions as they are burnt with the tobacco.

64 The age of sale restriction does not apply to sales in the course of a business so would not prevent someone born on or after 1 January 2009 from being employed in a tobacco retail business or wholesaler. See the definition in section 50 (Interpretation of Part 1) of 'sell' as sell by retail.

65 The age of sale restriction does not make it an offence for someone born on or after 1 January 2009 to possess or use tobacco products, herbal smoking products or cigarette papers.

66 An individual who is convicted of an offence under this provision may receive a fine of up to £2,500 (level 4 on the standard scale).

67 The section provides that it is a defence for someone who is charged with the age of sale offence to prove that they took such steps as may be specified in regulations made by the Secretary of State to verify that the customer was born before 1 January 2009, or that they otherwise took all reasonable steps to avoid committing the offence. Regulations may specify steps, for example checking physical identity documents and the use of digital methods of age verification. If no such steps have been specified in regulations it will still be a defence for someone who is charged with the age of sale offence to prove that they took all reasonable steps to avoid committing the offence, which is a re-enactment of the previous defence under the 1933 Act of having taken all reasonable precautions and exercised all due diligence. Before making regulations under this section the Secretary of State must obtain consent from the Welsh Ministers if the regulations contain provisions that fall within the legislative competence of Senedd Cymru. Any regulations under this section will be subject to the affirmative resolution procedure.

Section 2: Purchase of tobacco etc on behalf of others

68 Section 2 makes it an offence for any adult aged 18 or over to buy, or attempt to buy, tobacco products, cigarette papers or herbal smoking products on behalf of anyone who is born on or after 1 January 2009, commonly referred to as 'proxy purchasing'. This is to ensure alignment with the new age of sale restriction in Section 1 (Sale of tobacco etc.). This section replaced the previous offence under section 91 of the Children and Families Act 2014[83] 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 in England and Wales.

69 The section avoids the criminalisation of children by specifying that the offence is committed by an individual aged 18 or over.

70 An individual who is convicted of an offence under this provision may receive a fine of up to £2,500 (level 4 on the standard scale).

71 It is a defence if a person charged with this offence can prove they had no reason to suspect that the other person was born on or after 1 January 2009 or they can prove that they had no reason to believe that the other person intended to use the cigarette papers for smoking.

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[83] https://www.legislation.gov.uk/ukpga/2014/6/contents

Section 3: Tobacco vending machines

72 Section 3 sets out that it is an offence if a person manages or controls a premises where a tobacco vending machine (a machine from which tobacco products, herbal smoking products, or cigarette papers may be bought or from which they are dispensed to a customer in connection with a sale") is available for use on the premises. This section re-enacts and consolidates the previous provisions in the Children and Young Persons (Protection from Tobacco) Act 1991[84], which introduced a regulation making power and resulted in The Protection from Tobacco (Sales from Vending Machines) (England) Regulations 2010 and The Protection from Tobacco (Sales from Vending Machines) (Wales) Regulations 2011 to prohibit the sale of tobacco from an automatic machine in England and Wales respectively. This has been updated by the Act to also include cigarette papers to align with the products in scope of the age of sale provision.

73 The section also makes it clear that vending machines that dispense products are captured, where the sale may have taken place separately from the machine, for example, machines that operate via tokens, coupons, or receipts are captured by the prohibition. The machine is prohibited if the product is dispensed to a customer in connection with a sale, so businesses can use machines which dispense products so long as the product in question is dispensed to staff.

74 An individual conditions of the licence, namely the requirements that this provision may receive a fine of up to £2,500 (level 4 on the standard scale).

Section 4: Sale of unpackaged cigarettes

75 Section 4 sets out the prohibition against selling cigarettes when they are not in their original packaging. If a person sells cigarettes that are not in the retail packaging that they were supplied to the retailer in (defined as original packaging) they commit an offence. This re-enacts the previous offence under section 3 of the Children and Young Persons (Protection from Tobacco) Act 1991[85].

76 Anyone who is convicted of an offence under this provision may receive a fine up to £1,000 (level 3 on the standard scale).

Section 5: Age of sale notice at point of sale: England

77 Section 5 requires a tobacco retailer (a person who carries on a business involving the sale of tobacco by retail) to display an age of sale notice in a prominent position that says, "It is illegal to sell tobacco products to anyone born on or after 1 January 2009". A premises means any place including a vehicle or moveable structure, for instance, this would include stalls at car boot sales.

78 The penalty for failure to display a notice is a fine of up to £1,000 (level 3 on the standard scale).

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[84] https://www.legislation.gov.uk/ukpga/1991/23/contents

[85] https://www.legislation.gov.uk/ukpga/1991/23/contents

79 Section 5(4) provides a regulation making power for the Secretary of State to stipulate requirements for the size or appearance of the statement to be displayed on the notice or any other aspect of the notice, such as the colour of the notice. Requirements for the notice will be set in regulations before 1 January 2027. This section applies to England. This is a re-enactment with modifications of the regulation making power under section 4 of the Children and Young Persons (Protection from Tobacco) Act 1991[86] (the 1991 Act). Under section 4 of the 1991 Act it is a requirement for any retailer selling tobacco products to display a notice that says, "It is illegal to sell tobacco products to anyone under the age of 18". The Protection from Tobacco (Display of Warning Statements) Regulations 1992[87] were made using the powers in section 4.

Section 6: Age of sale notice at point of sale: Wales

80 Section 6 makes the same provision for retailers in Wales selling tobacco products as section 5 (Age of sale notice at point of sale: England) does for England. The section requires a tobacco retailer in Wales to display notices stating the new age of sale requirements. This section applies to Wales.

81 The section requires a tobacco retailer in Wales to display an age of sale notice in a prominent position with the text in both English and Welsh. "It is illegal to sell tobacco products to anyone born on or after 1 January 2009" and "Mae'n anghyfreithlon gwerthu cynhyrchion tybaco i unrhyw un a anwyd ar neu ar ôl 1 Ionawr 2009". The new sign must be displayed from 1 January 2027.

82 The penalty for failure to display a notice is a fine of up to £1,000 (level 3 on the standard scale).

83 Section 6(4) provides a regulation making power for the Welsh Ministers to stipulate requirements for the size or appearance of the statement to be displayed on the notice or any other aspect of the notice, one example could be the colour of the notice. Requirements for the notice will be set in regulations before 1 January 2027. This is a re-enactment with modifications of the regulation making power under Section 4 of the Children and Young Persons (Protection from Tobacco) Act 1991[88] (the 1991 Act). Under section 4 of the 1991 Act it is a requirement for any retailer in Wales selling tobacco products to display a notice that says, "It is illegal to sell tobacco products to anyone under the age of 18". The Protection from Tobacco (Display of Warning Statements) Regulations 1992[89] were made using the powers in section 4.

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[86] https://www.legislation.gov.uk/ukpga/1991/23/contents

[87] https://www.legislation.gov.uk/uksi/1992/3228/made#:~:text=The%20dimensions%20of%20the%20notice,displayed%20on%20the%20notice%20shall

[88] https://www.legislation.gov.uk/ukpga/1991/23/contents

[89] https://www.legislation.gov.uk/uksi/1992/3228/made#:~:text=The%20dimensions%20of%20the%20notice,displayed%20on%20the%20notice%20shall

Snus etc

Section 7: Ban on manufacture of snus etc

84 Section 7 makes it an offence to manufacture a tobacco product that is intended for oral use, is not intended to be inhaled or chewed and consists wholly or partly of tobacco in powder or particulate form.

85 This is a re-enactment of the prohibition on the production and supply of oral tobacco intended for consumption within the UK or through the travel retail sector in Regulation 17 of The Tobacco and Related Products Regulations 2016[90]. This Act extends these restrictions to include a ban on snus intended for export which simplifies enforcement and reduces the possibility of such harmful products being available within the UK.

86 An individual who is convicted of an offence under this provision may receive a fine or may be imprisoned for a term not exceeding 2 years, or both.

Section 8: Ban of sales of snus etc

87 Section 8 makes it an offence to sell a tobacco product that is intended for oral use, is not intended to be inhaled or chewed and consists wholly or partly of tobacco in powder or particulate form.

88 This is a re-enactment of the prohibition on the production and supply of oral tobacco intended for consumption within the UK or through the travel retail sector in Regulation 17 of The Tobacco and Related Products Regulations 2016[91]. The Act extends these restrictions to include a ban on snus intended for export which simplifies enforcement and reduces the possibility of such harmful products being available within the UK.

89 It is a defence for a person charged with an offence under this provision to prove that they took all reasonable steps to avoid committing the offence.

90 An individual who is convicted of an offence under this provision may receive a fine or may be imprisoned for a term not exceeding 2 years, or both.

Section 9: Possession of snus etc with intent to supply

91 Section 9 makes it an offence for a person to have a tobacco product that is intended for oral use, is not intended to be inhaled or chewed and consists wholly or partly of tobacco in powder or particulate form in their possession with intent to supply it in a course of business.

92 It is not an offence to possess relevant oral tobacco products for personal use or to give as a personal gift.

93 An individual who is convicted of an offence under this provision may receive a fine or may be imprisoned for a term not exceeding 2 years, or both.

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[90] https://www.legislation.gov.uk/uksi/2016/507/contents

[91] https://www.legislation.gov.uk/uksi/2016/507/contents

Sale of vaping and nicotine products etc

Section 10: Sale of vaping or nicotine products to under 18s

94 Section 10 makes it an offence to sell a vaping or nicotine product to someone under the age of 18. This replaces the previous age of sale restriction for nicotine inhaling products (nicotine vapes) as set out in The Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015[92] which made it an offence to sell a nicotine vape to children under the age of 18.

95 Section 50 (Interpretation of Part 1) outlines definitions for Part 1. Definitions include a "vape" which means a device which vaporises substances, other than tobacco, for the purpose of inhalation through a mouthpiece (whether or not it also vaporises tobacco) and is not a medical device or a medicinal product and "vaporises" includes aerosolises. It also means an item which is intended to form part of a device including anything intended to be attached to it with a view to imparting flavour. A "vaping product" means a vape, or a vaping substance and a "vaping substance" means a substance, other than tobacco, that is intended to be vaporised by a vape. The definitions include both nicotine and non-nicotine vaping products. This is a change from the previous age of sale provision which only includes nicotine vapes. This has been changed to ensure a consistent approach across all types of vapes, and to ensure that the Act gives us the powers to regulate e-liquids and refills along with the vape device itself. This change comes into force six months after Royal Assent of the Act (29 October 2026).

96 Section 51 (Interpretation of Part 1) provides the definition of a "nicotine product" for this Part. The section defines a "nicotine product" as a device that is intended to deliver nicotine into the human body, or part of a device that does that or anything that contains nicotine. The definition excludes a range of products, including tobacco products, herbal smoking products, cigarette papers, devices that are intended to be used for tobacco consumption, vaping products, medical devices and medicinal products – these products are captured elsewhere in the Act, and in the case of medical devices and medicinal products fall under a separate regulatory framework as they are not consumer products.

97 An individual who is convicted of an offence under this provision may receive a fine of up to £2,500 (level 4 on the standard scale).

98 Section 10 provides that it is a defence for someone who is charged with the offence to prove that they took such steps as may be specified in regulations made by the Secretary of State to verify that the customer was 18 or over, or that they otherwise took all reasonable steps to avoid the commission of the offence. Regulations may specify steps, for example checking physical identity documents and the use of digital methods of age verification. If no such steps have been specified in regulations it will still be a defence for someone who is charged with the age of sale offence to prove that they took all reasonable steps to avoid committing the offence, which is a re-enactment of the previous defence under the Children and Families Act 2014[93], of having taken all reasonable precautions and exercised all due diligence. Before making regulations under this section the Secretary of State must obtain consent from the

[92] https://www.legislation.gov.uk/uksi/2015/895/contents

[93] https://www.legislation.gov.uk/ukpga/2014/6/contents

Welsh Ministers if the regulations contain provisions that fall within the legislative competence of Senedd Cymru. Any regulations under this section will be subject to the affirmative resolution procedure.

Section 11: Purchase of vaping or nicotine products on behalf of under 18s

99 Section 11 makes it an offence for a person aged 18 or over to buy, or attempt to buy, a vaping product or a nicotine product on behalf of someone who is under the age of 18, also known as proxy purchasing. This section of the Act replaced section 91 of the Children and Families Act 2014[94] (the 2014 Act), which made it an offence for someone over 18 to buy, or attempt to buy, a nicotine inhaling product (nicotine vape) on behalf of someone who is under the age of 18.

100 The 2014 Act previously applied to nicotine vapes, and the new restriction will apply to all vapes. This section also extends the restriction to include nicotine products as previously there were no restrictions on the proxy purchasing of nicotine products. This change comes into force six months after Royal Assent of the Act (29 October 2026).

101 Anyone convicted of an offence under this provision may receive a fine of up to £2,500 (level 4 on the standard scale). It is a defence for a person charged with an offence to prove that they had no reason to suspect that the other person was under the age of 18.

Section 12: Vaping and nicotine product vending machines

102 Section 12 makes it an offence for a person who manages or controls a premises to have a vape or nicotine product vending machine ("an automatic machine from which vaping/nicotine products may be bought") available for use on the premises. The offence comes into force six months after Royal Assent of the Act (29 October 2026). This allows premises that currently contain a vape or nicotine product vending machine time to remove or stock the machine with alternative products.

103 This section also establishes an exemption for England and Wales that permits adult mental health hospitals to have vape vending machines in an area intended wholly or mainly for inpatients. A mental health hospital is defined in subsection (4). The exemption will mean that vape vending machines may be available for use in such areas, where the patients may be restricted in terms of their liberty.

104 The section also makes it clear that vending machines that dispense products are captured, where the sale may have taken place separately from the machine, for example, machines that operate via tokens, coupons, or receipts are captured by the prohibition. The machine is prohibited if the product is dispensed to a customer in connection with a sale, so businesses can use machines which dispense products so long as the product in question is dispensed to staff. This section includes a new offence as there are currently no restrictions on the use of vape vending machines or nicotine product vending machines, unlike tobacco vending machines, which were banned by regulations made under the Children and Young Persons (Protection from Tobacco) Act 1991[95].

105 A person convicted of the offence may receive a fine of up to £2,500 (level 4 on the standard scale).

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[94] https://www.legislation.gov.uk/ukpga/2014/6/contents

[95] https://www.legislation.gov.uk/ukpga/1991/23/contents

Displays of products or prices

Section 13: Displays of products or prices in England

106 Section 13 provides the Secretary of State with powers to regulate the display of tobacco products, tobacco related devices (such as heated tobacco devices, pipes and bongs), herbal smoking products, cigarette papers, vaping products and nicotine products and their prices, as well as the display of empty retail packaging or anything that represents the products, in retailers in England.

107 Under the Tobacco Advertising and Promotion Act 2002[96] there are already restrictions on the display in the course of business of tobacco products and prices. However, there are no restrictions under current legislation on where herbal smoking products, cigarette papers tobacco related devices, vaping products as well as their prices, can be displayed in retail premises[97]. This power in the Act allows for regulations to limit the display of all these different types of products.

108 Subsection (6) confirms that before making regulations under this section the Secretary of State must consult.

109 Section 13 also facilitates the creation of offences for the failure to comply with the regulations, and anyone convicted of an offence under this section could be subject to imprisonment for a term not exceeding 2 years, a fine, or both.

Section 14: Displays of products or prices in Wales

110 Section 14 provides the Welsh Ministers with powers to regulate the display of tobacco products, tobacco related devices (such as heated tobacco devices, pipes and bongs), herbal smoking products, cigarette papers, vaping products and nicotine products and their prices, as well as the display of empty retail packaging, in retailers in Wales.

111 Similarly to England, there are already restrictions on displays in the course of business of tobacco products in Wales under the Tobacco Advertising and Promotion Act 2002 and regulations made under it. As set out under section 13, there are no restrictions under current legislation on where tobacco related devices, vaping products and nicotine products, as well as their prices, can be displayed in retail premises. The inclusion of cigarette papers, herbal smoking products and tobacco related devices ensures that products such as heated tobacco devices, pipes and bongs can be subjected to display restrictions. This Act provides for new regulations for the display of tobacco products to be developed. These will replace the previous regulations, and the scope of these regulations may extend to other products.

112 Subsection (6) of this section confirms that before making regulations under this section Welsh Ministers must consult.

113 The power under section 14 sets out that the regulations may provide for the creation of offences for the failure to comply with the regulations and anyone convicted of an offence could be subject to imprisonment for a term not exceeding 2 years, a fine, or both.

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[96] https://www.legislation.gov.uk/ukpga/2002/36/contents

[97] https://www.legislation.gov.uk/ukpga/2002/36/contents

Free distribution and discounts

Section 15: Free distribution and discount of products

114 Section 15 makes it an offence to give away, any product or a coupon (defined as anything (whether in physical or electronic form), which can be redeemed for a product or service or for cash or any other benefit) to a member of the public where the purpose or effect will be to promote a relevant product.

115 It is currently prohibited under section 9 of the Tobacco Advertising and Promotion Act 2002[98] (TAPA) to give away (in the course of a business) any product or coupon where the purpose or effect of which is to promote a tobacco product. This section of the Act replaces section 9 of TAPA and extends the scope as there are currently no restrictions on businesses freely distributing nicotine and vaping products, cigarette papers, and herbal smoking products.

116 This section also makes it an offence to sell a relevant product or coupon at a substantial discount. There is a regulation making power in TAPA to extend the ban on free distribution of tobacco products to cover selling a product at a substantial discount. This has been re-enacted as a ban on the face of the Act rather than a regulation making power, as there is no intention to permit selling a product or coupon at a substantial discount to circumvent the restriction on free distribution. The offence comes into force six months after Royal Assent of the Act (29 October 2026).

117 This section provides that there is a defence available where a person is charged with giving away a vaping product or nicotine product or coupon for such if they can prove it was done in accordance with arrangements made by a public authority. If this defence is satisfied, then they are not guilty of the offence. An example of this could be where the NHS or a local authority funds a smoking cessation programme that utilises vapes as a cessation tool and provides them for free.

118 Anyone convicted of an offence under this section may be subject to imprisonment, a fine, or both.

Retail licensing: England

Section 16: Prohibition of retail sales of tobacco products etc in England without a licence

119 Section 16 provides the Secretary of State with the power to make regulations regarding the granting of personal and premises licences.

120 This section prohibits the sale, exposure for sale, or possession for the purpose of sale (by the individual or another person) of tobacco products, herbal smoking products, cigarette papers, vaping or nicotine products by an individual in England, except under the authority of and in accordance with a personal licence.

[98] https://www.legislation.gov.uk/ukpga/2002/36/section/9

121 This section also prohibits a person from using or permitting the use of premises in England, to store for the purpose of their sale (by the person or another person), expose for sale, or supply tobacco products, herbal smoking products, cigarette papers, vaping, or nicotine products to retail customers except under the authority of and in accordance with a premises licence.

122 Section 16 requires the Secretary of State to, by regulations, make provision for the granting of personal and premises licences. The Secretary of State may, by regulations, create exceptions to the prohibitions in section 16(1) or (2).

123 Except for the power to make regulations (which comes into force on Royal Assent), this section will not come into force automatically: it will be brought into force through regulations.

124 Before exercising the power to make regulations under this section, the Secretary of State must consult. Further detail on what the licensing scheme regulations in England may include are set out in Schedule 1. Any regulations made under section 16 are subject to the affirmative resolution procedure.

Schedule 1: Retail licensing scheme: England

125 Schedule 1 gives further detail about what regulations made under section 16 (Prohibition of retail sales of tobacco products etc in England without a licence) may include. These provisions provide clarity about the intended purpose of the regulation making powers. This schedule is for England only.

126 The regulations must describe the local authority that will be the licensing authority and thus hold the responsibility for granting licences.

127 The regulations may make provisions regarding the granting of a licence in England, including provisions which mean a licensing authority could not grant a licence to a premises in a particular area (for example, proximity to a school), or limiting the number of licences within a particular area. Provisions may also require a licensing authority to inspect a premises to ensure it meets regulations before a licence can be granted.

128 The regulations may allow a licensing authority to charge a fee on application for a licence. This would include fees required at the point of any renewal of a licence. The amount of any fee is to be set in regulations and will be able to account for the cost of exercising functions in connection with the licensing scheme including administration and enforcement costs of the scheme. The regulations may require the licensing authority to pay a proportion of the fees collected to any other person with functions under or in connection with sections 16-18 or the regulations. The regulations may also make provisions regarding the conditions of the licence, namely the requirements that licence holders will need to meet to maintain a licence for the sale or supply of relevant products.

129 The regulations may also make provisions regarding the duration of the licence, which is self-explanatory.

130 The regulations may make provisions for the publication of licence information by the licensing authority. Publication of a list of licensed retailers may support enforcement of the licensing scheme.

131 The regulations will establish the reviews and appeals process for decisions made regarding the granting of a licence. They must specify when a person may request a review of a decision taken under the regulations and give a person the right of appeal to a magistrates' court against a decision taken on a review. This will enable an independent review. There may be a time limit for requesting reviews or initiating appeals.

132 The regulations may require a licensing authority to adhere to guidance published by the Secretary of State when carrying out its functions under the licensing regulations.

Section 17: Offences in connection with licences: England

133 Section 17 sets out that anyone who breaches the prohibitions set out in sections 16(1) or 16(2) commits an offence.

134 This section also makes it an offence for a person to provide false or misleading information to a licensing authority in, or in connection with, an application for the grant of a personal or premises licence; or in carrying out of any other obligation imposed by or under licensing regulations. It is only an offence if the information is false or misleading in a material respect, and the person knows or ought to reasonably know this about the information.

135 A person convicted of an offence under sections 17(1) or 17(2) may receive a fine where there is no maximum amount. As an alternative to criminal prosecution, a relevant enforcement authority may issue a fixed penalty notice for these offences under the provisions in section 37 (Fixed penalty notices: England). A "relevant enforcement authority" is defined in section 32.

136 Upon conviction of the offence under section 17(1) (prohibition of retail sales of tobacco products etc in England without a licence), as set out in section 17(4) a court may make an order as to what happens to the relevant products to which the offence(s) relate. This may include forfeiture and destruction of the relevant products.

Section 18: Financial penalties for breach of licence conditions: England

137 Section 18 introduces financial penalties which may be imposed for the breach of conditions attached to a personal or premises licence in England, provided the breach is not a criminal offence under section 17 (Offences in connection with licences: England). These financial penalties are civil penalties and can be issued by a local weights and measures authority (e.g. Local Authority Trading Standards) or a relevant district council. A "relevant district council" means a district council that is specified in regulations as a licensing authority for the scheme and is not a local weights and measures authority (county council in two-tier local authorities). This section sets the maximum amount of the financial penalty at £2,500 and provides the Secretary of State with the power to change this maximum amount to account for inflation. Any regulations made under section 18 are subject to the negative resolution procedure as the scope of the power is narrow.

138 Further details on financial penalties for breach of licence conditions are set out in Schedule 2.

Schedule 2: Financial penalties for breach of retail licence conditions: England

139 This schedule sets out the procedure for local weights and measures authorities or relevant district councils when imposing financial penalties for breach of licence conditions, introduced in section 18 (Financial penalties for breach of licence conditions). This schedule is for England only.

140 Before imposing a financial penalty, a local weights and measures authority or relevant district council must issue a written notice of intent and allow for a period of representation, to give the person the opportunity to challenge the proposed financial penalty. If, after the period for representation, the local authority decides to impose the financial penalty, they must give a final written notice.

141 Both the notice of intent and the final notice can be withdrawn or amended to reduce the penalty amount at any time by written notice.

142 A person has the right to appeal to the magistrates' court against the decision to impose a financial penalty or the amount of the penalty. This will enable an independent review. This schedule establishes the appeals procedure to be followed.

143 If a person fails to pay the whole or part of the financial penalty within the given period, the unpaid amount may be recovered as if it were payable under a county court order.

144 Any proceeds received from financial penalties must be returned to the Consolidated Fund once enforcement costs to investigate and issue the penalty have been deducted by the local weights and measures authority.

Retail licensing: Wales

Section 19: Prohibition of retail sales of tobacco products etc in Wales without a licence

145 Section 19 provides Welsh Ministers with the power to make regulations regarding the granting of personal and premises licences.

146 This section prohibits the sale, exposure for sale, or possession for the purpose of sale (by the individual or another person) of tobacco products, herbal smoking products, cigarette papers, vaping or nicotine products by an individual in Wales, except under the authority of and in accordance with a personal licence.

147 This section also prohibits a person from using or permitting the use of premises in Wales, to store for the purpose of their sale (by the person or another person), expose for sale, or supply tobacco products, herbal smoking products, cigarette papers, vaping or nicotine products to retail customers except under the authority of and in accordance with a premises licence.

148 Section 19 requires Welsh Ministers to, by regulations, make provision for the granting of personal and premises licences. Welsh Ministers may, by regulations, create exceptions to the prohibitions in section 19(1) or (2).

149 The licensing authority responsible for granting of personal and premises licences in Wales will be the relevant county or county borough council.

150 Except for the power to make regulations (which comes into force on Royal Assent), this section will not come into force automatically: it will be brought into force through regulations.

151 Before exercising the power to make regulations under this section, Welsh Ministers must consult. Further detail on what the licensing scheme regulations in Wales may include are set out in Schedule 3. Any regulations made under section 19 are subject to the affirmative resolution procedure.

Schedule 3: Retail Licensing Scheme: Wales

152 This schedule gives further detail about what regulations made under section 19 (Prohibition of retail sales of tobacco products etc in Wales without a licence) may include. These provisions provide clarity about the intended purpose of the regulation making powers. This schedule is for Wales only.

153 The regulations may make provisions regarding the granting of a licence in Wales, including provisions which mean a licensing authority could not grant a licence to a premises in a particular area (for example, proximity to a school), or limiting the number of licences within a particular area. Provisions may also require a licensing authority to inspect a premises to ensure it meets regulations before a licence can be granted.

154 The regulations may allow a licensing authority to charge a fee on application for a licence. This would include fees required at the point of any renewal of a licence. The amount of any fee is to be set in regulations and will be able to account for the cost of exercising functions in connection with the licensing scheme including administration and enforcement costs of the scheme. The regulations may require the licensing authority to pay a proportion of the fees collected to any other person with functions under the licensing scheme (section 19-21 or the regulations), to ensure fees collected can be used for enforcement of the scheme in a situation where the licensing authority is different from the enforcement authority.

155 The regulations may also make provisions regarding the conditions of the licence, namely the requirements that licence holders will need to meet to maintain a licence for the sale or supply of the relevant products.

156 The regulations may also make provisions regarding the duration of the licence, which is self-explanatory.

157 The regulations may make provisions for the publication of licence information by the licensing authority. Publication of a list of licensed retailers may support enforcement of the licensing scheme.

158 The regulations will establish the reviews and appeals process for decisions made regarding the granting of a licence. They must specify when a person may request a review of a decision taken under the regulations and give a person the right of appeal to a magistrates' court against a decision taken on a review. This will enable an independent decision. There may be a time limit for requesting reviews or initiating appeals.

159 The regulations may require a licensing authority to adhere to guidance published by Welsh Ministers when carrying out its functions under the licensing regulations.

Section 20: Offences in connection with licences: Wales

160 Section 20 sets out that anyone who breaches the prohibitions set out in sections 19(1) and 19(2) commits an offence.

161 This section also makes it an offence for a person to provide false or misleading information to a licensing authority in, or in connection with, an application for the grant of a personal or premises licence; or in carrying out of any other obligation imposed by or under licensing regulations. It is only an offence if the information is false or misleading in a material respect, and the person knows, or ought to reasonably know this about the information.

162 A person convicted of an offence under sections 20(1) or 20(2) may receive a fine where there is no maximum amount. As an alternative to criminal prosecution, Local Authority Trading Standards in Wales may issue a fixed penalty notice for these offences under the provisions in section 40 (Fixed penalty notices: Wales).

163 Upon conviction of the offence under section 20(1) (prohibition of retail sales of tobacco products etc in Wales without a licence), as set out in section 20(4) a court may make an order as to what happens to the relevant products to which the offence(s) relate. This may include forfeiture and destruction of the relevant products.

Section 21: Financial penalties for breach of licence conditions: Wales

164 Section 21 introduces financial penalties which may be imposed for the breach of conditions attached to a personal or premises licence in Wales, provided the breach is not a criminal offence under section 20 (Offences in connection with licences: Wales). These financial penalties are civil penalties and can be issued by a local weights and measures authority.

165 This section sets the maximum amount of the financial penalty at £2,500 and provides Welsh Ministers with the power to change this maximum amount to account for inflation and so that the financial penalty amount remains proportionate. Any regulations made under section 21 are subject to the negative resolution procedure as the scope of the power is narrow.

166 Further details on financial penalties for breach of licence conditions in Wales are set out in Schedule 4.

Schedule 4: Financial Penalties for Breach of Retail Licence Conditions: Wales

167 This schedule sets out the procedure for local weights and measures authorities when imposing financial penalties for breach of licence conditions, introduced in section 21 (Financial penalties for breach of licence conditions: Wales). This schedule is for Wales only.

168 Before imposing a financial penalty, a local weights and measures authority must issue a written notice of intent and allow for a period of representation, to give the person the opportunity to challenge the proposed financial penalty. If, after the period for representation, the local authority decides to impose the financial penalty, they must give a final written notice.

169 Both the notice of intent and the final notice can be withdrawn or amended to reduce the penalty amount at any time by written notice.

170 A person has the right to appeal to the magistrates' court against the decision to impose a financial penalty or the amount of the penalty. This will enable an independent decision. This schedule establishes the appeals procedure to be followed.

171 If a person fails to pay the whole or part of the financial penalty within the given period, the unpaid amount may be recovered as if it were payable under a county court order.

172 Any proceeds received from financial penalties must be returned to the Welsh Consolidated Fund once enforcement costs to investigate and issue the penalty have been deducted by the local weights and measures authority.

Section 22: Repeal of register of retailers of tobacco and nicotine products in Wales etc

173 Section 22 amends the Public Health (Wales) Act 2017[99]. The effect is to repeal provisions for a retailer register in Wales once licensing scheme provisions in this Act come into force by order of the Welsh Ministers.

Restricted premises orders

Section 23: Restricted premises orders

174 Section 23 provides that where a "persistent offender" has committed a relevant offence in relation to the premises on at least two other occasions within a two-year period, they can be punished by a restricted premises order being made in respect of the relevant premises by a magistrates' court.

175 Relevant offences include those under sections 1 (Sale of tobacco etc), 3 (Tobacco vending machines), 10 (Sale of vaping or nicotine products to under 18s) and 12 (Vaping and nicotine product vending machines) of this Act, as well as the offences shown at subsection 8(b) of this section up until the point they are repealed. This section replaces, and is based on, section 12A of the Children and Young Persons Act 1933[100] where restricted premises orders were introduced for persistent breaches of the age of sale restrictions for tobacco and nicotine products.

176 A restricted premises order is used to prohibit the sale of one or more of the relevant products (tobacco products, herbal smoking products, cigarette papers, vaping products and nicotine products) from taking place on the relevant premises. The length of the order is determined by the court and may last up to a period of 12 months. A restricted premises order applies to the relevant premises specified in the order, and prohibits any sales taking place from there whether they are made by the offender or any other person, but it would not affect other premises which may be within the same group or chain.

177 A restricted premises order is a local land charge, which means it would bind a buyer of the premises.

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[99] https://www.legislation.gov.uk/anaw/2017/2/contents/enacted

[100] https://www.legislation.gov.uk/ukpga/Geo5/23-24/12

Section 24: Restricted premises orders: interested persons

178 Section 24 sets out the criteria for which individuals ('interested persons' who occupy or have an interest in the premises, for instance the manager, owner or landlord) may make representations to the court to try to prevent a restricted premises order being made against the relevant premises.

179 This section is based on section 12A of the Children and Young Persons Act 1933[101] for restricted premises orders for breaches of tobacco legislation.

180 This section provides that when an enforcement authority has applied for a restricted premises order, they must make reasonable enquires and give notice to anyone appearing to them to be an interested person.

181 An interested person can make their case as to why the restricted premises order should not be made, and if the order is made without them having been given notice then they may apply to the court to alter or discharge the order.

Section 25: Restricted premises orders: appeals

182 Section 25 provides the right to appeal to the Crown Court against an order made by a magistrates' court under sections 23 (Restricted premises orders) or 24 (Restricted premises orders: interested persons).

Section 26: Breach of restricted premises orders

183 Section 26 makes it an offence to breach a restricted premises order as defined in section 23 (Restricted premises orders). This section is based on section 12C of the Children and Young Persons Act 1933[102] which introduced fines for a breach of a restricted premises order. A breach of a restricted premises order includes the sale of any product that is prohibited, and applies if someone knows, or should reasonably know, that the sale is prohibited. A person charged with the offence may have a defence if they can prove they took all reasonable steps to avoid committing the offence. Any person convicted of an offence under this provision may receive a fine where there is no maximum amount.

Section 27: Power to extend restricted premises orders in Wales

184 Section 27 provides the Welsh Ministers with the power to add to the list of "relevant offences" for the purposes of issuing restricted premises orders where the offence is committed on premises in Wales. This replaces a power for the Welsh Ministers in section 51 of the Public Health (Wales) Act 2017[103] to specify a "tobacco or nicotine offence".

185 Before making regulations under this section the Welsh Ministers must consider who is likely to have an interest in the regulations and Ministers should consult those who they deem are necessary.

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101 https://www.legislation.gov.uk/ukpga/Geo5/23-24/12

102 https://www.legislation.gov.uk/ukpga/Geo5/23-24/12

103 https://www.legislation.gov.uk/anaw/2017/2/contents

Restricted sale orders

Section 28: Restricted sale orders

186 Section 28 provides that a persistent offender (who has committed a relevant offence on at least two other occasions within two years) can be prohibited from selling certain products (e.g. tobacco, herbal smoking, vaping or nicotine products as well as cigarette papers). Restricted sales orders can be imposed by a magistrates' court for persistent breaches of the offences in sections 1 (Sale of tobacco, etc), 3 (Tobacco vending machines), 10 (Sale of vaping or nicotine products to under 18s) and 12 (Vaping and nicotine product vending machines) of this Act, as well as the offences shown at subsection 5(b) of this section up until the point they are repealed. This section replaces and is based on section 12B of the Children and Young Persons Act 1933[104] where restricted sale orders were introduced for repeated breaches of the age of sale legislation for tobacco and nicotine products.

187 A restricted sale order prohibits the offender from selling any one or more of the relevant products (tobacco products, herbal smoking products, cigarette papers, vaping products, or nicotine products) or from having any management role in any premises relating to sales of those products. The length of the order is determined by the court and may last for a period of up to 12 months.

Section 29: Restricted sale orders: appeals

188 Section 29 provides the right to appeal to the Crown Court against an order made by a magistrates' court under section 28 (Restricted sale orders).

Section 30: Breach of restricted sale orders

189 Section 30 makes it an offence to fail to comply with a restricted sale order. It is a defence for a person charged with the offence to prove they took all reasonable steps to avoid committing the offence, and any person convicted of an offence under this provision may receive a fine where there is no maximum amount.

Offences by bodies

Section 31: Liability of others for certain offences committed by bodies

190 Section 31 makes a "relevant person" (a director or manager of a company or someone with partner status in a partnership or a person exercising functions of management in an unincorporated association) liable for an offence committed by a body where the offence has been committed with their consent or connivance, or due to their neglect. In such cases the relevant person would be liable in addition to the body (such as the company or partnership) to have proceedings brought against them. This applies to offences under section 26 (Breach of restricted premises order) or any other offence under Part 1 of the Act or any regulations made under sections 13 (Displays of products or prices in England) or 14 (Displays of products or prices in Wales).

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[104] https://www.legislation.gov.uk/ukpga/Geo5/23-24/12

Enforcement functions

Section 32: Enforcement authorities

191 Section 32 places a duty on each relevant enforcement authority in England and local weights and measures authority (Trading Standards) in Wales to enforce the provisions in Part 1 of the Act and any regulations made under sections 13 (Displays of products or prices in England) and 14 (Displays of products or prices in Wales). It provides that the investigatory powers available to the enforcement authorities are those in Schedule 5 (Investigatory powers) to the Consumer Rights Act 2015[105] (the 2015 Act). Investigatory powers provided by Schedule 5 to the 2015 Act include the powers to purchase products, observe the activities of a business, enter premises with or without warrant, inspect products, test any weighing or measuring equipment, require the production of documents, seize and detain goods, seize documents required as evidence, break open a container and to require assistance from persons on the premises.

192 Section 32 defines, for the purposes of this Part, a "relevant enforcement authority in England" as a local weights and measures authority in England. In relation to the enforcement of sections 16 to 18 (retail licensing: England), a "relevant enforcement authority in England" is additionally, any district council in England that is specified as a licensing authority for the retail licensing scheme and is not a local weights and measures authority. By defining a relevant enforcement authority in this manner, it enables whichever tier of local government that is designated the licensing authority for the retail licensing scheme in England to enforce the scheme as well as administer it. An equivalent definition of a relevant enforcement authority is not needed for the purposes of retail licensing in Wales due to differences in local government structure.

Section 33: Programme of enforcement action: England

193 Section 33 sets out a requirement for each relevant enforcement authority in England to consider a 'programme of enforcement' and the potential design of the programme on a yearly basis. This is a means of ensuring that local authorities in England consider whether they are enforcing offences effectively. The programme of enforcement itself is as described in the section and is self-explanatory.

Section 34: Programme of enforcement action: Wales

194 Section 34 sets out a requirement for each local weights and measures authority in Wales to consider a 'programme of enforcement' and the potential design of the programme on a yearly basis. This is a means of ensuring that local authorities in Wales consider whether they are enforcing offences effectively. The programme of enforcement itself is as described in the section and is self-explanatory.

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[105] https://www.legislation.gov.uk/ukpga/2015/15/contents

Powers *of ministers to take over enforcement*

Section 35: Power of ministers to take over enforcement functions

195 Section 35 provides powers for the Secretary of State, in relation to England, or the Welsh Ministers in relation to Wales, to take over and discharge the enforcement duty as prescribed in section 32 (Enforcement authorities) in relation to specified cases instead of the relevant enforcement authority or local weights and measures authority. The effect of this is that a national authority will undertake the investigation and enforcement, rather than the local authority. This could arise if a relevant enforcement authority or local weights and measures authority is unable or unwilling to undertake enforcement of a certain case.

Section 36: Power of ministers to take over proceedings

196 Section 36 provides a power for the Secretary of State to take over the legal proceedings from a relevant enforcement authority in England relating to offences committed under Part 1 of the Act or regulations made under section 13 (Displays of products or prices in England). It also provides a power for the Welsh Ministers to take over the legal proceedings from a local weights and measures authority in Wales relating to any offence that has been committed under Part 1 of the Act or regulations made under section 14 (Displays of products or prices in Wales). This will allow a national authority to undertake the legal proceedings instead of a local authority. This could arise if a relevant enforcement authority or local weights and measures authority is unable or unwilling to undertake the legal proceedings of a certain case.

Fixed penalties: England

Section 37: Fixed penalty notices: England

197 Section 37 introduces fixed penalty notices (FPNs) for the enforcement in England of the age of sale restrictions for tobacco products, herbal smoking products and cigarette papers (section 1) and vaping and nicotine products (section 10), proxy purchasing of tobacco etc. (section 2) and vaping or nicotine products (section 11), tobacco age of sale notice at point of sale regulations in England (section 5), regulations relating to the display of products or prices in England (made under section 13), the free distribution and discount of tobacco, vaping and nicotine products (section 15), and offences in connection with licensing in England (section 17). Section 91 of the Children and Families Act 2014[106] introduced FPNs for the proxy purchasing of tobacco and vaping products; and this will be replaced by the FPN provisions in the Act.

198 An FPN offers the person the opportunity to avoid prosecution for the offence if they make a payment of the fine within 28 days. The amount of the fine will be level 4 on the standard scale (currently set at £2,500) for offences in connection with licensing in England (section 17). For all other offences the fine will be £200. The amount payable will be reduced by 50% if paid within 14 days.

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[106] https://www.legislation.gov.uk/ukpga/2014/6/data.pdf

199 No legal proceedings can be initiated before the end of the 28-day period. If the person who has received the FPN fails to make the payment and the relevant enforcement authority decides to initiate proceedings against them for the offence, the time that is calculated for the magistrates' court mentioned in section 127(1) of the Magistrates' Courts Act 1980[107] will begin after the payment window of 28 days. However, an FPN can be withdrawn by the relevant enforcement authority at any point before payment is made. The use of FPNs comes into force six months after Royal Assent of the Act (29 October 2026).

Section 38: Fixed penalties: use of proceeds

200 Section 38 provides that any proceeds from FPNs received by a relevant enforcement authority in England must be used in connection with any functions it has under any measures in this Act, or any regulations made under this Act, as well as measures in Part 1 of the Health Act 2006[108], and The Tobacco and Related Products Regulations 2016[109].

Section 39: Power to change amount of fixed penalties: England

201 Section 39 provides the Secretary of State with a power to change the amount which must be specified on the FPN and the percentage discount for early payment. The maximum amount the FPN amount can be changed to is equivalent to level 3 on the standard scale of fines for summary offences (currently £1,000). This is included in the Act to ensure there is flexibility to adapt the penalty amount, and the discount for early payment, to align with changing economic and social circumstances, such as changes in inflation, and to ensure fine amounts are proportionate. This power excludes the ability to change the amount of the FPN for offences in connection with licensing in England (section 17) because, as provided for by section 37, the amount that must be specified in this FPN is linked to the standard scale of fines for summary offences.

Fixed penalties: Wales

Section 40: Fixed penalty notices: Wales

202 Section 40 introduces fixed penalty notices (FPNs) for the enforcement in Wales of the age of sale restrictions for tobacco products, herbal smoking products and cigarette papers (section 1) and vaping and nicotine products (section 10), proxy purchasing of tobacco etc. (section 2) and vaping or nicotine products (section 11), tobacco age of sale notice at point of sale regulations in Wales (section 6), regulations relating to the display of products or prices in Wales (section 14), the free distribution and discount of tobacco, vaping and nicotine products (section 15), and any offences in connection with licensing in Wales (section 20). Section 91 of the Children and Families Act 2014[110] introduced FPNs for the proxy purchasing of tobacco and vaping products; and this will be replaced by the FPN provisions in the Act.

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[107] https://www.legislation.gov.uk/ukpga/1980/43/contents

[108] https://www.legislation.gov.uk/ukpga/2006/28/part/1

[109] https://www.legislation.gov.uk/uksi/2016/507/contents

[110] https://www.legislation.gov.uk/ukpga/2014/6/data.pdf

203 An FPN offers the person the opportunity to avoid prosecution for the offence if they make a payment of the fine within 28 days. The amount of the fine will be level 4 on the standard scale (currently set at £2,500) for offences in connection with licensing in Wales (section 20). For all other offences the fine will be £200. The amount payable will be reduced by 50% if paid within 14 days.

204 No legal proceedings can be initiated before the end of the 28-day period. If the person who has received the FPN fails to make the payment and the local weights and measures authority decides to initiate proceedings against them for the offence, the time that is calculated for the magistrates' court mentioned in section 127(1) of the Magistrates' Courts Act 1980[111] will begin after the payment window of 28 days. However, an FPN can be withdrawn by the local weights and measures authority at any point before payment is made. The use of FPNs comes into force six months after Royal Assent of the Act (29 October 2026).

Section 41: Fixed penalties in Wales: use of proceeds

205 Section 41 provides that any proceeds from FPNs received by a local weights and measures authority in Wales must be used in connection with any functions it has under any measures in this Act, or any regulations made under this Act, as well as measures in Part 3 of the Public Health (Wales) Act 20017[112], and The Tobacco and Related Products Regulations 2016[113].

Section 42: Power to change amount of fixed penalties: Wales

206 Section 42 provides the Welsh Ministers with a power to change the amount which must be specified on the FPN and the percentage discount for early payment. The maximum amount the FPN amount can be changed to is equivalent to level 3 on the standard scale of fines for summary offences (currently £1,000). This is included in the Act to ensure there is flexibility to adapt the penalty amount, and the discount for early payment, to align with changing economic and social circumstances, such as changes in inflation, and to ensure fine amounts are proportionate.

207 This power excludes the ability to change the amount of the FPN for offences in connection with licensing in Wales (section 20) because, as provided for by section 40, the amount that must be specified in this FPN is linked to the standard scale of fines for summary offences.

Handing over tobacco etc to underage people in Wales

Section 43: Handing over tobacco etc to underage people in Wales

208 Section 43 is self-explanatory and introduces Schedule 5 (Handing over tobacco etc to underage people in Wales).

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111 https://www.legislation.gov.uk/ukpga/1980/43/contents

112 Public Health (Wales) Act 2017

113 https://www.legislation.gov.uk/uksi/2016/507/contents

Schedule 5: Handing over tobacco etc to underage people in Wales

209 This schedule amends the Public Health (Wales) Act 2017[114] to update the provision about handing over of tobacco etc to persons under 18 to align with the new age of sale restrictions, to include vaping products, herbal smoking products, cigarette papers, and nicotine products in this restriction and to provide a power to extend the products to which that Chapter applies to include devices which enable a tobacco product to be consumed. The amendments outlined in the Act are provided in both English and Welsh.

Consequential, *transitional and transitory provision*

Section 44: Consequential amendments to do with Part 1

210 Section 44 states that consequential amendments to do with Part 1 are found in Schedule 6 (Part 1 consequential amendment commencing after 6 months) and Schedule 7 (Part 1 consequential amendments commencing on 1 January 2027).

Schedule 6: Part 1 consequential amendments commencing after 6 months

211 This schedule details consequential amendments that will be made to other legislation that will come into force six months after Royal Assent. Consequential amendments in the schedule ensure other legislation relating to restrictions and regulations on tobacco are in line with the provisions of this Act. This schedule amends the Children and Young Persons Act 1933[115], the Children and Young Persons (Protection from Tobacco) Act 1991[116], the Tobacco Advertising and Promotion Act 2002[117], the Health Act 2006[118], the Criminal Justice and Immigration Act 2008[119], the Regulatory Enforcement and Sanctions Act 2008[120], the Health Act 2009[121], the Children and Families Act 2014[122], the Tobacco and Related Products Regulations 2016[123] (S.I. 2016/507), the Public Health (Wales) Act 2017[124], and the Digital Markets, Competition and Consumers Act 2024[125].

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114 https://www.legislation.gov.uk/anaw/2017/2/contents

115 https://www.legislation.gov.uk/ukpga/Geo5/23-24/12

116 https://www.legislation.gov.uk/ukpga/1991/23/contents

117 https://www.legislation.gov.uk/ukpga/2002/36/contents

118 https://www.legislation.gov.uk/ukpga/2006/28/contents

119 https://www.legislation.gov.uk/ukpga/2008/4/contents

120 https://www.legislation.gov.uk/ukpga/2008/13/contents

121 https://www.legislation.gov.uk/ukpga/2009/21/contents

122 https://www.legislation.gov.uk/ukpga/2014/6/contents

123 https://www.legislation.gov.uk/uksi/2016/507/contents

124 https://www.legislation.gov.uk/anaw/2017/2/contents

125 https://www.legislation.gov.uk/ukpga/2024/13/contents

Schedule 7: Part 1 consequential amendments commencing on 1 January 2027

212 This schedule details any consequential amendments made to other legislation that will come into force on 1 January 2027. Consequential amendments in the schedule ensure that measures in the Act coming into force on 1 January 2027 can operate as intended. This schedule amends the Children and Young Persons Act 1933[126], the Local Government etc (Scotland) Act 1994[127], the Police Reform Act 2002[128], the Courts Act 2003[129], the Regulatory Enforcement and Sanctions Act 2008[130], the Tobacco and Primary Medical Services (Scotland) Act 2010[131], the Police Reform and Social Responsibility Act 2011[132], the Digital Markets, Competition and Consumers Act 2024[133] and the Children and Families Act 2014[134]. The Protection of Children (Tobacco) Act 1986[135] and the Children and Young Persons (Protection from Tobacco) Act 1991[136] are repealed.

Section 45: Application of programmes of enforcement to old age of sale offences

213 Section 45 ensures that the programmes of enforcement for England and Wales (sections 33 and 34) in the Act also apply to tobacco control measures (age of sale restrictions of tobacco in section 7 of the Children and Young Persons Act 1933[137] and age of sale notice requirements in section 4 of the Children and Young Persons (Protection from Tobacco) Act 1991)[138] up until the new measures in the Act come into force on 1 January 2027.

Section 46: Application of fixed penalty regime to old age of sale offences

214 Section 46 provides that the fixed penalty notice regime created by section 37 for England and section 40 for Wales applies to section 7 of the Children and Young Persons Act 1933 (sale of tobacco, etc. to persons under eighteen) and section 91 of the Children and Families Act 2014 (purchase of tobacco etc. on behalf of under 18s) from six months after Royal Assent. From 1 January 2027, when the new age of sale and proxy purchasing offences for tobacco products, herbal smoking products and cigarette papers come into force, FPNs will apply to enforce these new restrictions.

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126 https://www.legislation.gov.uk/ukpga/Geo5/23-24/12

127 https://www.legislation.gov.uk/ukpga/1994/39/contents

128 https://www.legislation.gov.uk/ukpga/2002/30/contents

129 https://www.legislation.gov.uk/ukpga/2003/39/contents

130 https://www.legislation.gov.uk/ukpga/2008/13/contents

131 https://www.legislation.gov.uk/asp/2010/3/contents

132 https://www.legislation.gov.uk/ukpga/2011/13/contents

133 https://www.legislation.gov.uk/ukpga/2024/13/contents/enacted

134 https://www.legislation.gov.uk/ukpga/2014/6/contents

135https://www.legislation.gov.uk/ukpga/1986/34#:~:text=1986%20CHAPTER%2034,sixteen%3B%20and%20for%20connected%20purposes.

136 https://www.legislation.gov.uk/ukpga/1991/23/contents

137 https://www.legislation.gov.uk/ukpga/Geo5/23-24/12

138 https://www.legislation.gov.uk/ukpga/1991/23/contents

215 Up until the 1 January 2027, section 38 (Fixed penalties in England: use of proceeds) and section 41 (Fixed penalties in Wales: use of proceeds) apply as if they included a reference to section 91 of the Children and Families Act 2014[139] (Purchase of tobacco etc. on behalf of under 18s), reflecting that FPNs are already in place for this offence under The Proxy Purchasing of Tobacco, Nicotine Products etc. (Fixed Penalty Notice) (England) Regulations 2015[140] and The Proxy Purchasing of Tobacco, Nicotine Products etc. (Fixed Penalty Notice) (Wales) Regulations 2015[141].

Section 47: Transitional provision: general

216 Section 47 provides transitional provisions, and the effect of this provision is self-explanatory.

Powers *to adjust scope*

Section 48: Power to extend Part 1 to other products

217 Section 48 provides the Secretary of State with powers by regulations to amend any provision of Part 1 which applies to tobacco products by extending the scope to include any device (other than a vape) that enables a tobacco product to be consumed (such as a heated tobacco device or pipe), an item which is intended to form part of such a device, or a filter that does not form part of a tobacco product or herbal smoking product. The power for filters only applies to stand alone filters and not those that already form part of a tobacco or herbal smoking product because integrated filters are already covered under relevant sections.

218 This section also provides the Secretary of State with powers to extend sections 7-9 in the Act to also include filters as defined by section 50. This therefore gives the power to the Secretary of State to ban the manufacture or sale of filters or the possession of them with intent to supply. This applies to stand alone filters to be used with hand rolling tobacco but also integrated filters such as those included within a cigarette, cigarillo, cigar or herbal smoking product. It also includes filters that form part of or are intended to be inserted into an item such as a cigarette holder or pipe.

219 Before making regulations under this section the Secretary of State must consult and obtain consent from the Welsh Ministers if the regulations contain provisions that fall within the legislative competence of the Senedd Cymru.

Crown application

Section 49: Crown application

220 Section 49 provides that Part 1 of the Act and any regulations made under Part 1 bind the Crown. This means that the new age of sale restrictions applies in relation to all bodies and persons acting as servants of the Crown such as government departments, prisons run by His Majesty's prison service, and to members of the armed forces. The Crown itself may not be criminally liable under this Part but persons in the service of the Crown such as civil servants or prison employees may be prosecuted for an offence and are criminally liable.

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[139] https://www.legislation.gov.uk/ukpga/2014/6/part/5/crossheading/tobacco-nicotine-products-and-smoking

[140] The Proxy Purchasing of Tobacco, Nicotine Products etc. (Fixed Penalty Notice) (England) Regulations 2015

[141] The Proxy Purchasing of Tobacco, Nicotine Products etc. (Fixed Penalty Notice) (Wales) Regulations 2015

Interpretation etc

Section 50: Interpretation of Part 1

221 Section 50 provides the definitions for Part 1 of the Act and the effect of the provision is self-explanatory.

Section 51: Meaning of "nicotine product"

222 Section 51 sets out the meaning of a "nicotine product" and is self-explanatory.

Part 2: Sale and distribution: Scotland

Sale of tobacco etc

Section 52: Age of sale for tobacco products etc

223 Section 52 amends Scottish tobacco legislation to align with the new age of sale for tobacco products, herbal smoking products and cigarette papers as brought forward by the Act, ensuring alignment across the UK.

224 The Tobacco and Primary Medical Services (Scotland) Act 2010[142] (the 2010 Act) previously made it an offence to sell tobacco products and cigarette papers to anyone who is under the age of 18 and makes related provisions for this. Section 52 amends this legislation, for example by replacing references to anyone "under the age of 18" to anyone "born on or after 1 January 2009". The effect is that it will be an offence for a person to sell a tobacco product, herbal smoking product (given amendments in section 56 (Extension of tobacco legislation to herbal smoking products)), or cigarette papers to a person who is born on or after 1 January 2009. Amendments are also made to update references in the defence to the offence.

225 This section also updates the proxy purchasing offence. The effect of this is that it is an offence for a person aged 18 or over to knowingly buy or attempt to buy a tobacco product, herbal smoking product or cigarette papers on behalf of a person born on or after 1 January 2009.

226 The section amends the provision about display of warning statements to align with the new age of sale restrictions. The effect is that the notice which must be displayed under section 8 of the 2010 Act must contain the following statement: "It is illegal to sell tobacco products to anyone born on or after 1 January 2009".

227 This section also updates the 'age verification policy' provisions in the 2010 Act to ensure that age verification is consistently and appropriately applied in line with the new age of sale restrictions for tobacco products, herbal smoking products, cigarette papers, and nicotine products. The 2010 Act requires tobacco and vaping product businesses to operate an "age verification policy" in relation to customers who appear under 25. This is a policy that requires steps to be taken by someone in a relevant retail setting to verify the age of a customer purchasing tobacco products, cigarette papers or vaping products (vapes).

228 The Act makes amendments to reflect the new age of sale restrictions. If the retailer thinks a customer buying tobacco products, herbal smoking products or cigarette papers was born on or after the 1 January 2009 they are required to establish their age. Until the end of 2033 this requirement applies whenever the retailer thinks the customer is under 25.

229 If the retailer thinks a customer buying a vaping product or nicotine product is under the age of 25, they are required to operate a policy of taking steps to establish their age. This is an update to the provision in the 2010 Act for vaping product businesses to ensure businesses that sell nicotine products are also captured. The section retains a power for the Scottish Ministers to make regulations to amend the age in respect of vaping and nicotine products that is specified in the age verification policy. The power to amend the specified age for the

[142] https://www.legislation.gov.uk/asp/2010/3/contents

age verification policy for tobacco products is no longer required as the Act updates the provision in the 2010 Act such that it refers to retailers needing to consider if the customer purchasing tobacco products appears to have been born on or after 1 January 2009 rather than referring to a specific age.

Section 53: Sale of unpackaged cigarettes

230 Section 53 amends the Tobacco and Primary Medical Services (Scotland) Act 2010[143] and makes it an offence to sell cigarettes that are not in their original packaging. This re-enacts the offence under section 3 of the Children and Young Persons (Protection from Tobacco) Act 1991[144]. A person who sells cigarettes that are not in the retail packaging that they were supplied to the retailer in commits an offence.

231 Anyone who is convicted of an offence under these provisions may receive a fine up to £1,000 (level 3 on the standard scale).

Section 54: Repeal of offence of purchasing tobacco products by under 18s

232 Section 54 omits section 5 (Purchase of tobacco products by people under 18) of the Tobacco and Primary Medical Services (Scotland) Act 2010[145] (the 2010 Act). Section 5 of the 2010 Act made it an offence for someone under the age of 18 to buy or attempt to buy a tobacco product or cigarette papers. Omitting this section of the 2010 Act means it is no longer an offence for someone under the age of 18 to buy or attempt to buy tobacco products or cigarette papers. This is intended to achieve consistency with the current position in England and Wales where the age of sale restrictions applies to the sale and not the purchase of tobacco products.

Section 55: Repeal of power to confiscate tobacco products from person under 18

233 Section 55 omits section 7 (Confiscation of tobacco products from people under 18) of the Tobacco and Primary Medical Services (Scotland) Act 2010[146] (the 2010 Act). Section 7 of the 2010 Act allowed a constable with reasonable grounds for suspecting that a person in a public place is under the age of 18 and is in possession of a tobacco product or cigarette papers, to require the person to surrender the tobacco product or cigarette papers. Omitting this section of the 2010 Act means constables can no longer confiscate tobacco products or cigarette papers from someone who they suspect to be under 18 and in possession of a tobacco product or cigarette papers. This is intended to achieve consistency with the position in England and Wales.

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143 https://www.legislation.gov.uk/asp/2010/3/contents

144 https://www.legislation.gov.uk/ukpga/1991/23/contents

145 https://www.legislation.gov.uk/asp/2010/3/contents

146 https://www.legislation.gov.uk/asp/2010/3/contents

Section 56: Extension of tobacco legislation to herbal smoking products

234 Section 56 amends Scottish legislation to extend the scope of various provisions in the Tobacco and Primary Medical Services (Scotland) Act 2010[147] (the 2010 Act) that apply to tobacco products to include herbal smoking products. Herbal smoking products are not currently in scope of the age of sale restrictions in the 2010 Act. This Act includes herbal smoking products for the age of sale restrictions in England and Wales, and this section aims to enable alignment between Scotland and the rest of the UK.

235 Herbal smoking products are introduced into provisions regulating the sale of tobacco products to persons under 18 (section 4), sale of tobacco or vaping product by persons under 18 (section 4C) and purchase of tobacco products on behalf of persons under 18 (section 6) of the 2010 Act.

236 The section inserts a definition of "herbal smoking product" into the 2010 Act.

Section 57: Power to make provision about warning statements

237 Section 57 amends section 8 of the Tobacco and Primary Medical Services (Scotland) Act 2010[148] (the 2010 Act) to re-enact, with some modification, the power for the Scottish Ministers to make provision about warning statements. It gives the Scottish Ministers powers to make regulations to make provision about the size or appearance of the statement on the notice and any other aspect of the notice. This aligns with the approach for England, Wales and Northern Ireland in sections 5 (Age of sale notice at point of sale: England), 6 (Age of sale notice at point of sale: Wales) and 76 (Age of sale notice at point of sale). The Sale of Tobacco (Display of Warning Statements) (Scotland) Regulations 2011[149] were made using the old powers in section 8 of the 2010 Act, but because this Act is re-enacting those powers, sections 17(2)(b) (repeal and re-enactment) and 23A (Acts of the Scottish Parliament etc) of the Interpretation Act 1978[150] mean that the regulations will remain in force.

Snus etc

Section 58: Ban on manufacture of snus etc

238 Section 58 adds a new section 9A to the Tobacco and Primary Medical Services (Scotland) Act 2010[151] (the 2010 Act) to include provision banning the manufacture of relevant oral tobacco products, such as snus. This aligns with the approach for England and Wales (section 7 (Ban on manufacture of snus etc)) and Northern Ireland (section 77 (Ban on manufacture of snus etc)).

147 https://www.legislation.gov.uk/asp/2010/3/contents

148 https://www.legislation.gov.uk/asp/2010/3/contents

149 https://www.legislation.gov.uk/ssi/2011/132/contents/made

150 https://www.legislation.gov.uk/ukpga/1978/30/contents

151 https://www.legislation.gov.uk/asp/2010/3/contents

239 This is a re-enactment of the prohibition on the production and supply of oral tobacco intended for consumption within the UK or through the travel retail sector in regulation 17 of The Tobacco and Related Products Regulations 2016[152]. The Act extends these restrictions to include snus intended for export which simplifies enforcement and reduces the possibility of such harmful products being available within the UK.

240 An individual who is convicted of an offence under this provision may receive a fine or may be imprisoned for a term not exceeding 2 years, or both.

Section 59: Ban on sales of snus etc

241 Section 59 adds a new section 9B to the Tobacco and Primary Medical Services (Scotland) Act 2010[153] (the 2010 Act) to include provision banning the sale of relevant oral tobacco products, such as snus. This aligns with the approach for England and Wales (section 8 (Ban of sale of snus etc)) and Northern Ireland (section 78 (Ban of sale of snus etc)).

242 This is a re-enactment of the prohibition on the production and supply of oral tobacco intended for consumption within the UK or through the travel retail sector in regulation 17 of The Tobacco and Related Products Regulations 2016[154].

243 An individual who is convicted of an offence under this provision may receive a fine or may be imprisoned for a term not exceeding 2 years, or both.

Section 60: Possession of snus etc with intent to supply

244 Section 60 adds a new section 9C to the Tobacco and Primary Medical Services (Scotland) Act 2010[155] (the 2010 Act) to include provision banning the possession of relevant oral tobacco products, such as snus, with intent to supply in the course of business. This aligns with the approach for England and Wales (section 9 (Possession of snus etc with intent to supply)) and Northern Ireland (section 79 (Possession of snus etc with intent to supply)).

245 It is not an offence to possess relevant oral tobacco products for personal use or to give as a personal gift.

246 An individual who is convicted of an offence under this provision may receive a fine or may be imprisoned for a term not exceeding 2 years, or both.

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152 https://www.legislation.gov.uk/uksi/2016/507/contents

153 https://www.legislation.gov.uk/asp/2010/3/contents

154 https://www.legislation.gov.uk/uksi/2016/507/contents

155 https://www.legislation.gov.uk/asp/2010/3/contents

Vaping and nicotine products

Section 61: Extension of offences to vaping and nicotine products

247 Section 61 makes it an offence to sell a vaping or nicotine product to someone under the age of 18 in Scotland. This amends the Tobacco and Primary Medical Services (Scotland) Act 2010[156] (the 2010 Act) which introduced various restrictions and requirements for vaping products, including both nicotine and non-nicotine vapes. This section extends the offences (in sections 4A, 4B, 4C, and 6A of the 2010 Act) to include nicotine products and makes provision to align definitions across the UK. This aligns with the approach for England and Wales.

248 The section also omits section 7 (power to extend vending machine prohibition) from the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016[157] and replaces section 9 (Prohibited vending machines) of the 2010 Act. The section makes it an offence for the person with management or control of premises to have a vending machine from which tobacco products, herbal smoking products, vaping products, nicotine products and cigarette papers may be bought on the premises. The section also makes it clear that vending machines that dispense products are captured, where the sale may have taken place separately from the machine, for example, machines that operate via tokens, coupons, or receipts are captured by the prohibition. The machine is prohibited if the product is dispensed to a customer in connection with a sale, so businesses can use machines which dispense products so long as the product in question is dispensed to staff.

Section 62: Meaning of "nicotine product"

249 Section 62 sets out the meaning of a "nicotine product" for this Part and is self-explanatory.

Section 63: Age verification in relation to tobacco and vaping products etc

250 Section 63 amends section 4 and 4A of the Tobacco and Primary Medical Services (Scotland) Act 2010[158] (the 2010 Act). The amendments are to allow for digital methods of age verification. Currently, it is a defence for someone who is charged with an age of sale offence in Scotland that they took reasonable steps to establish a customer's age and that those reasonable steps involved being shown a prescribed document (a passport, a UK driving licence, a European Union photocard driving licence, or another prescribed document) that would convince a reasonable person as to the customer's age.

251 The section replaces this part of the defence and provides a power for the Scottish Ministers to prescribe in regulations the steps which should be taken to establish the customer's age, as a defence to the offence. This will allow other steps to be specified to establish a customer's age and enable the use of both documents and digital methods of age verification. This future-proofs the defence against changes in age verification methods. These changes will commence by regulations made by the Scottish Ministers.

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156 https://www.legislation.gov.uk/asp/2010/3/contents

157 https://www.legislation.gov.uk/asp/2016/14/contents

158 https://www.legislation.gov.uk/asp/2010/3/contents

252 The section also omits section 4B(5)(b) of the 2010 Act, which allowed the Scottish Ministers to publish guidance about documents that may be shown as evidence of a customer's age. This deletion does not prevent the guidance published by Scottish Ministers from including information about documents that may be shown as evidence of a customer's age, but removes the focus from the showing of documents to account for advances in age verification processes (for example, digital verification services).

Displays of products or prices

Section 64: Displays of vaping and nicotine products

253 Section 64 amends the Tobacco and Primary Medical Services (Scotland) Act 2010[159] (the 2010 Act) by inserting a new section 3A (Display of products or prices). The new section provides the Scottish Ministers with powers to regulate the display of herbal smoking products, vaping products and nicotine products and their prices, as well as the display of empty retail packaging or anything that represents the products, in retailers in Scotland. Unlike the equivalent sections for England, Wales, and Northern Ireland this power does not cover tobacco products, this is because provisions about displays of tobacco products in Scotland is made under the 2010 Act, rather than under the Tobacco Advertising and Promotion Act 2002, and the Act is not repealing the 2010 Act.

254 This section confirms that a website does not fall within the meaning of place and so the Scottish Ministers cannot use this provision to regulate the display of these products on websites. This is included to maintain consistency with section 3 of the 2010 Act. However, this is not intended to produce a different result to sections 13 and 14 for England and Wales and section 79 (Displays of products and prices in Northern Ireland) for Northern Ireland which do not explicitly state that a website is not a place.

255 Section 64 also facilitates the creation of offences for the failure to comply with the regulations and anyone convicted of an offence under this section could be subject to a fine of up to £2,500 (level 4 on the standard scale).

256 This section also outlines that the Scottish Ministers must consult before making regulations under this power.

Free distribution and discounts

Section 65: Free distribution and discount of products

257 Section 65 amends the Tobacco and Primary Medical Services (Scotland) Act 2010[160] (the 2010 Act) by inserting a new section 8A (free distribution of products). The new section 8A makes it an offence to give away any product, or a coupon (anything, whether in physical or electronic form, which can be redeemed for a product or service or for cash or any other benefit) to a member of the public where the purpose is or effect will be to promote a relevant product (tobacco product, herbal smoking product, smoking related product, vaping product or nicotine product). It is currently prohibited under section 9 of the Tobacco Advertising and

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[159] https://www.legislation.gov.uk/asp/2010/3/contents

[160] https://www.legislation.gov.uk/asp/2010/3/contents

Promotion Act 2002 (TAPA) to give away (in the course of a business) any product or coupon where the purpose or effect of which is to promote a tobacco product. [161] The new section 8A replaces section 9 of TAPA and extends the scope to cover all of the relevant products. Section 65 will also repeal section 18 of the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016[162].

258 This section also makes it an offence to sell by retail a product or coupon at a substantial discount. This is to avoid a loophole in the legislation where, for example, a person could offer a relevant product for sale at a substantial discount to circumvent the restriction on free distribution.

259 This section provides that there is a defence available where a person is charged with giving away a vaping product or nicotine product or coupon for such if they can prove it was done in accordance with arrangements made by a public authority. If this defence is satisfied, then they are not guilty of the offence. An example of this could be where a government body funds a smoking cessation programme that utilises vapes as a cessation tool and provides them for free. This section grants the Scottish Ministers a power to create further defences if needed.

260 Anyone convicted of an offence under this provision may receive a fine or may be imprisoned for a term not exceeding 2 years, or both. This is the same approach as outlined in section 15 (Free distribution and discount of products) for England and Wales.

Alignment of definitions

Section 66: Alignment of definition of "filter" etc

261 Section 66 inserts a definition of "filter" into section 35(1) of the Tobacco and Primary Medical Services (Scotland) Act 2010 and amends the list of "smoking related products" in section 35(2) of that Act to include filters (that do not form part of a tobacco product or herbal smoking product) and removes the undefined term "cigarette filters". This serves to align to the definition of a filter in Scottish legislation with the definition introduced in the Act for equivalent legislation taking effect in England, Wales, and Northern Ireland.

262 The definition being inserted into section 35(1) is intended to cover any filter used when smoking a tobacco product or herbal smoking product as well as filters that form part of or are intended to be inserted into an item such as a cigarette holder or pipe.

263 The definition of filters inserted into the list of smoking related products in section 35(2) applies to filters that do not already form part of a tobacco or herbal smoking product because integrated filters are already covered under relevant sections which apply to tobacco products and herbal smoking products.

264 This section also adjusts the power in section 35(3) of the 2010 Act to modify the list of smoking related products to allow amendments to section 35 which are not confined to the text of section 35(2).

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161 Tobacco Advertising and Promotion Act 2002

162 https://www.legislation.gov.uk/asp/2016/14/section/18

Section 67: Alignment of definition of "tobacco product"

265 Section 67 amends the definition of "tobacco product" in the Tobacco and Primary Medical Services (Scotland) Act 2010 (asp 3)[163], section 35 (Interpretation of Part 1), to align with the definition within this Act.

Section 68: Alignment of definition of "vaping product"

266 Section 68 introduces Schedule 8, which amends the Tobacco and Primary Medical Services (Scotland) Act 2010 (asp 3)[164] to align the definition of "vaping product" within this Act.

Schedule 8: Alignment of definition of "vaping product" in Scottish legislation

267 Schedule 8 amends, the Tobacco and Primary Medical Services (Scotland) Act 2010 (asp 3)[165], to change references from "nicotine vapour product" to "vaping product" and align the definition of "vaping product" with the one in this Act.

Extension of retailer register etc

Section 69: Extension of retailer register etc

268 Section 69 introduces Schedule 9 which amends the Tobacco and Primary Medical Services (Scotland) Act 2010[166] and is self-explanatory.

Schedule 9: Expansion of retailer register etc: Scotland

269 Schedule 9 amends the Tobacco and Primary Medical Services (Scotland) Act 2010[167] (the 2010 Act) by extending Chapter 2 of Part 1 of the 2010 Act so that retailers selling herbal smoking products and nicotine products are subject to the same registration requirements as retailers who sell tobacco and vaping products.

Miscellaneous

Section 70: Crown application of 2010 Act

270 Section 70 amends section 36 of the Tobacco and Primary Medical Services (Scotland) Act 2010[168] (the 2010 Act) by adding a reference to the Scottish Ministers.

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163 https://www.legislation.gov.uk/asp/2010/3/contents

164 https://www.legislation.gov.uk/asp/2010/3/contents

165 https://www.legislation.gov.uk/asp/2010/3/contents

166 https://www.legislation.gov.uk/asp/2010/3/contents

167 https://www.legislation.gov.uk/asp/2010/3/contents

168 https://www.legislation.gov.uk/asp/2010/3/contents

Section 71: Power to extend 2010 Act to other products

271 Section 71 provides the Scottish Ministers with powers to amend Part 1 of the Tobacco and Primary Medical Services (Scotland) Act 2010[169] (the 2010 Act) to extend the scope of any provision which applies in relation to a tobacco product to:

a. a device of a specified description that enables a tobacco product to be consumed other than by being smoked (such as a heated tobacco device) or an item intended to form part of such a device;

b. some or all smoking related products, as listed in section 35(2) of the 2010 Act;

c. a filter that does not form part of a tobacco product or herbal smoking product (if not already falling within the list of smoking related products).

272 This section also provides Scottish Ministers with powers to extend sections 9A to 9C in that 2010 Act (inserted by this Act) to also include filters. This therefore gives the power to Scottish Ministers to ban the manufacture or sale of filters or the possession of them with intent to supply them. This applies to stand alone filters to be used with hand rolling tobacco but also integrated filters such as those included within a cigarette, cigarillo, cigar or herbal smoking product. It also includes filters that form part of or are intended to be inserted into an item such as a cigarette holder or pipe.

273 The Scottish Ministers must consult any persons they consider appropriate before exercising these powers.

[169] https://www.legislation.gov.uk/asp/2010/3/contents

Part 3: Sale and distribution: Northern Ireland

Sale of tobacco etc

Section 72: Age of sale for tobacco products etc

274 Section 72 amends tobacco legislation in Northern Ireland to align with the new age of sale restrictions for tobacco products and cigarette papers. Article 3 in the Health and Personal Social Services (Northern Ireland) Order 1978[170] (the 1978 Order) makes it an offence to sell tobacco or cigarette papers to anyone who is under the age of 18 and makes the purchase of tobacco, cigarette papers or relevant nicotine products (nicotine vapes) on behalf of a person under the age of 18 an offence. Section 72 substitutes a new Article 3 which makes it an offence to sell tobacco products, herbal smoking products, and cigarettes papers to anyone born on or after 1 January 2009. (Herbal smoking products are captured in the definition of tobacco in the 1978 Order (as a substitute for tobacco) and so are also included in the new age of sale restrictions for tobacco and cigarette papers).

275 The section provides that it is a defence for someone who is charged with the offence to prove that they took such steps as may be specified in regulations made by the Department of Health in Northern Ireland to verify that the customer was born before 1 January 2009, or that they otherwise took all reasonable steps to avoid committing the offence. This will allow such steps to include checking physical identity documents and the use of digital methods of age verification. If no such steps have been specified in regulations it will still be a defence for someone who is charged with the age of sale offence to prove that they took all reasonable steps to avoid committing the offence, which is a re-enactment of the defence under the 1978 Order of having taken all reasonable precautions and exercised all due diligence. Any regulations under this section will be subject to the affirmative resolution procedure before the Northern Ireland Assembly.

276 An individual who is convicted of an offence may receive a fine of up to £5,000 (level 5 on the standard scale).

Section 73: Purchase of tobacco on behalf of others

277 Section 73 amends the Health and Personal Social Services (Northern Ireland) Order 1978[171] (1978 Order) to align the proxy purchasing offence with the new age of sale restrictions. The section substitutes a new Article 4A (Purchase of tobacco etc on behalf of persons born on or after 1 January 2009) which sets out the offence for any adult aged 18 or over to buy, or attempt to buy, tobacco products, cigarette papers or herbal smoking products on behalf of anyone who is born on or after 1 January 2009, commonly referred to as 'proxy purchasing'. This is to ensure alignment with the new age of sale restriction in section 72(Age of sale for tobacco products etc) and the approach for England and Wales in section 2 (Purchase of tobacco etc on behalf of others).

278 The offence only applies to any adult aged 18 or over, to avoid the criminalisation of children.

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[170] https://www.legislation.gov.uk/nisi/1978/1907/contents

[171] https://www.legislation.gov.uk/nisi/1978/1907/contents

279 The section provides that it is a defence if a person charged with this offence can prove they had no reason to suspect that the other person was born on or after 1 January 2009 or they can prove that they had no reason to believe that the other person intended to use the cigarette papers for smoking.

280 An individual who is convicted of an offence may receive a fine of up to £5,000 (level 5 on the standard scale).

Section 74: Tobacco vending machines

281 Section 74 amends the Health and Personal Social Services (Northern Ireland) Order 1978[172] by inserting a new Article 4B (Tobacco vending machines) that makes it an offence where a person has the management or control of premises where a machine from which any of the following products may be bought or from which they are dispensed to a customer in connection with a sale— tobacco products, herbal smoking products, or cigarette papers. The section also makes it clear that machines that dispense products are captured, where the sale may have taken place separately from the machine, for example, machines that operate via tokens, coupons, or receipts are captured by the prohibition. The machine is prohibited if the product is dispensed to a customer in connection with a sale, so businesses can use machines which dispense products so long as the product in question is dispensed to staff.

282 A person who is convicted of an offence under this provision may receive a fine of up to £5,000 (level 5 on the standard scale).

283 This section is similar to section 3 (tobacco vending machines) for England and Wales. However, there is a level 5 fine in this section whereas section 3 provides for a level 4 fine for the same offence. This reflects the provision for tobacco vending machine offences in Northern Ireland.

Section 75: Sale of unpackaged cigarettes

284 Section 75 amends the Health and Personal Social Services (Northern Ireland) Order 1978[173] by inserting a new Article 4C (Sale of unpackaged cigarettes) that makes it an offence to sell cigarettes that are not in their original packaging (the retail packaging in which the cigarettes were supplied to the tobacco retailer for the purpose of sale).

285 Anyone who is convicted of an offence under this provision may receive a fine of up to £1,000 (level 3 on the standard scale).

Section 76: Age of sale notice at point of sale

286 Section 76 amends the Health and Personal Social Services (Northern Ireland) Order 1978[174] by inserting a new section (Article 4D, Age of sale notice at point of sale).

287 The section requires a tobacco retailer (a person who carries on a business involving the sale of tobacco by retail) to display an age of sale notice in a prominent position that says, "It is illegal to sell tobacco products to anyone born on or after 1 January 2009". A premises means

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[172] https://www.legislation.gov.uk/nisi/1978/1907/contents

[173] https://www.legislation.gov.uk/nisi/1978/1907/contents

[174] https://www.legislation.gov.uk/nisi/1978/1907/contents

any place including a vehicle or moveable structure, for instance this would include stalls at car boot sales. It is a defence for a person charged with this offence if they can demonstrate they took all reasonable steps to avoid committing the offence.

288 The section provides the Department of Health in Northern Ireland with powers to make regulations about the size or appearance of the statement of the notice and any other aspect of the notice, for example the colour of the notice.

289 Anyone convicted of an offence under Article 4D may receive a fine of up to £1,000 (level 3 on the standard scale).

Snus etc

Section 77: Ban on manufacture of snus etc

290 Section 77 adds Article 4E to the Health and Personal Social Services (Northern Ireland) Order 1978[175] to include a provision banning the manufacture of relevant oral tobacco products, such as snus. This aligns with the approach for England and Wales (section 7 (Ban on manufacture of snus etc)) and Scotland (section 58 (Ban on manufacture of snus etc)).

291 This is a re-enactment of the prohibition on the production and supply of oral tobacco intended for consumption within the UK or through the travel retail sector in Regulation 17 of The Tobacco and Related Products Regulations 2016[176]. The Act extends these restrictions to include a ban on snus intended for export which simplifies enforcement and reduces the possibility of such harmful products being available within the UK.

292 An individual who is convicted of an offence under this provision may receive a fine or may be imprisoned for a term not exceeding 2 years, or both.

Section 78: Ban of sales of snus etc

293 Section 78 adds Article 4F to the Health and Personal Social Services (Northern Ireland) Order 1978 (S.I. 1978/1907 (N.I. 26))[177] to include a provision banning the sale of relevant oral tobacco products, such as snus. This aligns with the approach for England and Wales (section 8 (Ban of sale of snus etc)) and Scotland (section 59 (Ban of sale of snus etc)).

294 This is a re-enactment of the prohibition on the production and supply of oral tobacco intended for consumption within the UK or through the travel retail sector in Regulation 17 of The Tobacco and Related Products Regulations 2016[178]. The Act extends these restrictions to include a ban on snus intended for export which simplifies enforcement and reduces the possibility of such harmful products being available within the UK.

295 An individual who is convicted of an offence under this provision may receive a fine or may be imprisoned for a term not exceeding 2 years, or both.

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175 https://www.legislation.gov.uk/nisi/1978/1907/contents

176 https://www.legislation.gov.uk/uksi/2016/507/contents

177 https://www.legislation.gov.uk/nisi/1978/1907/contents

178 https://www.legislation.gov.uk/uksi/2016/507/contents

Section 79: Possession of snus etc with intent to supply

296 Section 79 adds Article 4G to the Health and Personal Social Services (Northern Ireland) Order 1978[179] to include a provision banning the possession of relevant oral tobacco products, such as snus, with intent to supply. This aligns with the approach for England and Wales (section 9 (Possession of snus etc with intent to supply)) and Scotland (section 60 (Possession of snus etc with intent to supply)).

297 It will not be an offence to possess relevant oral tobacco products for personal use or to give as a personal gift.

298 An individual who is convicted of an offence under this provision may receive a fine or may be imprisoned for a term not exceeding 2 years, or both.

Vaping and nicotine products

Section 80: Sale of vaping or nicotine products to under 18s

299 Section 80 inserts a new Article 4E (Sale of vaping or nicotine products to under 18s) into the Health and Personal Social Services (Northern Ireland) Order 1978[180] (the 1978 Order). The section makes it an offence to sell a vaping or nicotine product to a person who is under the age of 18. Currently there are no age of sale restrictions for nicotine products other than nicotine inhaling products (vapes) in Northern Ireland.

300 It is a defence for someone who is charged with the offence to prove that they took such steps as may be specified in regulations made by the Department of Health in Northern Ireland to verify that the customer was 18 or over, or that they otherwise took all reasonable steps to avoid committing the offence. This will allow such steps to include checking physical identity documents and the use of digital methods of age verification. Any regulations under this section will be subject to the affirmative resolution procedure before the Northern Ireland Assembly. If no such steps have been specified in regulations it will still be a defence for someone who is charged with the age of sale offence to prove that they took all reasonable steps to avoid committing the offence, which is a re-enactment of the defence under the Health (Miscellaneous Provisions) Act (Northern Ireland) 2016[181] of having taken all reasonable precautions and exercised all due diligence.

301 An individual who is convicted of an offence under this provision may receive a fine of up to £5,000 (level 5 on the standard scale).

Section 81: Purchase of vaping or nicotine products on behalf of under 18s

302 Section 81 inserts a new Article 4I (Purchase of vaping or nicotine products on behalf of under 18s) into the Health and Personal Social Services (Northern Ireland) Order 1978[182] (the 1978 Order) and introduces an offence for individuals aged 18 or over to buy, or attempt to buy, vaping or nicotine products on behalf of a person who is under the age of 18.

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179 https://www.legislation.gov.uk/nisi/1978/1907/contents

180 https://www.legislation.gov.uk/nisi/1978/1907/contents

181 https://www.legislation.gov.uk/nia/2016/26/contents

182 https://www.legislation.gov.uk/nisi/1978/1907/contents

303 The section extends the restriction which applies only to nicotine vaping products to all vaping products as well as nicotine products, as currently there are no restrictions on the proxy purchasing of nicotine products and non nicotine vapes.

304 It is a defence for a person charged with an offence to prove that they had no reason to suspect that the person was under the age of 18. Anyone convicted with this offence may receive a fine of up to £5,000 (level 5 on the standard scale).

Section 82: Vaping and nicotine product vending machines

305 Section 82 inserts a new Article 4J (Vaping and nicotine product vending machines) into the Health and Personal Social Services (Northern Ireland) Order 1978[183] (the 1978 Order) that makes it an offence for a person who manages or controls a premise to have a vape or nicotine product vending machine available for use. The section defines a vape or nicotine product vending machine as "an automatic machine from which vaping products/ nicotine products may be bought".

306 The section also makes it clear that vending machines that dispense products are captured, where the sale may have taken place separately from the machine, for example, machines that operate via tokens, coupons, or receipts are captured by the prohibition. The machine is prohibited if the product is dispensed to a customer in connection with a sale, so businesses can use machines which dispense products so long as the product in question is dispensed to staff.

307 Anyone convicted of an offence under these provisions may receive a fine of up to £5,000 (level 5 on the standard scale).

Displays of products or prices

Section 83: Displays of products and prices in Northern Ireland

308 Section 83 inserts a new Article 4K (Displays of products or prices) into the Health and Personal Social Services (Northern Ireland) Order 1978[184] (1978 Order). The section provides the Department of Health in Northern Ireland with powers to regulate the display of relevant products (tobacco products, tobacco related devices, herbal smoking products, cigarette papers, vaping and nicotine products) and their prices, the display of empty retail packaging and anything that represents the product, in retailers in Northern Ireland. Under current legislation, there are no restrictions on where, vaping products, herbal smoking products, nicotine products, and cigarette papers, as well as their prices, can be displayed in retail premises.

309 The section also facilitates the creation of offences for the failure to comply with the regulations and anyone convicted of this offence could be subject to imprisonment for a term not exceeding 2 years, or a fine, or both.

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[183] https://www.legislation.gov.uk/nisi/1978/1907/contents

[184] https://www.legislation.gov.uk/nisi/1978/1907/contents

Free distribution and discounts

Section 84: Free distribution and discount of products

310 Section 84 inserts a new Article 4L (Free distribution and discounts of products) into the Health and Personal Social Services (Northern Ireland) Order 1978[185] (1978 Order). The section makes it an offence to give away any product, or a coupon (anything, whether in physical or electronic form, which, by itself, can be redeemed for a product, service, for cash or any other benefit) to a member of the public where the purpose or effect will be to promote a relevant product (tobacco product, herbal smoking product, cigarette paper, vaping or nicotine product). It was prohibited, under section 9 of the Tobacco Advertising and Promotion Act 2002[186], to give away in the course of business any product or coupon where the purpose or effect is to promote a tobacco product (and this section will replace section 9), however there are no current restrictions on businesses freely distributing nicotine and non-nicotine vaping products, nor for herbal smoking products and cigarette papers. This section also makes it an offence to sell a product or coupon at a substantial discount.

311 This section provides that there is a defence available where a person is charged with giving away a vaping product or nicotine product or coupon for such if they can prove it was done in accordance with arrangements made by a public authority. If this defence is satisfied, then they are not guilty of the offence. An example of this could be where a government body funds a smoking cessation programme that utilises vapes as a cessation tool and provides them for free.

312 Anyone convicted of an offence may be subject to imprisonment (for a term not exceeding 2 years), or a fine where there is no maximum amount, or both.

Enforcement

Section 85: Programme of enforcement action by district councils

313 Section 85 inserts a new Article 6A (Programme of enforcement action by district councils) into the Health and Personal Social Services (Northern Ireland) Order 1978[187] to provide requirements for district councils in Northern Ireland to consider a 'programme of enforcement' and the potential design of the programme on a yearly basis. This is a means of ensuring that a district council in Northern Ireland considers whether they are enforcing offences effectively. The programme of enforcement itself is as described in the section and is self-explanatory. This section has a similar effect as sections 33 (Programme of enforcement action: England) and 34 (Programme of enforcement action: Wales) for England and Wales respectively.

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185 https://www.legislation.gov.uk/nisi/1978/1907/contents

186 https://www.legislation.gov.uk/ukpga/2002/36/contents

187 https://www.legislation.gov.uk/nisi/1978/1907/contents

Interpretation of 1978 Order

Section 86: Interpretation of 1978 Order

314 Section 86 substitutes Article 7 of the Health and Personal Social Services (Northern Ireland) Order 1978[188] for a new Article 7 (Interpretation of Part 2) and new Article 7A (Meaning of nicotine product) to insert definitions of cigarette papers, filter, herbal smoking product, medical device, medicinal product, nicotine product, premises, retail packaging, sell, tobacco product, tobacco related device, tobacco retailer, vape, vaping product, vaping substance, vaporises, and vehicle.

Retailer register and licensing

Section 87: Extension of retailer register

315 Section 87 introduces Schedule 10 and is self-explanatory.

Schedule 10: Extension of retailer register: Northern Ireland

316 This schedule amends the Tobacco Retailers Act (Northern Ireland) 2014[189] extending the registration scheme in Northern Ireland for tobacco product businesses to include retailers of vaping and nicotine products. Retailers selling tobacco products, herbal smoking products and cigarette papers are already covered by this scheme.

317 These amendments will commence by order made by the Department of Health in Northern Ireland, provided for under section 175 (Commencement: Parts 1 to 4) subsection (8).

Section 88: Prohibition of retail sales of tobacco products etc without a licence

318 Section 88 inserts new Articles 4A (Prohibition of retail sales of tobacco products etc without a licence), 4B (Offences in connection with licences) and 4C (Financial penalties for breach of licence conditions) into the Tobacco Retailers Act (Northern Ireland) 2014[190] to enable the introduction of a retail licensing scheme for the sale of tobacco products, herbal smoking products, cigarette papers, vaping and nicotine products in Northern Ireland.

319 Article 4A prohibits the sale, exposure for sale, or possession for the purpose of sale (by the individual or another person) of tobacco products, herbal smoking products, cigarette papers, vaping or nicotine products by an individual in Northern Ireland, except under the authority of and in accordance with a personal licence.

320 Article 4A also prohibits a person from using or permitting the use of premises in Northern Ireland, to store for the purpose of their sale (by the person or another person), expose for sale, or supply tobacco products, herbal smoking products, cigarette papers, vaping or nicotine products to retail customers except under the authority of and in accordance with a premises licence.

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188 https://www.legislation.gov.uk/nisi/1978/1907/contents

189 https://www.legislation.gov.uk/nia/2014/4/contents/enacted

190 https://www.legislation.gov.uk/nia/2014/4/contents/enacted

321 Article 4A requires the Department of Health in Northern Ireland to, by regulations, make provision for the granting of personal licences and premises licences. Article 4A also provides the Department of Health in Northern Ireland with the power to create, by regulations, exceptions to the prohibitions in Article 4A (1) or (2).

322 Except for the power to make regulations (which comes into force on Royal Assent), this section will not come into force automatically: it will be brought into force by order made by the Department of Health in Northern Ireland.

323 Before exercising the power to make regulations under the new Article 4A, the Department of Health in Northern Ireland must consult. Further detail on what the licensing scheme regulations in Northen Ireland may include are set out in Schedule 11.

324 Article 4B sets out that anyone who breaches the prohibitions set out in Article 4A(1) or (2) commits an offence. It also makes it an offence for a person to provide false or misleading information to a licensing authority in, or in connection with, an application for the grant of a personal or premises licence; or in carrying out of any other obligation imposed by or under licensing regulations. It is only an offence if the information is false or misleading in a material respect, and the person knows, or ought to reasonably know this about the information.

325 A person convicted of a licensing offence in Northern Ireland may receive a fine of up to level 5 on the standard scale in Northern Ireland (currently set at £5,000). As an alternative to criminal prosecution, district councils may instead issue a fixed penalty notice for these offences provided for under the Tobacco Retailers Act (Northern Ireland) 2014[191]. The value of the fixed penalty notice will be established in regulations under section 12(8) of the Tobacco Retailers Act (Northen Ireland) 2014[192], as is consistent with the current approach to setting fixed penalty notice values in Northern Ireland.

326 Upon conviction of the offence under Article 4B(1) a court may make an order as to what happens to the relevant products to which the offence(s) relate. This may include forfeiture and destruction of the relevant products.

327 Article 4C introduces financial penalties which may be imposed for the breach of conditions attached to a personal or premises licence in Northern Ireland, provided the breach is not a criminal offence under Article 4B. These financial penalties are civil penalties and can be issued by district councils. The maximum amount of the financial penalty is set at £2,500 and provides the Department of Health in Northern Ireland with the power to change this maximum amount to account for inflation and so that the financial penalty amount remains proportionate.

328 Further details on financial penalties for breach of licence conditions are set out in Schedule 12.

329 This section also introduces Schedule 13 and is self-explanatory.

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[191] https://www.legislation.gov.uk/nia/2014/4/contents/enacted

[192] https://www.legislation.gov.uk/nia/2014/4/contents/enacted

Schedule 11: Retail licensing scheme in Northern Ireland

330 This schedule inserts new Schedule 1 to the Tobacco Retailers Act (Northern Ireland) 2014[193].

331 This new Schedule 1 details the regulations for a retail licensing scheme that may be made under the powers provided to the Department of Health in Northern Ireland by new Article 4A (Prohibition of retail sales of tobacco products etc without a licence) of the Tobacco Retailers Act (Northern Ireland) 2014[194] inserted by section 88 (Prohibition of retail sales of tobacco products etc without a licence) of this Act. These provisions give further detail about what provisions made through regulations may include to provide clarity about the intended purpose of the regulation making powers. This schedule is for Northen Ireland only.

332 The regulations must specify a council that will be the licensing authority and thus hold the responsibility for granting licences.

333 The regulations may make provisions regarding the granting of a licence, including provisions which mean a licensing authority could not grant a licence to a premises in a particular area (for example, proximity to a school), or limiting the number of licences within a particular area. Provisions may also require a licensing authority to inspect a premises to ensure it meets regulations before a licence is granted.

334 The regulations may allow a licensing authority to charge a fee on application for a licence. This would include fees required at the point of any renewal of a licence. The amount of any fee is to be set in regulations and will be able to account for the costs of exercising functions in connection with the licensing scheme including administration and enforcement costs of the scheme. The regulations may require the licensing authority to pay a proportion of fees collected to any other persons with function under the licensing scheme, to ensure fees collected can be used for the administration and enforcement of the scheme.

335 The regulations may also make provisions regarding the conditions of the licence, namely the requirements that licence holders will need to meet to maintain a licence for the sale of the relevant products.

336 The regulations may also make provisions regarding the duration of the licence, which is self-explanatory.

337 The regulations may make provisions for the publication of licence information by the licensing authority. Publication of a list of licensed retailers may support enforcement of the licensing scheme.

338 The regulations will establish the reviews and appeals process for decisions made regarding the granting of a licence. They must specify when a person may request a review of a decision taken under the regulations and give a person the right of appeal to a magistrates' court against a decision taken on a review. This will enable an independent decision. There may be a time limit for requesting reviews or initiating appeals.

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193 https://www.legislation.gov.uk/nia/2014/4/contents/enacted

194 https://www.legislation.gov.uk/nia/2014/4/contents/enacted

339 The regulations may require a licensing authority to adhere to guidance published by the Department of Health in Northern Ireland when carrying out its functions under the licensing regulations. Guidance will support the implementation of the regulations by licensing authorities.

Schedule 12: Financial Penalties for breach of retail licence conditions in Northern Ireland

340 This Schedule inserts new Schedule 12 into the Tobacco Retailers Act (Northern Ireland) 2014[195].

341 Schedule 12 sets out the procedure for district councils in Northern Ireland when imposing financial penalties for breach of licence conditions, introduced in new Article 4C (Financial penalties for breach of licence conditions) of the Tobacco Retailers Act (Northern Ireland) 2014[196] inserted by section 88 (Prohibition of retail sales of tobacco products etc without a licence) of this Act.

342 Before imposing a financial penalty, a council must issue a written notice of intent and allow for a period of representation, to give the person the opportunity to challenge the proposed financial penalty. If, after the period for representation, the local authority decides to impose the financial penalty, they must give a final written notice.

343 Both the notice of intent and the final notice can be withdrawn or amended to reduce the penalty amount at any time by written notice.

344 A person has the right to appeal to the magistrates' court against the decision to impose a financial penalty or the amount of the penalty. This will enable an independent decision. This schedule establishes the appeals procedure to be followed.

345 If a person fails to pay the whole or part of the financial penalty within the given period, the unpaid amount may be recovered as if it were payable under a county court order.

346 Any proceeds received from financial penalties must be used by the council for the purpose of its functions under the Tobacco Retailers Act (Northern Ireland) 2014[197] or for such other functions the Department of Health in Northern Ireland may specify by regulations. It also places a duty on councils to provide the Department of Health in Northen Ireland with information on the use of financial penalty receipts, if required. This approach aligns with the approach for use of proceeds from fixed penalty notices under the same Act.

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195 https://www.legislation.gov.uk/nia/2014/4/contents/enacted

196 https://www.legislation.gov.uk/nia/2014/4/contents/enacted

197 https://www.legislation.gov.uk/nia/2014/4/contents/enacted

Schedule 13: Licensing of retail sales of tobacco products etc: consequential amendments

347 Schedule 13 details any consequential amendments that will be made to legislation relating to the licensing of retail sales of tobacco products, herbal smoking products, cigarette papers, vaping and nicotine products in Northern Ireland. This schedule amends the Tobacco Retailers Act (Northern Ireland) 2014[198] so that the tobacco retailer register in Northern Ireland is removed, once the licensing regulations commence. This schedule adds licensing offences to the list of offences for which a fixed penalty notice can be issued in Northern Ireland; the value of the fixed penalty notice for licensing offences is not established in the Act for Northern Ireland in the way that it is for England and Wales, as it will instead be set by regulations as per the statutory framework for setting fixed penalty notice values in Northern Ireland.

Power to extend legislation

Section 89: Power to extend legislation to other products

348 Section 89 inserts new provisions into two pieces of legislation. Section 89(1) inserts a new Article 6B into the Health and Personal Social Services (Northern Ireland) Order 1978 which provides the Department of Health in Northern Ireland with a power to amend by regulations any of the provisions that apply to tobacco products in Part 2 of that Order to extend them to cover a device (other than a vape) that enables a tobacco product to be consumed (such as a heated tobacco device), an item intended to form part of such a device, or a filter that do not form part of a tobacco product or herbal smoking product. Section 89(2) inserts an equivalent provision into the Tobacco Retailers Act (Northern Ireland) 2014, conferring a power on the Department of Health to amend that Act through regulations to extend any provision that applies to tobacco products so that it also applies to a device of a specified description that enables a tobacco product to be consumed (such as a heated tobacco device), an item intended to form part of such a device, or a filter that does not form part of a tobacco product or herbal smoking product. The power only applies to stand alone filters and not those that already form part of a tobacco or herbal smoking product because integrated filters are already covered under relevant sections.

349 Section 89(1) also provides the Department with powers to extend Articles 4E to 4G of the 1978 Order (as inserted by this Act) to also include filters. This would therefore give the power to the Department to ban the manufacture or sale of filters or the possession of filters with intent to supply them. This applies to stand alone filters to be used with hand rolling tobacco but also integrated filters such as those included within a cigarette, cigarillo, cigar or herbal smoking product. It also includes filters that form part of or are intended to be inserted into an item such as a cigarette holder or pipe. The powers would allow a definition of a subset of 'filters' to be included in any regulation if so wished.

350 Before exercising this power, the Department must consult any persons it considers appropriate.

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[198] https://www.legislation.gov.uk/nia/2014/4/contents/enacted

Consequential etc, transitional and transitory provision

Section 90: Consequential and other amendments

351 Section 90 introduces Schedule 14 and Schedule 15 and is self-explanatory.

Schedule 14: Part 3: consequential and other amendments commencing after 6 months

352 This schedule sets out any consequential amendments made to legislation that are to do with Part 3 and commence six months after the Royal Assent. This schedule amends the Health and Personal Social Services (Northern Ireland) Order 1978[199], The Children and Young Persons (Protection from Tobacco) (Northern Ireland) Order 1991[200], the Health Act 2009[201], the Digital Markets, Competition and Consumers Act 2024[202], and the Health (Miscellaneous Provisions) Act (Northern Ireland) 2016[203].

353 This schedule also amends the Tobacco Retailers Act (Northern Ireland) 2014[204]. The amendments update the list of offences that are classified as a tobacco, vape or nicotine offence and adds the definition of filter to the 2014 Act. The amendments also update the list of offences for which a person can be issued with a Fixed Penalty Notice (FPN). This ensures the FPN regime in Northern Ireland continues and is expanded to all nicotine products and new offences in this Act, including free distribution of products and breaches of regulations related to the display of products or prices. The definition of "tobacco business" is updated to mean tobacco product and herbal smoking product businesses to ensure that the registration scheme in Northern Ireland continues to capture herbal smoking product businesses.

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199 https://www.legislation.gov.uk/nisi/1978/1907/contents

200 https://www.legislation.gov.uk/nisi/1991/2872

201 https://www.legislation.gov.uk/ukpga/2009/21/contents

202 https://www.legislation.gov.uk/ukpga/2024/13/contents/enacted

203 https://www.legislation.gov.uk/nia/2016/26/contents

204 https://www.legislation.gov.uk/nia/2014/4/contents/enacted

Schedule 15: Part 3: consequential amendments commencing on 1 January 2027

354 This schedule details any consequential amendments made to legislation that are to do with Part 3 and will commence on 1 January 2027. The schedule amends the Health and Personal Social Services (Northern Ireland) Order 1978[205], The Children and Young Persons (Protection from Tobacco) (Northern Ireland) Order 1991[206], the Police (Northern Ireland) Act 2003[207], The Smoking (Northern Ireland) Order 2006[208], the Digital Markets, Competition and Consumers Act 2024[209], and the Tobacco Retailers Act (Northern Ireland) 2014[210].

Section 91: Transitional provision

355 Section 91 provides transitional provisions, and the effect of this provision is self-explanatory.

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205 https://www.legislation.gov.uk/nisi/1978/1907/contents

206 https://www.legislation.gov.uk/nisi/1991/2872

207 https://www.legislation.gov.uk/ukpga/2003/6/contents

208 https://www.legislation.gov.uk/nisi/2006/2957/contents

209 https://www.legislation.gov.uk/ukpga/2024/13/contents/enacted

210 https://www.legislation.gov.uk/nia/2014/4/contents/enacted

Part 4: Snus etc: Seizure and detention powers

Section 92: Power of officer of Revenue and Customs to seize and detain snus etc

356 Section 92 enables customs officials to seize and detain imported relevant oral tobacco products in order to enable an enforcement authority to perform its functions in relation to an offence of possession of snus with intent to supply it in the course of business. "Enforcement authority" is defined as meaning a local weights and measures authority in England and Wales, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994[211], and a district council in Northern Ireland. However, the imported relevant oral tobacco products may not be detained for a period of more than 48 hours (the calculation of 48 hours excludes all UK bank holidays and weekends).

357 This will not prevent the importation of snus for personal use or to give as a personal gift.

Section 93: Extension of section 92 to filters

358 Section 93 grants the Secretary of State the power to amend section 92 (Power of Officer of Revenue and Customs to seize and detain snus etc) in order to extend it to an offence made under the powers listed in section 93(2) involving possession of a filter with intent to supply it to another in the course of business. This means that if the decision was made to ban the possession with the intent to supply a filter in the future, then the same enforcement provisions can be put in place as for snus.

[211] https://www.legislation.gov.uk/ukpga/1994/39/contents

Part 5: Product and information requirements etc

Introductory overview for Part 5

359 This Part of the Act contains a suite of regulation making powers to enable requirements to be set in relation to product standards, including packaging and features of products, to enable establishment of a registration scheme and for information to be provided to support registration and checked for compliance with product standards, and for testing of products for quality and safety.

360 Directive 2014/40/EU[212] (the 'Directive') set EU wide requirements for tobacco products and e-cigarettes to harmonise the EU market for these products. The UK implemented the Directive primarily by making The Tobacco and Related Products Regulations 2016[213] (TRPR 2016). The previous product standards, labelling requirements etc, for tobacco products and vapes are therefore in the main set out in the TRPR 2016.

361 In relation to packaging of tobacco products, part of the Directive was implemented by The Standardised Packaging of Tobacco Products (SPoT) Regulations 2015[214]. These regulations were also made under powers in section 94 of the Children and Families Act 2014 (the 2014 Act)[215].

362 Under the Windsor Framework Agreement, the requirements of the EU Tobacco Products Directive continue to apply in relation to Northern Ireland. If regulations are made under the powers in Part 5 of the Act which cover matters which the Directive applies to, then appropriate provision will be made in respect of Northern Ireland to ensure that the UK government meets its obligations under the Windsor Framework.

363 Sections 94 (Retail packaging), 95 (Features of products) and 96 (Contents and flavour) are re-enacting, with modifications, the regulation making powers to make provision about the retail packaging etc. of tobacco products in section 94 of the Children and Families Act 2014[216] (the 2014 Act). Therefore, this Act repeals section 94 of the Children and Families Act 2014[217] as the provisions are restated in this Act. The Standardised Packaging of Tobacco Products (SPoT) Regulations 2015[218] were made using the powers in section 94 of the 2014 Act but because this Act is re-enacting those powers, section 17(2)(b) of the Interpretation Act 1978[219] means that the SPoT Regulations will remain in force.

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212 https://www.legislation.gov.uk/eudr/2014/40/contents

213 https://www.legislation.gov.uk/uksi/2016/507/contents

214 https://www.legislation.gov.uk/uksi/2015/829/contents

215 https://www.legislation.gov.uk/ukpga/2014/6/contents

216 https://www.legislation.gov.uk/ukpga/2014/6/contents

217 https://www.legislation.gov.uk/ukpga/2014/6/contents

218 https://www.legislation.gov.uk/uksi/2015/829/contents

219 https://www.legislation.gov.uk/ukpga/1978/30/contents

364 Under TRPR 2016 producers of tobacco products, herbal smoking products and nicotine vaping products are required to notify the Secretary of State before these products are introduced to the UK market. Section 99 (Registration) allows for the establishment of a registration scheme that could replace the notification system under TRPR 2016. There are also powers to require information to be provided about products for studies to be carried out on products and for testing. Details of the powers can be found in the section descriptions below. These new regulation-making powers will help to improve the safety of products that are on the market and improve customer confidence, whilst enabling improvement of the enforcement of restrictions surrounding non-compliant products.

365 The regulation-making powers in Part 5 are UK wide. Before making regulations under Part 5 the Secretary of State must obtain the consent of the Welsh Ministers, the Scottish Ministers and the Executive Office in Northern Ireland if the regulations contain provision which would be within the legislative competence of the Senedd Cymru, the Scottish Parliament or the Northern Ireland Assembly, as outlined in section 115 (Consent to regulations under Part 5).

366 Any regulations made under Part 5 of the Act are subject to the affirmative resolution procedure.

367 In relation to this Part, "Production" is defined as meaning manufacture of the product, or the putting of a name, trademark or other distinguishing mark on the product by a person, the effect of which is to hold the person out as being the manufacturer of the product. "Supply" is defined as including offering or agreeing to supply a product, or exposing or possessing it for supply. Before exercising any of the powers in this Part there is a duty to consult.

Product requirements etc

Section 94: Retail packaging

368 Section 94 provides powers for the Secretary of State to make regulations about the retail packaging of tobacco products, tobacco related devices, herbal smoking products, cigarette papers, filters, vaping products and nicotine products. The power could be used to regulate the appearance of retail packaging as well as the information provided on it and its shape and texture. A refill container containing a vaping liquid could be treated as packaging for these purposes.

369 Under the Children and Families Act 2014[220] there was a power to make regulations about the retail packaging of tobacco products. However, the Act widens and modifies this power to cover tobacco related devices, herbal smoking products, cigarette papers, vaping products and nicotine products.

Section 95: Features of products

370 Section 95 provides the Secretary of State with a power to make regulations about the features of tobacco products, tobacco related devices, herbal smoking products, cigarette papers, filters, vaping products and nicotine products. These requirements relate to the product itself, rather than the packaging, for instance the regulations which may be made under this power may specify the colour of the products or what can be printed on the body of the product (such as images, for example), the appearance of the products and its shape.

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[220] https://www.legislation.gov.uk/ukpga/2014/6/contents

371 Section 95 also provides powers for the Secretary of State to make regulations about the technological features of vaping products and tobacco related devices (such as heated tobacco devices), and software used in connection with those features.

372 Section 116 (Interpretation of Part 5) provides the definition of "production" makes it clear that regulations can cover production outside the UK.

Section 96: Contents and flavour

373 Section 96 provides the Secretary of State with a power to make regulations about the substances that may be included in (as well as the amount of any given substance) and the flavour of tobacco products, tobacco related devices, herbal products, cigarette papers, filters, vaping products or nicotine products. Regulations made under this power could be used to restrict the flavour of any accessories intended to be used to give flavour to any of these products.

374 For example, regulations may prohibit certain ingredients (such as vitamins, colourings or prohibited additives) being used in these products, including additives which impart a particular flavour (taste and smell).

375 There is already a ban on flavoured cigarettes and hand rolling tobacco across the UK, on flavoured heated tobacco products in Northern Ireland and restrictions on vitamins and what additives are allowed in tobacco products and nicotine containing vaping products. These measures are set out in The Tobacco and Related Products Regulations 2016[221] (TRPR 2016). The powers in the Act allow a wider range of products to be covered through regulation making powers to restrict content and flavours.

376 Regulations made under this power may include provision about how the flavour of a product is to be determined. For example, this power could be used to establish an expert advisory panel to assist and provide advice to the Secretary of State in determining whether a product has a certain flavour.

Section 97: Substances released into human body and emissions

377 Section 97 provides the Secretary of State with a power to make regulations about the nature and amount of substances and emissions that may be released by tobacco products, tobacco related devices, herbal smoking products, cigarette papers, filters, vaping or nicotine products. The power includes making provisions about how the nature and amount of substances or emissions are determined.

378 The Tobacco and Related Products Regulations 2016[222] (TRPR 2016) set maximum emission levels for cigarettes (which detail the measurement and verification of these emission levels).

[221] https://www.legislation.gov.uk/uksi/2016/507/contents

[222] https://www.legislation.gov.uk/uksi/2016/507/contents

Non-compliant images

Section 98: Non-compliant images

379 Section 98 provides the Secretary of State with regulation making powers to prohibit a person from publishing a "non-compliant" image of tobacco products, tobacco related devices, herbal smoking products, cigarette papers, filters, vaping products, nicotine products, or prohibit a "non-compliant" image of their packaging. This means that if, for example, regulations were made to restrict the packaging of vaping products, regulations could be made under this section to make it an offence to publish an image of a vaping product in packaging from which it would be possible to tell that the vaping product packaging did not adhere to those packaging restrictions. This also applies to online retailers so in this scenario, websites would be required not to show images that make it possible to see vaping products with non-compliant packaging.

380 The publication of images of packs of tobacco products that do not comply with the requirements imposed on packaging are already banned. These measures are set out in The Tobacco and Related Products Regulations 2016[223] and regulations 4, 8 or 10 of the Standardised Packaging of Tobacco Products Regulations 2015.

Registration and information requirements

Section 99: Registration

381 Section 99 provides the Secretary of State with a power to establish a registration scheme for tobacco products, tobacco related devices, herbal smoking products, cigarette papers, vaping products, nicotine products or filters. Under The Tobacco and Related Products Regulations 2016[224] (TRPR 2016) tobacco, herbal smoking products and nicotine vapes are required to be notified before being placed on the UK market. Regulations could specify, for example: who can keep the register, who is eligible to register a product, the content of the register, and publication of the register. Additionally, regulations may specify how a product registration might expire, be renewed, cancelled or suspended. Regulations may also specify requirements for information to be provided as part of registration including, for example, images of a product or its packaging.

382 Under the regulations, it could be made an offence to supply a product that has not been registered in the same way as it is an offence under TRPR 2016 to supply a product that has not been notified. The power also provides the Secretary of State with the ability to set the level of fees payable for registration. The fees may be set at a level to cover the cost of carrying out any functions under regulations made under Part 5 such as, for example, the cost of monitoring, producing annual reports and running events to aid compliance.

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[223] https://www.legislation.gov.uk/uksi/2016/507/contents

[224] https://www.legislation.gov.uk/uksi/2016/507/contents

Section 100: Information

383 Section 100 provides the Secretary of State with a power to regulate to require a producer or importer of a tobacco product, tobacco related device, herbal smoking product, cigarette paper, vaping product, nicotine product or filter to provide information that is related to the product or its producer. The information required might be further to the information required under the registration system or could be sales data or market research data.

384 Regulations made under this power may make provision about when and how the information must be provided and about the publication of the information provided.

Section 101: Studies

385 Section 101 provides the Secretary of State with a power to regulate to require a producer of a tobacco product, tobacco related device, herbal smoking product, cigarette paper, vaping product, nicotine product or filter to carry out a study on the product or an ingredient in it and submit a report on the results to a person to be specified in the regulations The regulations may make provisions about how a study is to be carried out, questions to address and content and structure of the report.

Section 102: Responsible person

386 Section 102 provides the Secretary of State with a power to regulate to require a producer of a tobacco product, tobacco related device, herbal smoking product, cigarette paper, vaping product, nicotine product or filter to nominate an individual to be responsible for information that has to be provided in accordance with regulations made under sections 99 (Registration), 100 (Information) and 101 (Studies). The aim of having a dedicated person responsible is to ensure information provided is accurate, supporting compliance with and enforcement of product standards.

387 Regulations made under this power may make provisions about who is eligible to be nominated as the responsible person and require the person to have a connection to the UK. The regulations may provide that, if a producer commits an offence by submitting false or misleading information, the offence is also committed by the responsible person. A producer will be prohibited from nominating an individual without their consent.

Quality *control and safety*

Section 103: Testing

388 Section 103 provides the Secretary of State with a power to regulate to require a person to test a product to determine whether the product complies with requirements imposed in regulations made under this Part of the Act.

389 Regulation 14 of TRPR 2016 imposes requirements for measurements of tar, nicotine and carbon monoxide emissions from cigarettes and for verification of those measurements by an approved laboratory that is independent from the tobacco industry. A fee is payable by producers as set in The Tobacco Products and Herbal Products for Smoking (Fees) Regulations 2017[225].

[225] https://www.legislation.gov.uk/uksi/2017/409

390 Regulations made under this power may include provision about the requirements for testing, such as how and when the tests should be carried out and who may carry out the tests. The regulations may specify charges to be paid in respect of the tests.

Section 104: Product safety

391 Section 104 provides the Secretary of State with a power to regulate to require producers or importers to have a process in place for collecting information on the effect of their products on human health and safety.

392 The section also confers a power on the Secretary of State to require a product to be recalled from the market or to prohibit or limit the supply of a product in circumstances to be set out in regulations, for instance, if there is serious risk to public health. This allows the Secretary of State to regulate to set out circumstances under which products could be banned or required to be recalled.

393 Regulation 39 of The Tobacco and Related Products Regulations 2016[226] (TRPR 2016) sets out the requirements for producers of electronic cigarettes (nicotine vapes) to establish and maintain a system about all the suspected adverse effects on human health of a product. The power in this section would enable similar requirements to be applied to producers or importers of non-nicotine vapes, nicotine products, heated tobacco devices, as well as tobacco products, herbal smoking products, cigarette papers and filters.

394 If concerns with a product come to light, the expectation is that information would be sought from the producer or importer in line with requirements imposed under section 100 (Information), linking with data held under the registration system. A similar requirement is imposed in respect of electronic cigarettes and refill containers under regulation 39 of TRPR 2016.

395 Under regulation 40 of TRPR 2016 the Secretary of State may take measures in respect of electronic cigarettes and refill containers to protect human health.

Matters dealt with by 2016 Regulations

Section 105: Matters dealt with by 2016 regulations

396 Section 105 provides the Secretary of State with powers to make provision in regulations that is similar to any provision in The Tobacco and Related Products Regulations 2016[227] (TRPR 2016). This will ensure that any gaps are covered which may exist in the powers taken under this Part relative to provision made in the TRPR 2016, which was made under the power in section 2(2) of the European Communities Act 1972 to implement Directive 2014/40/EU. The power also enables TRPR 2016 to be amended so as to apply any provision in those regulations which does not apply to any of tobacco products, tobacco related devices, herbal smoking products, cigarette papers, filters, vaping products or nicotine products to that product. For example, it would be possible using this power to regulate to extend the notification scheme so that it captures non-nicotine vaping products and nicotine products.

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[226] https://www.legislation.gov.uk/uksi/2016/507/contents

[227] https://www.legislation.gov.uk/uksi/2016/507/contents

Section 106: Treatment of 2016 regulations

397 The effect of section 106 is that any provision in The Tobacco and Related Products Regulations 2016[228] (TRPR 2016) which covers the same subject matter as any power in Part 5 of this Act, and could therefore be made under it, is to be treated as though it was made under that power for the purposes of section 14 of the Interpretation Act 1978[229] (Implied power to amend). This means that the relevant power in Part 5 could be used to revoke, amend or re-enact the relevant provision in the TRPR 2016.

Supplementary and miscellaneous

Section 107: Offences

398 Section 107 provides for regulations made under Part 5 to create offences for the failure to comply with any restrictions or requirements imposed in those regulations. Regulations under section 102 may also make a responsible person liable for offences under this Part, including the offence of providing false or misleading information. The section sets the maximum penalty that could be imposed for failure to comply of 2 years imprisonment.

Section 108: Enforcement

399 Section 108 provides for enforcement provision to be included in regulations made under Part 5. The regulations may give enforcement functions to 'relevant enforcement authorities'. The relevant enforcement authorities are a local weights and measures authority in England, Scotland and Wales and a district council in Northern Ireland.

400 The regulations may provide for a relevant national authority (the Secretary of State, the Welsh Ministers, the Scottish Ministers or the Department of Health in Northern Ireland) to carry out enforcement functions in certain cases or a particular case, or to take over proceedings relating to any offence under the regulations, from a relevant enforcement authority.

401 Regulations may provide the enforcement authorities with appropriate powers to carry out enforcement activities such as powers to obtain information, seize or forfeit goods suspected of being non-compliant.

Section 109: Sub-delegation

402 Section 109 provides for legislative sub-delegation to allow the Secretary of State, when making regulations under this Part, to delegate functions to other people. This is considered appropriate given the nature of some of the matters dealt with by the regulations. For example, under section 103 (Testing), regulations may provide for tests to be required to be carried out on certain products. It may be appropriate for detailed technical specifications for tests to be set out in guidance rather than in the legislation. Further, the regulations may require that a specific body carries out tests on products to determine whether they comply with any requirements imposed under this Part of the Act. Such tests may require specific technical expertise therefore this section allows the Secretary of State to confer that function on such a body with the relevant expertise.

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[228] https://www.legislation.gov.uk/uksi/2016/507/contents/made

[229] https://www.legislation.gov.uk/ukpga/1978/30/contents

Section 110: Power to make provision binding the Crown

403 Section 110 provides that any regulations made under Part 5 bind the Crown. This means that the new product and information requirements apply in relation to all bodies and persons acting as servants of the Crown such as government departments, prisons run by His Majesty's prison service, and to members of the armed forces. The Crown itself may not be liable for an offence under this Part but persons in the service of the Crown such as civil servants or prison employees may be.

Section 111: Power to amend legislation

404 Section 111 provides that consequential provision made by regulations under Part 5 may amend, repeal or revoke any legislation (whenever passed or made) and is self-explanatory.

Section 112: Consequential repeal

405 Section 112 omits section 94 of the Children and Families Act 2014[230] (the 2014 Act) relating to the retail packaging of tobacco. Section 94 of the 2014 Act gave powers to regulate the retail packaging of tobacco products. These have been replaced and updated by this Act and are therefore no longer needed. The Standardised Packaging of Tobacco Products Regulations 2015[231] were made in part under the powers in section 94, these will remain in force.

406 Other sections in the 2014 Act relating to nicotine products will also be amended and/or repealed, depending on the commencement date under that Schedule. For instance, as set out in Schedule 6, this Act will omit section 92 of the 2014 Act, ('Prohibition of sale of nicotine products to persons under 18'), which commence 6 months after Royal Assent (29 October 2026) when section 10 (Sale of vaping or nicotine products to under 18s) comes into force.

Section 113: Enforcement of 2016 Regulations

407 Section 113 brings non-compliance with the requirements of The Tobacco and Related Products Regulations 2016[232] (TRPR 2016) within scope of the enforcement regime set up under Part 3 of the Digital Markets, Competition and Consumers Act 2024[233] by adding TRPR 2016 to the list of secondary legislation in Schedule 15 of that Act.

Consultation and consent

Section 114: Consultation

408 Section 114 sets out the duty on the Secretary of State consult any persons they consider it appropriate to consult before making regulations under Part 5.

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230 https://www.legislation.gov.uk/ukpga/2014/6/contents

231 https://www.legislation.gov.uk/uksi/2015/829/contents

232 https://www.legislation.gov.uk/uksi/2016/507/contents

233 https://www.legislation.gov.uk/ukpga/2024/13/contents

Section 115: Consent to regulations under Part 5

409 Regulations made under Part 5 of the Act may relate to matters which are within the competence of the devolved legislatures. Provision is made in this section requiring the Secretary of State to obtain consent from the Welsh Ministers, the Scottish Ministers and the Executive Office of Northern Ireland if provisions of the regulations fall within the legislative competence of the devolved legislatures.

Interpretation

Section 116: Interpretation of Part 5

410 Section 116 defines terms used in Part 5 of the Act. Where a term is defined in Part 1 in section 50, the definitions in section 116 are the same.

Section 117: Meaning of "nicotine product"

411 Section 117 defines the term "nicotine product" for Part 5 of the Act. This is the same as the definition in section 51 for Part 1.

Part 6: Advertising and sponsorship

Introductory overview for Part 6

412 The Tobacco Advertising and Promotion Act 2002[234] (the 2002 Act) introduced measures to limit the marketing and promotion of tobacco products and to reduce exposure to tobacco advertising and promotional activities. The 2002 Act prohibited the advertising of tobacco products to the public, with an exemption for specialist tobacconists, and prohibited sponsorship agreements which promote tobacco products. This Act repeals and replaces the 2002 Act. Part 6 of the Act makes similar provision relating to advertising, sponsorship and brandsharing as the 2002 Act to include herbal smoking products, cigarette papers, vaping products and nicotine products, for the whole of the UK.

413 Herbal smoking products and cigarette papers have been included within Part 6 due to the harmful nature of smoking itself. Whilst herbal smoking products do not contain nicotine or tobacco, they do contain cancer causing chemicals, tar and carbon monoxide, similar to a tobacco cigarette. Cigarette papers have also been included as they are burnt with the tobacco. This is consistent with other parts of the Act.

414 The restrictions on advertising of nicotine vapes as set out in The Tobacco and Related Products Regulations 2016[235] (TRPR 2016) are replaced by the provisions in Part 6 of this Act. The settings where advertising is banned for nicotine vapes under TRPR 2016 will be captured by this Part and extended to form a total prohibition on advertising for vaping products and nicotine products. This total prohibition means that settings such as public transport, billboards, and posters are captured. Provision made in the Act will maintain the existing ban on tobacco advertising.

415 The prohibitions on advertising, brandsharing and sponsorship in Part 6 are not intended to prevent the public at large, such as journalists etc from making incidental commentary on tobacco products, herbal smoking products, cigarette papers, vaping products, or nicotine products. The prohibition does not prevent health professionals from offering verbal advice on smoking cessation.

Advertising

Section 118: Publishing advertisements

416 Section 118 makes it an offence to, in the course of business, publish an advert in the UK that promotes, directly or indirectly, a tobacco product, herbal smoking product, cigarette paper, vaping product, or nicotine product. For instance, this includes advertisements in media, such as publishing an advert for a vaping product in a newspaper.

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[234] www.legislation.gov.uk/ukpga/2002/36/contents

[235] www.legislation.gov.uk/uksi/2016/507/contents

Section 119: Designing advertisements

417 Section 119 makes it an offence to, in the course of business, design a tobacco product, herbal smoking product, cigarette paper, vaping product, or nicotine product advertisement which will be published in the UK. For instance, this could include a design agency that is designing a nicotine pouch advertisement.

Section 120: Printing advertisements

418 Section 120 makes it an offence to, in the course of business, print a tobacco product, herbal smoking product, cigarette paper, vaping product, or nicotine product advertisement knowing that this will be published in the UK.

Section 121: Distributing advertisements

419 Section 121 makes it an offence to, in the course of business, distribute a tobacco product, herbal smoking product, cigarette paper, vaping product, or nicotine product advertisement in the UK. This could include a company that hands out leaflets which contain vape advertisements.

Section 122: Causing publication, designing, printing or distribution

420 Section 122 makes it an offence to, in the course of business, cause the publication, designing, printing or distribution of a tobacco product, herbal smoking product, cigarette paper, vaping product, or nicotine product advertisement knowing this will be published or distributed in the UK. For example, this would make it an offence for someone to commission an advertising agency to create a nicotine product advert on their behalf.

Section 123: Internet services

421 Section 123 makes it an offence to provide an internet service in the course of business by which means an advertisement to promote a tobacco product, herbal smoking product, cigarette paper, vaping product, or nicotine product, is published or distributed in the UK.

Section 124: Exceptions for internet service providers (conduits, caching and hosting)

422 Section 124 introduces a set of exceptions which mean that providers of passive services will not commit advertising offences in certain circumstances where the offences would otherwise be triggered. These exceptions only apply to services which are passive such as providing access to the internet, this aligns with the established HMG position on online intermediary liability. Equivalent exceptions exist in tobacco and vape legislation.

Section 125: Advertising defences: general

423 Section 125 sets out defences for a person charged with an offence under section 118 to 123 (118 (Publishing advertisements), 119 (Designing advertisements), 120 (Printing advertisements), 121 (Distributing advertisements), 122 (Causing publication, designing, printing or distribution) and 123 (Internet services). This includes if the advertisement is part of a communication within the tobacco product, herbal smoking product, cigarette paper, vaping product or nicotine product trade and is directed solely at those involved in the trade at a senior level or with decision making responsibility, or if an individual specifically requests information about a product, or in a publication (other than an in-flight magazine) which is printed outside of the UK and whose market is not the UK.

Section 126: Advertising defence: public health campaigns

424 Section 126 sets out a defence to allow businesses to participate in the advertising of non-branded vapes and nicotine products, so long as it is agreed with a public authority and is for public health purposes. For example, pharmacists and GPs will be permitted to promote vapes if it is part of an arrangement with a public authority, for example as part of a public health campaign.

Section 127: Specialist tobacconists

425 Section 127 provides that specialist tobacconists may continue to advertise tobacco products such as cigars, snuff and pipe tobacco. A person does not commit an offence relating to advertisement, publication, designing, printing, or distribution (sections 118 to 122 (118 (Publishing advertisements), 119 (Designing advertisements), 120 (Printing advertisements), 121 (Distributing advertisements and, 122 (Causing publication, designing, printing or distribution)), if an advertisement is in a specialist tobacconist, is not visible from outside the specialist tobacconist and is not to advertise cigarettes or hand-rolling tobacco. Regulations may specify requirements relating to the inclusion of health warnings and information in advertisements.

426 A specialist tobacconist is defined as a shop which sells tobacco products by retail, and over half of whose sales are from cigars, snuff, pipe tobacco and smoking accessories. The section defines a shop as including a self-contained part of a shop, with premises meaning the self-contained part. To determine if a shop is a specialist tobacconist, sales are measured by sale price, which is calculated using the most recent period of 12 months for which accounts are available or the period the shop has been open for if the shop has been open for less than 12 months.

Section 128: Exclusion for advertisements that are displays

427 Section 128 provides that no offence is committed under this Part if a product or other material which is displayed is subject to the law relating to displays. The purpose of this provision is to avoid something which is permitted as a display being prohibited as an advertisement. For example, under current restrictions displaying a vape in a shop selling vapes would not be considered an advertisement in scope of the offences in Part 6 because it would be subject instead to the law on displays.

428 For the purposes of this section, a display is 'subject to the law relating to displays' in England and Wales if regulations could be made in respect of that display under the relevant power in section 13 or 14 of this Act, in Scotland if the display falls within section 1(1) of the Tobacco and Primary Medical Services (Scotland) Act 2010[236] or regulations could be made in respect of the display under section 3 or 3A of that Act, and in Northern Ireland if regulations could be made in respect of the display under Article 4K of the Health and Personal Social Services (Northern Ireland) Order 1978 [237].

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[236] https://www.legislation.gov.uk/asp/2010/3/contents

[237] https://www.legislation.gov.uk/nisi/1978/1907/contents

Brandsharing

Section 129: Brandsharing

429 Section 129 provides the Secretary of State with the power to introduce regulations that prohibit brandsharing of tobacco products, herbal smoking products, cigarette papers, vaping products, or nicotine products. Brandsharing, or brandstretching as it is sometimes known, is a form of indirect advertising which promotes a tobacco product, herbal smoking product, cigarette paper, vaping product or nicotine product by putting its branding on other products or services, or vice versa. Using a tobacco product logo on a T-shirt or a confectionary company using their branding on a vape are examples of brandsharing if the intent is, or the effect will be, to promote the product in question.

430 The power also provides for the creation of offences for the failure to comply with the regulations and anyone convicted of an offence may be subject to imprisonment, a fine or both. The Secretary of State must obtain consent from the Scottish Ministers and the Department of Health in Northern Ireland before making regulations which contain provision which would be within the legislative competence of the Scottish Parliament or Northern Ireland Assembly reflecting that regulation of brandsharing is devolved to Scotland and Northern Ireland.

Sponsorship

Section 130: Sponsorship: tobacco products

431 Section 130 makes it an offence for a person to be party to a sponsorship agreement under which a party makes a contribution (for example, a monetary payment) towards something in the course of business, and anything done as a result of that agreement has the purpose or will have the effect of promoting a tobacco product in the UK. This maintains the prohibition of tobacco sponsorship in the Tobacco Advertising and Promotion Act 2002[238] (TAPA).

Anyone convicted of an offence under this provision may be subject to imprisonment (for a term not exceeding 2 years on indictment) or a fine, or both.

Section 131: Sponsorship: vaping and nicotine and other products

432 Section 131 makes it an offence to be a party to a sponsorship agreement under which a party makes a contribution (for example, a monetary payment) towards something in the course of business, and anything done as a result of that agreement has the purpose or will have the effect of promoting a herbal smoking product, cigarette papers, vaping product, or nicotine product in the UK. For example, this section will prohibit sports teams from being sponsored by a vaping company where this has the effect of promoting a vaping or nicotine product.

433 The legislation will apply to any agreement entered into after this section comes into force (two months after the Act achieved Royal Assent). It will be an offence if either party makes a contribution under the agreement and, from a date to be specified in regulations does anything as a result of the agreement where the purpose is or effect will be to promote one of these products in the UK.

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[238] https://www.legislation.gov.uk/ukpga/2002/36/contents

434 Anyone convicted of an offence under this provision may be subject to imprisonment (for a term not exceeding 2 years on indictment), a fine where there is no maximum amount, or both.

Audiovisual services and radio broadcasting

Section 132: Audiovisual services and radio broadcasting

435 Section 132 outlines that Part 6 of this Act does not apply to independent television or radio services, or to the British Broadcasting Corporation (BBC) or Sianel Pedwar Cymru, on-demand programme services, or non-UK on-demand programme services which are a Tier 1 service as defined in the Communications Act 2003[239] (the 2003 Act). This is because these services are regulated by the Office of Communications as set out in the 2003 Act. Restrictions on the products that can be advertised or promoted on these services will continue to be governed by the provisions within the 2003 Act, therefore, rather than through this Act itself, unlike other advertising measures.

Section 133: Extension of provisions about audiovisual and radio broadcasting

436 Section 133 is self-explanatory and introduces Schedule 16.

Schedule 16: Advertising etc: audiovisual and radio broadcasting

437 Schedule 16 amends the Communications Act 2003[240] (the 2003 Act) so that its prohibition on product placement on television, radio and on-demand programme services applies to herbal smoking products, cigarette papers, all vaping products and nicotine products as well as nicotine vapes and tobacco products (for programmes the production of which begins after the commencement of the ban). The prohibition includes product placement by or on behalf of a business engaged in the manufacture or sale of more than one prohibited product.

438 In addition, Schedule 16 updates the Communications Act 2003 so that prohibited advertising and sponsorship on on-demand programme services includes herbal smoking products, cigarette papers, vaping products, and nicotine products. Schedule 16 also creates an exemption for on-demand programme services to allow vaping or nicotine product advertisements (in general) where it is in accordance with arrangements made by a public authority as part of a public health campaign. Advertising on broadcast television and radio will continue to be regulated through the codes of practice applicable to these services.

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[239] https://www.legislation.gov.uk/ukpga/2003/21/contents

[240] https://www.legislation.gov.uk/ukpga/2003/21/contents

Offences by bodies

Section 134: Liability of others for offences committed by bodies

439 Section 134 makes a "relevant person" (for example, a director or manager of a company or someone with partner status in a partnership) liable for an offence under Part 6 of the Act committed by a body, where the offence has been committed with their consent, connivance, or neglect. In such cases the relevant person may be liable in addition to the body (such as the company or partnership) they are working for. This applies to offences in Part 6 as well as regulations made under that Part.

440 Section 134(2) sets out definitions for a body and a relevant person.

Enforcement

Section 135: Enforcement authorities

441 Section 135 places a duty on relevant enforcement authorities to enforce the provisions in Part 6 of the Act and regulations made under powers in Part 6. A relevant enforcement authority is a local weights and measures authority in England, Wales and Scotland (e.g. Local Authority Trading Standards), and a district council in Northern Ireland.

Section 136: Power of ministers etc to take over enforcement functions

442 Section 136 provides a power for the relevant national authority (the Secretary of State, the Welsh Ministers, the Scottish Ministers or the Department of Health in Northern Ireland) to carry out the enforcement of a particular case or a particular type of case instead of the relevant local enforcement authority. The effect of this is that a national authority will undertake the investigation and enforcement, rather than the local enforcement authority as prescribed in section 135 (Enforcement authorities). This could arise if a local enforcement authority is unable or unwilling to undertake enforcement.

Section 137: Power of ministers etc to take over proceedings

443 Section 137 provides a power for the Secretary of State, the Welsh Ministers, or the Department of Health in Northern Ireland to take over the legal proceedings relating to any offence that has been committed under Part 6 of the Act or regulations made under it. This will allow a national authority to undertake the legal proceedings in court instead of a local enforcement authority. This could arise if a local enforcement authority is unable or unwilling to undertake the legal proceedings. There is no need for this power to apply to Scotland as prosecutorial functions rest with the Lord Advocate as head of the systems of criminal prosecution and investigation of deaths in Scotland.

Alignment of definition in old advertising legislation pending replacement

Section 138: Alignment of definition of "tobacco product" in old legislation

444 Section 138 amends the definition of 'tobacco products' in the Tobacco Advertising and Promotion Act 2002[241], section 1 (Interpretation), to align with the definition within this Act.

Power to extend advertising legislation

Section 139: Power to extend Part 6 and Communications Act 2003 to other products

445 Section 139 provides the Secretary of State with powers to amend any provision in Part 6 or the Communications Act 2003[242] that applies in relation to tobacco products by extending the scope to a device of a specified description that enables a tobacco product to be consumed (such as a heated tobacco device), an item which is intended to form part of such a device, or filters that do not form part of a tobacco product or herbal smoking product. The power in relation to filters, only applies to stand alone filters and not those that already form part of a tobacco or herbal smoking product because integrated filters are already covered under relevant sections.

446 Before making regulations under this section the Secretary of State must obtain consent from the Welsh Ministers, the Scottish Ministers and the Department of Health in Northern Ireland if provisions of the regulations fall within the legislative competence of the devolved legislatures. This power ensures that devices that are used to consume tobacco, and filters, can be subjected to the same advertisement and promotion prohibitions as tobacco products and ensures that the legislation is future-proof and flexible.

Crown application

Section 140: Crown application

447 Section 140 provides that Part 6 of the Act and any regulations made under Part 6 bind the Crown. This means that the advertising and sponsorship restrictions apply in relation to all bodies and persons acting as servants of the Crown such as government departments, prisons run by His Majesty's prison service, and to members of the armed forces. The Crown itself will not be liable for an offence under this Part (this is not the case for persons in the service of the Crown such as civil servants or prison employees) but a court may make a declaration of unlawfulness in respect of an act (or omission) for which the Crown would otherwise have been criminally liable.

Interpretation

Section 141: Interpretation of Part 6

448 Section 141 provides the definitions for Part 6 and is self-explanatory.

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241 https://www.legislation.gov.uk/ukpga/2002/36/contents

242 https://www.legislation.gov.uk/ukpga/2003/21/contents

Part 7: Smoke-free places, vape-free places and other free-from places

England

Section 142: Addition of smoke-free places in England

449 Section 142 amends the Health Act 2006[243] (the 2006 Act) to allow the Secretary of State to make regulations designating additional places or vehicles in England to be smoke-free.

450 Section 142 removes the requirement of section 4 of the 2006 Act for places to be designated smoke-free by regulations made under that section only where there is a 'significant risk' that people present would be exposed to 'significant quantities of smoke'. This allows for more spaces to be designated smoke-free.

451 The section specifies that for a place to be designated smoke-free it must be a workplace or open to the public and that the designation must take effect only when it is being used as a workplace or open to the public. It also sets out that exceptions can be specified, and that the Secretary of State has a duty to consult.

452 Section 142 also amends section 5 of the 2006 Act, which relates to vehicles, to enable persons to designate areas as not being smoke-free. This will allow the Secretary of State to identify in regulations certain groups of people who will be able to designate certain areas to be not smoke-free.

Section 143: Smoke-free premises: recasting of power to exempt performers

453 Section 143 recasts a previous regulation making power in section 3(5) of the Health Act 2006[244] (the 2006 Act) which allowed the Secretary of State to make regulations that would provide an exemption from smoking restrictions for specified premises where the artistic integrity of a performance made it appropriate for performers to smoke, in relation to those performers only. This power was exercised in the Smoke-free (Exemptions and Vehicles) Regulations 2007, the relevant regulation of which is revoked by Section 143 of this Act.

454 That power is recast by section 143 as powers for the Secretary of State to make regulations creating defences to the offences of smoking in a smoke-free place (section 7 of the 2006 Act) and failing to prevent smoking in a smoke-free place (section 8 of the 2006 Act). Exercise of the power inserted into section 7(3) of the 2006 Act would have the effect of shielding performers from liability if they smoke in a smoke-free place when performing, where it is justified to preserve the artistic integrity of the performance. A defence made under this power would apply only to the performer and not other persons, such as crew or stagehands, and would not mean that the wider stage or set is no longer smoke-free. Exercise of the power inserted into section 8(5A) of the 2006 Act would have the effect of shielding people who control or are concerned in the management of smoke-free premises from liability if they allow a performer to smoke on the premises while performing, where it is justified to preserve the artistic integrity of the performance.

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[243] https://www.legislation.gov.uk/ukpga/2006/28/contents

[244] https://www.legislation.gov.uk/ukpga/2006/28/contents

Section 144: No-smoking signs in England

455 Section 144 amends the requirements in section 6 of the Health Act 2006[245] around no-smoking signs. The section sets out that whoever occupies or manages smoke-free premises must ensure no-smoking signs are displayed in or near the premises. The change to the sign requirements allows for signs to be placed in or near the no smoking premises, which might be of particular use in outdoor spaces.

456 The section provides powers for the Secretary of State to make regulations which specify the display and design requirements of no-smoking signs as well as how and where the signs are to be displayed.

Section 145: Vape-free places in England

457 Section 145 amends the Health Act 2006[246] (the 2006 Act) 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.

458 The new provisions inserted into the 2006 Act by section 145 make it an offence for a person to vape in a vape-free place or vehicle. They also place a duty on the manager of a vape-free place or driver of a vape-free vehicle to stop a person using a vape on their premises or in their vehicle. It is a defence for a person to show they took reasonable steps to stop the person from using a vape in the location they manage, or that they could not reasonably have been expected to know that the person in question was using a vape, or that it was reasonable for them not to comply with the duty for another reason.

459 The new provisions also require a person who occupies or manages a vape-free place to put up no-vaping signs. Regulations may set out specific requirements that these signs must comply with, as well as to create exceptions for signage in vehicles.

460 The smoke-free places restrictions in the 2006 Act did not apply to the Crown and the same approach has been adopted for this section to provide a consistent legislative approach. This means these restrictions do not apply to bodies and persons acting as servants of the Crown such as government departments, prisons run by His Majesty's prison service, and the armed forces. However, government bodies have the ability to bring forward similar restrictions other than under the 2006 Act and have previously done so in relation to smoking.

Section 146: Heated tobacco-free places in England

461 Section 146 amends the Health Act 2006[247] (the 2006 Act) to provide powers for the Secretary of State to prohibit the use of heated tobacco devices in England, but only in places that are already smoke-free.

462 The new provisions inserted into the 2006 Act by section 146 make it an offence for a person to use a heated tobacco device in a heated tobacco-free place or vehicle. They also place a duty on the manager of a heated tobacco-free place or driver of a heated tobacco-free vehicle to stop a person using a heated tobacco device on their premises or in their vehicle. It is a

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245 https://www.legislation.gov.uk/ukpga/2006/28/contents

246 https://www.legislation.gov.uk/ukpga/2006/28/contents

247 https://www.legislation.gov.uk/ukpga/2006/28/contents

defence for a person to show they took reasonable steps to stop the person from using heated tobacco in the location they manage, that they could not reasonably have been expected to know that the person in question was using a heated tobacco or on other grounds it was reasonable not to comply with the duty.

463 The new provisions also require a person who occupies or manages a heated tobacco-free place to put up no heated tobacco signs. Regulations may set out specific requirements that these signs must comply with, as well as to create exceptions for signage in vehicles.

464 The smoke-free places restrictions in the 2006 Act did not apply to the Crown and the same approach has been adopted for this section to provide a consistent legislative approach. This means these restrictions do not apply to all bodies and persons acting as servants of the Crown such as government departments, prisons run by His Majesty's prison service, and to the armed forces. However, government bodies have the ability bring forward similar restrictions other than under the 2006 Act and have previously done so in relation to smoking.

Section 147: Amendments consequential on sections 136 to 140

465 Section 147 is self-explanatory and introduces Schedule 17.

Schedule 17: Amendments consequential on sections 136 to 140

466 Schedule 17 lists consequential amendments made to the Health Act 2006[248] to refine the definition of "workplace", alter the relevant references to enforcement including fixed penalties and provide updated or new definitions for a number of terms such as "heated tobacco device" and "vape-free place".

Scotland

Section 148: No-smoking premises in Scotland

467 Section 148 amends the Smoking, Health and Social Care (Scotland) Act 2005[249] (the 2005 Act) to allow the Scottish Ministers to make regulations designating certain premises which are not "wholly or substantially enclosed" as no-smoking premises. The section specifies that the Scottish Ministers have a duty to consult prior to making such regulations.

468 The section specifies that for places other than vehicles to be prescribed as "no-smoking premises" they must be wholly or substantially enclosed, or a workplace or open to the public. When prescribed, no-smoking premises that are not wholly or substantially enclosed are smoke-free only during the times when they are open to the public or used as a place of work. The section provides definitions of open to the public, premises, vehicle, work and workplaces.

469 The section permits exceptions to be included in regulations and enables the Scottish Ministers to identify in regulations certain groups of people who will be able to designate certain areas in which smoking is permitted.

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[248] https://www.legislation.gov.uk/ukpga/2006/28/contents

[249] https://www.legislation.gov.uk/asp/2005/13/contents

470 Section 148(1) substitutes parts of section 4 of the 2005 Act but these amendments do not have the effect of revoking the Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006 (the 2006 Regulations), and the 2006 Regulations remain in place.

Section 149: No-smoking signs in Scotland

471 Section 149 amends the Smoking, Health and Social Care (Scotland) Act 2005[250] requirements around no-smoking signs. The section sets out that a person who has management or control of no-smoking premises must ensure the relevant no-smoking signs are displayed in or near a premises.

472 The section provides powers for the Scottish Ministers to make regulations which specify the display and design requirements of no-smoking signs, how and where the signs are to be displayed and to create exceptions.

Section 150: Vape-free premises in Scotland

473 Section 150 amends Part 1 of the Smoking, Health and Social Care (Scotland) Act 2005[251] (the 2005 Act) to change the heading to "Smoking, vaping and similar activities", to then include a section on vaping.

474 Section 150 provides a power for the Scottish Ministers to prescribe a place as being vape-free, but only as far as they are already smoke-free. The section also makes it an offence for a person to vape in a vape-free place or vehicle. It places a duty on the person having management or control of a vape-free place to stop a person using a vape on their premises.

475 The section also requires the person having management or control of a vape-free place to display no-vaping signs. Regulations may set out specific requirements that these signs must comply with, as well as create exceptions in relation to the signage requirements.

476 Whilst vaping is less harmful than smoking there is a risk to people's health from vape aerosol, for example aerosols have been linked to asthma attacks. To protect public health, and particularly that of children, the Scottish Ministers may want to extend smoke-free places to also become vape-free.

477 The smoke-free places restrictions in the 2005 Act did apply to the Crown and the same approach has been adopted for this section to provide a consistent legislative approach. This means these restrictions do apply to all bodies and persons acting as servants of the Crown such as government departments and to members of the armed forces.

Section 151: Heated tobacco-free premises in Scotland

478 Section 151 amends the Smoking, Health and Social Care (Scotland) Act 2005[252] (the 2005 Act) to insert a chapter that relating to the use of heated tobacco devices.

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250 https://www.legislation.gov.uk/asp/2005/13/contents

251 https://www.legislation.gov.uk/asp/2005/13/contents

252 https://www.legislation.gov.uk/asp/2005/13/contents

479 In particular, section 151 provides a power for the Scottish Ministers to prescribe a place as being heated tobacco-free, but only where that place is already smoke-free. The section makes it an offence for a person to use a heated tobacco device in heated tobacco-free place premises. It also places a duty on a person with management or control of a heated tobacco-free place to stop a person using a heated tobacco device on their premises.

480 The section also requires a person who has management or control of a heated tobacco-free place to put up signs and ensure they are adequately displayed. Scottish ministers may make regulations setting out specific requirements that these signs must comply with, as well as create exceptions in relation to the signage requirements.

481 The smoke-free places restrictions in the 2005 Act did apply to the Crown and the same approach has been adopted for this section to provide a consistent legislative approach. This means these restrictions do apply to all bodies and persons acting as servants of the Crown such as government departments and to members of the armed forces.

Section 152: Amendments consequential on sections 148 to 151

482 Section 152 is self-explanatory and introduces Schedule 18.

Schedule 18: Amendments consequential on sections 148 to 151

483 Schedule 18 amends the Smoking, Health and Social Care (Scotland) Act 2005[253] to update the appropriate enforcement provisions and provide definitions for terms not previously covered such as "vape".

Wales

Section 153: Smoke-free places and vehicles in Wales: duty to consult

484 Section 153 in the Act amends the Public Health (Wales) Act 2017[254], so the Welsh Ministers have a duty to consult before making regulations under section 13 (additional smoke-free places) and section 15 (smoke-free vehicles).

Section 154: Smoke-free vehicles in Wales

485 Section 154 amends the Public Health (Wales) Act 2017[255] to enable the Welsh Ministers to identify classes of person who may designate areas of a vehicle as not smoke-free.

Section 155: No-smoking signs in Wales

486 Section 155 amends the Public Health (Wales) Act 2017[256] requirements around no-smoking signs. The section sets out that a person who occupies or manages a no-smoking premises must ensure no-smoking signs are displayed in or near the premises.

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253 https://www.legislation.gov.uk/asp/2005/13/contents

254 https://www.legislation.gov.uk/anaw/2017/2/contents

255 https://www.legislation.gov.uk/anaw/2017/2/contents

256 https://www.legislation.gov.uk/anaw/2017/2/contents

487 The section provides powers for the Welsh Ministers to make regulations which specify the display and design requirements of no-smoking signs, how and where the signs are to be displayed.

Section 156: Vape-free places in Wales

488 Section 156 amends the Public Health (Wales) Act 2017[257] (the 2017 Act) to insert a new chapter relating to vaping. This allows the Welsh Ministers to make regulations designating places or vehicles in Wales as vape-free, but only when they are already smoke-free.

489 The new provisions inserted by section 156 make it an offence for a person to vape in a vape-free place or vehicle. They also place a duty on a person who manages or controls a vape-free place or a driver of a vape-free vehicle to stop a person using a vape on their premises or in their vehicle.

490 The section also places a duty on a person who occupies or has management responsibilities for a vape-free place or a person who manages a vape-free vehicle to put up no-vaping signs. Regulations may set out specific requirements that these signs must comply with, as well as create exceptions in relation to the signage requirements for vehicles.

491 The smoke-free places restrictions in the 2017 Act did not apply to the Crown and the same approach has been adopted for this section to provide a consistent legislative approach. This means these restrictions do not apply to all bodies and persons acting as servants of the Crown such as government departments, prisons run by His Majesty's prison service, and to the armed forces. However, government bodies have the ability to bring forward similar restrictions other than under the 2017 Act and have previously done so in relation to smoking.

Section 157: Heated tobacco-free places in Wales

492 Section 157 amends the Public Health (Wales) Act 2017[258] (the 2017 Act) to insert a new chapter relating to heated tobacco. This allows the Welsh Ministers to make regulations designating places or vehicles in Wales to be made heated tobacco-free, but only where such places are already smoke-free.

493 The new provisions inserted by section 157 make it an offence for a person to use a heated tobacco device in a heated tobacco-free place or vehicle. They also place a duty on a person who controls or is concerned with the management of a heated tobacco-free place, or the driver of a heated tobacco-free vehicle to stop a person using a heated tobacco device on their premises or in their vehicle.

494 The section also provides that a person who occupies or is involved in the management of a heated tobacco-free place or with management responsibilities of a heated tobacco-free vehicle must put up no heated tobacco signs. The Welsh Ministers may set out specific requirements that these signs must comply with in regulations, as well as create exceptions in relation to the signage requirements for vehicles.

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[257] https://www.legislation.gov.uk/anaw/2017/2/contents

[258] https://www.legislation.gov.uk/anaw/2017/2/contents

495 The smoke-free places restrictions in the 2017 Act did not apply to the Crown and the same approach has been adopted for this section to provide a consistent legislative approach. This means these restrictions do not apply to all bodies and persons acting as servants of the Crown such as government departments, prisons run by His Majesty's prison service, and to the armed forces. However, relevant government bodies may bring forward similar restrictions.

Section 158: Amendments consequential on sections 153 to 157

496 Section 158 is self-explanatory and introduces Schedule 19.

Schedule 19: Amendments consequential on sections 153 to 157

497 Schedule 19 amends the Public Health (Wales) Act 2017[259] to include a series of amendments in both Welsh and English including structural and drafting amendments as a consequence of the provisions made at sections 153 to 157.

Northern Ireland

Section 159: Additional smoke-free places in Northern Ireland

498 Section 159 amends Articles 5 and 6 of The Smoking (Northern Ireland) Order 2006[260] (the 2006 Order).

499 The provisions of the 2006 Order amended by this section specify that for additional places to be made smoke-free they must be a workplace or open to the public, this can include outdoor spaces. Such spaces may only be prescribed smoke-free places during the times they are open to the public or used as a place of work. The amendments made by section 159 also introduce a duty for the Department of Health to consult before designating any additional smoke-free places.

500 The amendments made to the 2006 Order by this section permit exceptions to be included in regulations for both smoke-free places and vehicles and allow the Department of Health in Northern Ireland to identify certain groups of individuals who may designate certain areas to not be smoke-free.

Section 160: No-smoking signs in Northern Ireland

501 Section 160 amends The Smoking (Northern Ireland) Order 2006[261] (the 2006 Order) requirements around no-smoking signs. The amendments made by this section set out that whoever occupies or manages smoke-free premises must ensure no-smoking signs are displayed in or near the premises.

502 The amendments made to the 2006 Order by this section provide that regulations may specify the display and design requirements of no-smoking signs, as well as how and where the signs are to be displayed.

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259 https://www.legislation.gov.uk/anaw/2017/2/contents

260 https://www.legislation.gov.uk/nisi/2006/2957/contents

261 https://www.legislation.gov.uk/nisi/2006/2957/contents

Section 161: Vape-free places in Northern Ireland

503 Section 161 amends The Smoking (Northern Ireland) Order 2006[262] (the 2006 Order) to allow for the Department of Health in Northern Ireland to make regulations designating places or vehicles to be vape-free, but only when they are already smoke-free.

504 Section 161 makes it an offence for a person to vape in a vape-free place or vehicle. It also places a duty on a person who controls or manages a vape-free place and drivers of a vape-free vehicle to stop a person using a vape on their premises or in their vehicle.

505 The section also states that the occupier or management of a vape-free place, or person with management responsibility of a vape-free vehicle must put up no-vaping signs and ensure they are adequately displayed. Regulations may set out specific requirements that these signs must comply with as well as create exceptions in relation to the signage requirements for vehicles.

506 The no-smoking places restrictions in the 2006 Order did apply to the Crown and the same approach has been adopted for this section to provide a consistent legislative approach. This means these restrictions do apply to all bodies and persons acting as servants of the Crown such as government departments and the armed forces.

Section 162: Heated tobacco-free places in Northern Ireland

507 Section 162 amends The Smoking (Northern Ireland) Order 2006[263] (the 2006 Order) to allow the Department of Health in Northern Ireland to make regulations designating places or vehicles in Northern Ireland to be heated tobacco-free, but only when they are already smoke-free.

508 Section 162 makes it an offence for a person to use a heated tobacco device in a heated tobacco-free place or vehicle. It also places a duty on the manager or person who controls a heated tobacco-free place or driver of a heated tobacco-free vehicle to stop a person using a heated tobacco device on their premises or in their vehicle.

509 The section also states that the occupier or management of a heated tobacco-free place, or person with management responsibility for a heated tobacco-free vehicle, must put up no heated tobacco signs and ensure they are adequately displayed. Regulations may set out specific requirements that these signs must comply with, as well as create exceptions in relation to the signage requirements for vehicles.

510 The no-smoking places restrictions in the 2006 Order did apply to the Crown and the same approach has been adopted for this section to provide a consistent legislative approach. This means these restrictions do apply to all bodies and persons acting as servants of the Crown such as government departments and the armed forces.

Section 163: Amendments consequential on sections 159 to 162

511 Section 163 is self-explanatory and introduces Schedule 20.

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[262] https://www.legislation.gov.uk/nisi/2006/2957/contents

[263] https://www.legislation.gov.uk/nisi/2006/2957/contents

Schedule 20: Amendments consequential on sections 159 to 162

512 Schedule 20 amends The Smoking (Northern Ireland) Order 2006[264] to ensure that the definition of "workplaces" is updated accordingly and other relevant definitions are included in the necessary legislation. It also amends the Health (Miscellaneous Provisions) Act (Northern Ireland) 2016[265] to omit subsection (8) of section 5.

Ships

Section 164: Power to prohibit vaping etc on ships

513 Section 164 amends section 85 of the Merchant Shipping Act 1995[266] to explicitly enable safety regulations that are made under that Act to make certain provision for the prohibition of vaping and heated tobacco use on ships and hovercraft, which corresponds with provisions in the Health Act 2006.

[264] https://www.legislation.gov.uk/nisi/2006/2957/contents

[265] https://www.legislation.gov.uk/nia/2016/26/contents

[266] https://www.legislation.gov.uk/ukpga/1995/21/contents

Part 8: General

Section 165: Review of Act

514 Section 165 places a requirement on the Secretary of State to review the operation of the Act within 4 to 7 years of Royal Assent and lay a report before Parliament concluding the findings of the review. In carrying out the review, where relevant and robust evidence is available on the economic or health impacts of the Act, this will be considered.

Section 166: Application to Parliament

515 Section 166 provides that the Tobacco and Vapes Act 2026 and regulations made under it apply to the Parliamentary Estate.

Section 167: Further consequential amendments

516 Section 167 is self-explanatory and introduces Schedule 21.

Schedule 21: Consequential amendments: General

517 This schedule outlines amendments that are consequential on the Act. It amends the Health Act 2009[267], Regulatory Enforcement and Sanctions Act 2008[268], Consumer Rights Act 2015[269], the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016[270], the Digital Markets, Competition and Consumers Act 2024[271], the Communications Act 2003[272], the Tobacco and Primary Medical Services (Scotland) Act 2010 (asp 3)[273], The Tobacco and Related Products Regulations 2016[274] and the Media Act 2024[275]. The Tobacco Advertising and Promotion Act 2002[276] is repealed. These amendments will come into force on a date to be appointed in regulations.

Section 168: Power of Secretary of State to make consequential provision

518 Section 168 gives the Secretary of State a regulation making power to make provision that is consequential on this Act. Those regulations may amend, repeal or revoke any legislation passed or made before, or in the same session as this Act (including provision made by this Act).

519 Any regulations made to amend, repeal, or revoke primary legislation will be subject to the affirmative resolution procedure. Any other regulations under this section will be subject to the negative resolution procedure.

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267 https://www.legislation.gov.uk/ukpga/2009/21/contents

268 https://www.legislation.gov.uk/ukpga/2008/13/contents

269 https://www.legislation.gov.uk/ukpga/2015/15/contents

270 https://www.legislation.gov.uk/asp/2016/14/contents

271 https://www.legislation.gov.uk/ukpga/2024/13/contents/enacted

272 https://www.legislation.gov.uk/ukpga/2003/21/contents

273 https://www.legislation.gov.uk/asp/2010/3/contents

274 https://www.legislation.gov.uk/uksi/2016/507/contents

275 https://www.legislation.gov.uk/ukpga/2024/15/contents/enacted

276 https://www.legislation.gov.uk/ukpga/2002/36/contents

520 The section defines "primary legislation" meaning it to be an Act of Parliament, an Act of the Scottish Parliament, an Act or Measure of Senedd Cymru or Northern Ireland legislation.

Section 169: Power of Scottish Ministers to make consequential provision

521 Section 169 gives the Scottish Ministers a regulation making power to make provision that is consequential on Part 2 (sale and distribution: Scotland) and sections 148 to 152 of and Schedule 18 to this Act.

522 Those regulations may amend, repeal, or revoke provision made by or under an Act passed before this Act or in the same session of Parliament as this Act or an Act of the Scottish Parliament passed before this Act.

523 Any regulations that amend or repeal provisions made by an Act of the Scottish Parliament, or an Act are subject to the affirmative resolution procedure. Any other regulations under this section will be subject to the negative resolution procedure.

Section 170: Power of Welsh Ministers to make consequential provision

524 Section 170 gives the Welsh Ministers a regulation making power to make provision that is consequential on Part 1 (sale and distribution), as well as on sections 153 to 158 of and Schedule 19 to this Act.

525 The section provides that the use of the power by the Welsh Ministers can only be made if the provision would be within the legislative competence of Senedd Cymru if contained in an Act of the Senedd.

526 Any regulations may amend, or repeal or revoke provision made by or under an Act passed before this Act or in the same session of Parliament as this Act or an Act or Measure of Senedd Cymru passed before this Act.

527 Any regulations that amend or repeal provisions made by an Act, or an Act or Measure of Senedd Cymru are subject to the affirmative resolution procedure. Any other regulations under this section will be subject to the negative resolution procedure.

Section 171: Power of Northern Ireland department to make consequential provision

528 Section 171 gives Northern Ireland departments a regulation making power to make provision that is consequential on Part 3 (sale and distribution: Northern Ireland) and sections 159 to 163 of and Schedule 20 to this Act.

529 Any regulations may amend, repeal or revoke provision made by or under an Act passed before or in the same session of Parliament as this Act or Northern Ireland legislation passed or made before this Act.

530 Any regulations that amend, repeal or revoke an Act or Northern Ireland legislation are subject to the affirmative resolution procedure. Any other regulations under this section will be subject to the negative resolution procedure.

Section 172: Regulations: general

531 Section 172 provides that where regulations are made under this Act, the regulations may make consequential, supplementary, incidental, transitional, or saving provision and allows regulations to make different provision for different purposes and different provision for different parts of the UK. This does not apply to regulations made under sections 175 (Commencement: Parts 1 to 4), 176 (Commencement: Parts 5 to 8), and 177 (Transitional provision).

Section 173: Regulations and orders: procedure

532 Section 173 provides the procedure for making regulations under this Act. Regulations made by the Secretary of State under this Act are to be made by statutory instrument.

533 The section refers to section 27 (Definition of "Scottish statutory instrument") of the Interpretation and Legislative Reform (Scotland) Act 2010[277] as this makes provision about Scottish statutory instruments.

534 Regulations or orders made under this Act by the Welsh Ministers are to be made by Welsh statutory instrument.

535 The power of the Department of Health in Northern Ireland to make regulations or orders under this Act is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979[278].

536 The section defines the "the affirmative resolution procedure" and "the negative resolution procedure" in the context of this Act.

537 The section also provides that regulations made by the Secretary of State or a Northern Ireland department which would be subject to the negative resolution procedure may be made in regulations subject to the affirmative procedure. This empowers the Secretary of State and Northern Ireland departments to make regulations which combine subordinate legislation which is subject to different procedures. The section refers to section 33 of the Interpretation and Legislative Reform (Scotland) Act 2010[279] and section 37G of the Legislation (Wales) Act 2019[280]which already make equivalent provision for regulations made by Scottish and Welsh ministers.

Section 174: Extent

538 Section 174 provides for the extent of this Act. A table on territorial extent of each section of the Act can be found at Annex A. The extent of the different Parts of the Act are as follows:

a. Part 1 extends to England and Wales only.

b. Part 2 extends to Scotland only.

c. Part 3 extends to Northern Ireland only.

d. Parts 4, 5 and 6 and this Part of the Act extend to England and Wales, Scotland and Northern Ireland.

539 Any amendment or repeal made by the Act has the same extent as the provision that is amended or repealed.

Section 175: Commencement: Parts 1 to 4

540 Section 175 provides commencement dates for the various sections in Parts 1 to 4 in the Act.

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277 https://www.legislation.gov.uk/asp/2010/10/contents

278 https://www.legislation.gov.uk/nisi/1979/1573/contents

279 https://www.legislation.gov.uk/asp/2010/10/section/33

280 https://www.legislation.gov.uk/anaw/2019/4/section/37G

541 To give businesses sufficient time to prepare for implementation of measures in the Act, Part 1 (Sale and distribution: England and Wales), Part 2 (Sale and distribution: Scotland), Part 3 (Sale and distribution: Northern Ireland) and Part 4 (Snus etc: seizure and detention powers) come into force 6 months (29 October 2026) from the day the Act was given Royal Assent. An exception to this is any provision of, or amendment made by, Parts 1 to 3 where it confers a power to make regulations or relates to the exercise of the power. Such provisions come into force on the day the Act was given Royal Assent because the commencement of powers to make secondary legislation does not require an implementation period.

542 Several measures which relate to the age of sale of tobacco etc come into force on the 1 January 2027:

a. In relation to England and Wales: Sections 1 (Sale of tobacco etc), 2 (Purchase of tobacco etc on behalf of others), 5 (Age of sale notice at point of sale: England), 6 (Age of sale notice at point of sale: Wales), 44(2) (Consequential amendments to do with Part 1) and Schedule 7 (Part 1 consequential amendments commencing on 1 January 2027)

b. In relation to Scotland: Section 52 (Age of sale for tobacco products etc)

c. In relation to Northern Ireland: Sections 72 (Age of sale for tobacco products etc), 73 (Purchase of tobacco on behalf of others), 76 (Age of sale notice at point of sale), 90(2) (Consequential and other amendments) and Schedule 15 (Part 3 consequential amendments commencing on 1 January 2027).

543 Sections 16 (Prohibition of retail sales of tobacco products etc in England without a licence), 17 (Offences in connection with licences: England), 18 (Financial penalties for breach of licence conditions: England), Schedule 1 (Retail licensing scheme: England) and Schedule 2 (Financial penalties for breach of retail licence conditions: England) come into force on such a day as set out by the Secretary of State by regulations.

544 Sections 19 (Prohibition of retail sales of tobacco products etc in Wales without a licence), 20 (Offences in connection with licences: Wales), 21 (Financial penalties for breach of licence conditions: Wales), 22 (Repeal of register of retailers of tobacco and nicotine products in Wales etc), Schedule 3 (Retail licensing scheme: Wales) and Schedule 4 (Financial penalties for breach of retail licence conditions: Wales) come into force on such a day as set by the Welsh Ministers by order.

545 Section 43 (Handing over tobacco etc to underage people in Wales) and Schedule 5 (Handing over tobacco etc to underage people in Wales) which come into force on such a day as set out by the Welsh Ministers by order.

546 Section 67 (Alignment of definition of "tobacco product" in Scottish legislation) came into force on the day the Act was given Royal Assent

547 Section 63 (Age verification in relation to tobacco and vaping products etc), section 69 (Extension of retailer register etc) and Schedule 9 (Extension of retailer register etc: Scotland) come into force on such a day as set out by the Scottish Ministers by regulations.

548 Sections 87 (Extension of retailer register), 88 (Prohibition of retailer sales of tobacco products etc without a licence) and Schedule 10 (Extension of retailer register: Northern Ireland), Schedule 11 (Retail licensing schemes in Northern Ireland), Schedule 12 (Financial penalties for breach of retail licence conditions in Northern Ireland) and Schedule 13 (Licensing of retail sales of tobacco products etc: consequential amendments) come into force on such a day as set out by the Department of Health in Northern Ireland by order.

Section 176: Commencement: Parts 5 to 8

549 Section 176 provides commencement dates for the various sections in Parts 5 to 8 in this Act.

550 Part 5 (Product and information requirements etc) contains powers to make secondary legislation and came into force on the day the Act was given Royal Assent (29 April 2026).

551 In Part 6 (Advertising and sponsorship), Sections 131 (Sponsorship: vaping and nicotine and other products) comes into effect from a date specified by SoS in regulations, 140 (Crown application) and 141 (Interpretation of Part 6) comes into force 2 months after Royal Assent (29 June 2026). Section 138 (Alignment of definition of "tobacco product" in old legislation) came into force on the day on the Act was passed (29 June 2026). The remainder of the provisions in Part 6 come into force on such day as the Secretary of State may by regulations appoint.

552 The provisions in Part 7 (Smoke-free, vape-free places and other free-from places) come into force on such day as the appropriate national authority appoints. The Secretary of State may by regulations commence sections 142 to 147, section 164, and Schedule 17. The Scottish Ministers may by regulations commence sections 148 to 152 and Schedule 18. The Welsh Ministers may by order commence sections 153 to 158, and Schedule 19. The Department of Health in Northern Ireland may by order commence sections 159 to 163, and Schedule 20.

553 Part 8 (General) came into force when the Act was given Royal Assent, with the exception of section 167 (Further consequential amendments) and Schedule 21 (Consequential amendments: general) which come into force on such a day as the Secretary of State may by regulations appoint.

Section 177: Transitional provision

554 Section 177 provides a power to make the transitional or saving provisions.

555 The Welsh Ministers may by regulations make transitional or saving provision in relation to the coming into force of sections 19 to 22 and Schedules 3 and 4, section 43 and Schedule 5, sections 153 to 158 and Schedule 19.

556 The Scottish Ministers may by regulations make transitional or saving provision in relation to the coming into force of Part 2 (Sale and Distribution: Scotland), sections 148 to 152 and Schedule 18 (smoke-free places, vape-free places and other free-from places: Scotland).

557 The Department of Health in Northern Ireland may by regulations make transitional or saving provision in relation to the coming into force of Part 3 (Sale and Distribution: Northern Ireland), sections 159 to 163 and Schedule 20 (smoke-free places, vape-free places and other free-from places: Northern Ireland).

558 The Secretary of State may by regulations make transitional or saving provision in relation to the coming into force of any provision of this Act.

559 This section also provides that a consultation requirement imposed under or by virtue of this Act may be satisfied by consultation carried out before Royal Assent.

Section 178: Short title

560 Section 178 provides that this Act can be cited as the Tobacco and Vapes Act 2026.

Related documents

561 The following documents are relevant to the Act and can be read at the stated locations:

- Children and Young Persons Act 1933[281]
- Creating a smokefree generation and tackling youth vaping consultation: government response[282]
- Delegated Powers Memorandum[283]
- Health (Miscellaneous Provisions) Act (Northern Ireland) 2016[284]
- Health and Personal Social Services (Northern Ireland) Order 1978[285]
- Health and Social Care Committee recommendations on youth vaping[286]
- The Tobacco and Primary Medical Services (Scotland) Act 2010[287]
- Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016[288]
- Proxy Purchasing of Tobacco, Nicotine Products etc. (Fixed Penalty Notice) (England) Regulations 2015[289]
- Public Health (Wales) Act 2017[290]
- Retained EU Law (Revocation and Reform) Act 2023[291]

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[281] https://www.legislation.gov.uk/ukpga/Geo5/23-24/12

[282] https://www.gov.uk/government/consultations/creating-a-smokefree-generation-and-tackling-youth-vaping/outcome/creating-a-smokefree-generation-and-tackling-youth-vaping-consultation-government-response

[283] https://bills.parliament.uk/bills/3879/publications

[284] https://www.legislation.gov.uk/nia/2016/26/contents

[285] https://www.legislation.gov.uk/nisi/1978/1907/contents

[286] https://committees.parliament.uk/publications/40969/documents/199544/default/

[287] https://www.legislation.gov.uk/asp/2010/3/contents

[288]https://www.legislation.gov.uk/asp/2016/14/enacted#:~:text=An%20Act%20of%20the%20Scottish,following%20serious%20incidents%20in%20the

[289] https://www.legislation.gov.uk/uksi/2015/936/contents/made

[290] https://www.legislation.gov.uk/anaw/2017/2/contents

[291]www.legislation.gov.uk/ukpga/2023/28

- Science and Technology Committee report and recommendations on an inquiry on e-cigarettes [292]
- Smoking, Health and Social Care (Scotland) Act 2005 [293]
- Towards a smoke-free generation: tobacco control plan for England[294]
- The Children and Families Act 2014[295]
- The Khan review: making smoking obsolete[296]
- The Tobacco Advertising and Promotions Act 2002 (TAPA)[297]
- Tobacco and Related Products Regulations 2016[298]
- United Kingdom Internal Market Act 2020[299]
- Youth vaping call for evidence analysis [300]

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[292] https://publications.parliament.uk/pa/cm201719/cmselect/cmsctech/505/50502.htm

[293]www.legislation.gov.uk/asp/2005/13/contents

[294] https://www.gov.uk/government/publications/towards-a-smoke-free-generation-tobacco-control-plan-for-england

[295] www.legislation.gov.uk/ukpga/2014/6/contents

[296] https://www.gov.uk/government/publications/the-khan-review-making-smoking-obsolete

[297] https://www.legislation.gov.uk/ukpga/2002/36/contents

[298]https://www.legislation.gov.uk/uksi/2016/507/contents/made

[299] www.legislation.gov.uk/ukpga/2020/27/introduction

[300] https://www.gov.uk/government/calls-for-evidence/youth-vaping-call-for-evidence/outcome/youth-vaping-call-for-evidence-analysis

Annex A - Territorial extent and application in the UK

Provision	England	Wales	Scotland	Northern Ireland
	Extends to E & W and applies to England	**Extends to E & W and applies to Wales?**	**Extends and applies to Scotland?**	**Extends and applies to Northern Ireland?**
Part 1: SALE AND DISTRIBUTION: ENGLAND AND WALES				
Sale of tobacco etc				
Section 1	Yes	Yes	No	No
Section 2	Yes	Yes	No	No
Section 3	Yes	Yes	No	No
Section 4	Yes	Yes	No	No
Section 5	Yes	No	No	No
Section 6	No	Yes	No	No
Snus etc				
Section 7	Yes	Yes	No	No
Section 8	Yes	Yes	No	No
Section 9	Yes	Yes	No	No
Sale of vaping and nicotine products etc				
Section 10	Yes	Yes	No	No
Section 11	Yes	Yes	No	No

Section 12	Yes	Yes	No	No
Displays of products or prices				
Section 13	Yes	No	No	No
Section 14	No	Yes	No	No
Free distribution and discounts				
Section 15	Yes	Yes	No	No
Retail licensing: England				
Section 16	Yes	No	No	No
Section 17	Yes	No	No	No
Section 18	Yes	No	No	No
Retail licensing: Wales				
Section 19	No	Yes	No	No
Section 20	No	Yes	No	No
Section 21	No	Yes	No	No
Section 22	No	Yes	No	No
Restricted premises orders				
Section 23	Yes	Yes	No	No
Section 24	Yes	Yes	No	No
Section 25	Yes	Yes	No	No
Section 26	Yes	Yes	No	No
Section 27	No	Yes	No	No
Restricted sale orders				
Section 28	Yes	Yes	No	No
Section 29	Yes	Yes	No	No

Section 30	Yes	Yes	No	No
Offences by bodies				
Section 31	Yes	Yes	No	No
Enforcement functions				
Section 32	Yes	Yes	No	No
Section 33	Yes	No	No	No
Section 34	No	Yes	No	No
Powers of ministers to take over enforcement				
Section 35	Yes	Yes	No	No
Section 36	Yes	Yes	No	No
Fixed penalties: England				
Section 37	Yes	No	No	No
Section 38	Yes	No	No	No
Section 39	Yes	No	No	No
Fixed penalties: Wales				
Section 40	No	Yes	No	No
Section 41	No	Yes	No	No
Section 42	No	Yes	No	No
Handing over tobacco etc to underage people in Wales				
Section 43	No	Yes	No	No
Consequential, transitional and transitory provision				
Section 44	Yes	Yes	No	No
Section 45	Yes	Yes	No	No
Section 46	Yes	Yes	No	No

Section 47	Yes	Yes	No	No
Powers to adjust scope				
Section 48	Yes	Yes	No	No
Crown application				
Section 49	Yes	Yes	No	No
Interpretation etc				
Section 50	Yes	Yes	No	No
Section 51	Yes	Yes	No	No
PART 2: SALE AND DISTRIBUTION: SCOTLAND				
Sale of tobacco etc.				
Section 52	No	No	Yes	No
Section 53	No	No	Yes	No
Section 54	No	No	Yes	No
Section 55	No	No	Yes	No
Section 56	No	No	Yes	No
Section 57	No	No	Yes	No
Snus etc				
Section 58	No	No	Yes	No
Section 59	No	No	Yes	No
Section 60	No	No	Yes	No
Vaping and nicotine products				
Section 61	No	No	Yes	No
Section 62	No	No	Yes	No

Age verification				
Section 63	No	No	Yes	No
Display of products or prices				
Section 64	No	No	Yes	No
Free distribution and discount of products				
Section 65	No	No	Yes	No
Alignment of definitions				
Section 66	No	No	Yes	No
Section 67	No	No	Yes	No
Section 68	No	No	Yes	No
Extension of retail register etc				
Section 69	No	No	Yes	No
Miscellaneous				
Section 70	No	No	Yes	No
Section 71	No	No	Yes	No
PART 3 SALE AND DISTRIBUTION: NORTHERN IRELAND				
Sale of tobacco etc				
Section 72	No	No	No	Yes
Section 73	No	No	No	Yes
Section 74	No	No	No	Yes
Section 75	No	No	No	Yes
Section 76	No	No	No	Yes
Snus etc				
Section 77	No	No	No	Yes

Section 78	No	No	No	Yes
Section 79	No	No	No	Yes
Vaping and nicotine products				
Section 80	No	No	No	Yes
Section 81	No	No	No	Yes
Section 82	No	No	No	Yes
Displays of products or prices in Northern Ireland				
Section 83	No	No	No	Yes
Free distribution and discount of products				
Section 84	No	No	No	Yes
Enforcement				
Section 85	No	No	No	Yes
Interpretation of 1978 Order				
Section 86	No	No	No	Yes
Retail register and licensing				
Section 87	No	No	No	Yes
Section 88	No	No	No	Yes
Power to extend legislation				
Section 89	No	No	No	Yes
Consequential etc, transitional and transitory provision				
Section 90	No	No	No	Yes
Section 91	No	No	No	Yes
PART 4 SNUS ETC: SEIZURE AND DETENTION POWERS				
Section 92	Yes	Yes	Yes	Yes

Section 93	Yes	Yes	Yes	Yes
PART 5 PRODUCT AND INFORMATION REQUIREMENTS ETC				
Product requirements etc				
Section 94	Yes	Yes	Yes	Yes
Section 95	Yes	Yes	Yes	Yes
Section 96	Yes	Yes	Yes	Yes
Section 97	Yes	Yes	Yes	Yes
Non-compliant images				
Section 98	Yes	Yes	Yes	Yes
Registration and information requirements				
Section 99	Yes	Yes	Yes	Yes
Section 100	Yes	Yes	Yes	Yes
Section 101	Yes	Yes	Yes	Yes
Section 102	Yes	Yes	Yes	Yes
Quality control and safety				
Section 103	Yes	Yes	Yes	Yes
Section 104	Yes	Yes	Yes	Yes
Matters dealt with by 2016 Regulations				
Section 105	Yes	Yes	Yes	Yes
Section 106	Yes	Yes	Yes	Yes
Supplementary and miscellaneous				
Section 107	Yes	Yes	Yes	Yes
Section 108	Yes	Yes	Yes	Yes
Section 109	Yes	Yes	Yes	Yes

Section 110	Yes	Yes	Yes	Yes
Section 111	Yes	Yes	Yes	Yes
Section 112	Yes	Yes	Yes	Yes
Section 113	Yes	Yes	Yes	Yes
Consultation and consent				
Section 114	Yes	Yes	Yes	Yes
Section 115	Yes	Yes	Yes	Yes
Interpretation				
Section 116	Yes	Yes	Yes	Yes
Section 117	Yes	Yes	Yes	Yes
PART 6 ADVERTISING AND SPONSORSHIP				
Advertising				
Section 118	Yes	Yes	Yes	Yes
Section 119	Yes	Yes	Yes	Yes
Section 120	Yes	Yes	Yes	Yes
Section 121	Yes	Yes	Yes	Yes
Section 122	Yes	Yes	Yes	Yes
Section 123	Yes	Yes	Yes	Yes
Section 124	Yes	Yes	Yes	Yes
Section 125	Yes	Yes	Yes	Yes
Section 126	Yes	Yes	Yes	Yes
Section 127	Yes	Yes	Yes	Yes
Section 128	Yes	Yes	Yes	Yes

Brandsharing				
Section 129	Yes	Yes	Yes	Yes
Sponsorship				
Section 130	Yes	Yes	Yes	Yes
Section 131	Yes	Yes	Yes	Yes
Audiovisual services and radio broadcasting				
Section 132	Yes	Yes	Yes	Yes
Section 133	Yes	Yes	Yes	Yes
Offences by bodies				
Section 134	Yes	Yes	Yes	Yes
Enforcement				
Section 135	Yes	Yes	Yes	Yes
Section 136	Yes	Yes	Yes	Yes
Section 137	Yes	Yes	Yes	Yes
Alignment of definition in old advertising legislation pending replacement				
Section 138	Yes	Yes	Yes	Yes
Power to extend advertising legislation				
Section 139	Yes	Yes	Yes	Yes
Crown Application				
Section 140	Yes	Yes	Yes	Yes
Interpretation				
Section 141	Yes	Yes	Yes	Yes

PART 7 SMOKE-FREE PLACES, VAPE-FREE PLACES AND OTHER FREE-FROM PLACES				
England				
Section 142	Yes	No	No	No
Section 143	Yes	No	No	No
Section 144	Yes	No	No	No
Section 145	Yes	No	No	No
Section 146	Yes	No	No	No
Section 147	Yes	No	No	No
Scotland				
Section 148	No	No	Yes	No
Section 149	No	No	Yes	No
Section 150	No	No	Yes	No
Section 151	No	No	Yes	No
Section 152	No	No	Yes	No
Wales				
Section 153	No	Yes	No	No
Section 154	No	Yes	No	No
Section 155	No	Yes	No	No
Section 156	No	Yes	No	No
Section 157	No	Yes	No	No
Section 158	No	Yes	No	No
Northern Ireland				
Section 159	No	No	No	Yes

Section 160	No	No	No	Yes
Section 161	No	No	No	Yes
Section 162	No	No	No	Yes
Section 163	No	No	No	Yes
Ships				
Section 164	Yes	Yes	Yes	Yes
PART 8 GENERAL				
Section 165	Yes	Yes	Yes	Yes
Section 166	Yes	No	No	No
Section 167	Yes	Yes	Yes	Yes
Section 168	Yes	Yes	Yes	Yes
Section 169	No	No	Yes	No
Section 170	No	Yes	No	No
Section 171	No	No	No	Yes
Section 172	Yes	Yes	Yes	Yes
Section 173	Yes	Yes	Yes	Yes
Section 174	Yes	Yes	Yes	Yes
Section 175	Yes	Yes	Yes	Yes
Section 176	Yes	Yes	Yes	Yes
Section 177	Yes	Yes	Yes	Yes
Section 178	Yes	Yes	Yes	Yes

Annex B - Hansard References

The following table sets out the dates and Hansard references for each stage of the Act's passage through Parliament.

Stage	Date	Hansard Reference
House of Commons		
Introduction	05 November 2024	N/A
Second Reading	26 November 2024	Vol. 757 Col. 683
Public Bill Committee	07 January 2025 09 January 2025 14 January 2025 16 January 2025 21 January 2025 23 January 2025 28 January 2025 30 January 2025	Vol. 759 Col 1 (Part 1) / Vol. 759 Col 33 (Part 2) Vol. 759 Col 89 (Part 1) / Vol 759 Col 109 (Part 2) Vol 760 Col 171 (Part 1) / Vol 760 Col 201 (Part 2) Vol 760 Col 261 (Part 1) / Vol 760 Col 281 (Part 2) Vol 760 Col 315 (Part 1) / Vol 760 Col 347 (Part 2) Vol 760 Col 431 (Part 1) / Vol 760 Col 457 (Part 2) Vol 761 Col 483 (Part 1) / Vol 761 Col 515 Part 2 Vol 761 Col 555 (Part 1) / Vol 761 Col 581 (Part 2)
Report and Third Reading	26 March 2025	Vol. 764 Col. 986
House of Lords		
Introduction	27 March 2025	Vol. 844 Col. 1838
Second Reading	23 April 2025	Vol. 845 Col. 658
Grand Committee	27 October 2025	Vol. 849 Col. 140GC

Stage	Date	Hansard Reference
	30 October 2025 3 November 2025 11 November 2025 13 November 2025 17 November 2025 26 November 2025	Vol. 849 Col. 196GC Vol. 849 Col. 254GC Vol. 850 Col. 34GC Vol. 850 Col. 80GC Vol. 850 Col. 134GC Vol. 850 Col. 280GC
Report	24 February 2026 3 March 2026	Vol. 853 Col. 504 Part 1 / Vol. 853 Col. 569 Part 2 Vol. 853 Col.1161
Third Reading	9 March 2026	Vol. 854 Col. 19
Commons Consideration of Lords Amendments	23 March 2026	Vol 783 Col 62
Lords Consideration of Commons Amendments	20 April 2026	Vol. 855 Col 509
Royal Assent	29 April 2026	Vol. 855

Annex C - Progress of Bill Table

This Annex shows how each section and Schedule of the Act was numbered during the passage of the Bill through Parliament.

Section of the Act	Bill as Introduced in the Commons	Bill as amended in Committee in the Commons	Bill as introduced in the Lords	Bill as amended in Committee in the Lords	Bill as amended on Report in the Lords
Section 1	Clause 1	Clause 1	Clause 1	Clause 1	Clause 1
Section 2	Clause 2	Clause 2	Clause 2	Clause 2	Clause 2
Section 3	Clause 3	Clause 3	Clause 3	Clause 3	Clause 3
Section 4	Clause 4	Clause 4	Clause 4	Clause 4	Clause 4
Section 5	Clause 5	Clause 5	Clause 5	Clause 5	Clause 5
Section 6	Clause 6	Clause 6	Clause 6	Clause 6	Clause 6
Section 7	Clause 7	Clause 7	Clause 7	Clause 7	Clause 7
Section 8	Clause 8	Clause 8	Clause 8	Clause 8	Clause 8
Section 9	Clause 9	Clause 9	Clause 9	Clause 9	Clause 9
Section 10	Clause 10	Clause 10	Clause 10	Clause 10	Clause 10
Section 11	Clause 11	Clause 11	Clause 11	Clause 11	Clause 11
Section 12	Clause 12	Clause 12	Clause 12	Clause 12	Clause 12
Section 13	Clause 13	Clause 13	Clause 13	Clause 13	Clause 13
Section 14	Clause 14	Clause 14	Clause 14	Clause 14	Clause 14
Section 15	Clause 15	Clause 15	Clause 15	Clause 15	Clause 15
Section 16	Clause 16	Clause 16	Clause 16	Clause 16	Clause 16
Section 17	Clause 17	Clause 17	Clause 17	Clause 17	Clause 17
Section 18	Clause 18	Clause 18	Clause 18	Clause 18	Clause 18
Section 19	Clause 19	Clause 19	Clause 19	Clause 19	Clause 19
Section 20	Clause 20	Clause 20	Clause 20	Clause 20	Clause 20

Section of the Act	Bill as Introduced in the Commons	Bill as amended in Committee in the Commons	Bill as introduced in the Lords	Bill as amended in Committee in the Lords	Bill as amended on Report in the Lords
Section 21	Clause 21	Clause 21	Clause 21	Clause 21	Clause 21
Section 22	Clause 22	Clause 22	Clause 22	Clause 22	Clause 22
Section 23	Clause 23	Clause 23	Clause 23	Clause 23	Clause 23
Section 24	Clause 24	Clause 24	Clause 24	Clause 24	Clause 24
Section 25	Clause 25	Clause 25	Clause 25	Clause 25	Clause 25
Section 26	Clause 26	Clause 26	Clause 26	Clause 26	Clause 26
Section 27	Clause 27	Clause 27	Clause 27	Clause 27	Clause 27
Section 28	Clause 28	Clause 28	Clause 28	Clause 28	Clause 28
Section 29	Clause 29	Clause 29	Clause 29	Clause 29	Clause 29
Section 30	Clause 30	Clause 30	Clause 30	Clause 30	Clause 30
Section 31	Clause 31	Clause 31	Clause 31	Clause 31	Clause 31
Section 32	Clause 32	Clause 32	Clause 32	Clause 32	Clause 32
Section 33	Clause 33	Clause 33	Clause 33	Clause 33	Clause 33
Section 34	Clause 34	Clause 34	Clause 34	Clause 34	Clause 34
Section 35	Clause 35	Clause 35	Clause 35	Clause 35	Clause 35
Section 36	Clause 36	Clause 36	Clause 36	Clause 36	Clause 36
Section 37	Clause 37	Clause 37	Clause 37	Clause 37	Clause 37
Section 38	Clause 38	Clause 38	Clause 38	Clause 38	Clause 38
Section 39	Clause 39	Clause 39	Clause 39	Clause 39	Clause 39
Section 40	N/A	N/A	N/A	N/A	Clause 40
Section 41	N/A	N/A	N/A	N/A	Clause 41
Section 42	N/A	N/A	N/A	N/A	Clause 42
Section 43	Clause 40	Clause 40	Clause 40	Clause 40	Clause 43

Section of the Act	Bill as Introduced in the Commons	Bill as amended in Committee in the Commons	Bill as introduced in the Lords	Bill as amended in Committee in the Lords	Bill as amended on Report in the Lords
Section 44	Clause 41	Clause 41	Clause 41	Clause 41	Clause 44
Section 45	Clause 42	Clause 42	Clause 42	Clause 42	Clause 45
Section 46	Clause 43	Clause 43	Clause 43	Clause 43	Clause 46
Section 47	Clause 44	Clause 44	Clause 44	Clause 44	Clause 47
Section 48	Clause 45	Clause 45	Clause 45	Clause 45	Clause 48
N/A	Clause 46	Clause 46	N/A	N/A	N/A
Section 49	Clause 47	Clause 47	Clause 46	Clause 46	Clause 49
Section 50	Clause 48	Clause 48	Clause 47	Clause 47	Clause 50
Section 51	Clause 49	Clause 49	Clause 48	Clause 48	Clause 51
Section 52	Clause 50	Clause 50	Clause 49	Clause 49	Clause 52
Section 53	Clause 51	Clause 51	Clause 50	Clause 50	Clause 53
Section 54	Clause 52	Clause 52	Clause 51	Clause 51	Clause 54
Section 55	Clause 53	Clause 53	Clause 52	Clause 52	Clause 55
Section 56	Clause 54	Clause 54	Clause 53	Clause 53	Clause 56
Section 57	Clause 55	Clause 55	Clause 54	Clause 54	Clause 57
Section 58	Clause 56	Clause 56	Clause 55	Clause 55	Clause 58
Section 59	Clause 57	Clause 57	Clause 56	Clause 56	Clause 59
Section 60	Clause 58	Clause 58	Clause 57	Clause 57	Clause 60
Section 61	Clause 59	Clause 59	Clause 58	Clause 58	Clause 61
Section 62	Clause 60	Clause 60	Clause 59	Clause 59	Clause 62
Section 63	N/A	N/A	Clause 60	Clause 60	Clause 63
Section 64	Clause 61	Clause 61	Clause 61	Clause 61	Clause 64
Section 65	Clause 62	Clause 62	Clause 62	Clause 62	Clause 65

Section of the Act	Bill as Introduced in the Commons	Bill as amended in Committee in the Commons	Bill as introduced in the Lords	Bill as amended in Committee in the Lords	Bill as amended on Report in the Lords
Section 66	N/A	N/A	N/A	N/A	Clause 66
Section 67	Clause 63	Clause 63	Clause 63	Clause 63	Clause 67
Section 68	Clause 64	Clause 64	Clause 64	Clause 64	Clause 68
Section 69	Clause 65	Clause 65	Clause 65	Clause 65	Clause 69
Section 70	Clause 66	Clause 66	Clause 66	Clause 66	Clause 70
Section 71	Clause 67	Clause 67	Clause 67	Clause 67	Clause 71
Section 72	Clause 68	Clause 68	Clause 68	Clause 68	Clause 72
Section 73	Clause 69	Clause 69	Clause 69	Clause 69	Clause 73
Section 74	Clause 70	Clause 70	Clause 70	Clause 70	Clause 74
Section 75	Clause 71	Clause 71	Clause 71	Clause 71	Clause 75
Section 76	Clause 72	Clause 72	Clause 72	Clause 72	Clause 76
Section 77	Clause 73	Clause 73	Clause 73	Clause 73	Clause 77
Section 78	Clause 74	Clause 74	Clause 74	Clause 74	Clause 78
Section 79	Clause 75	Clause 75	Clause 75	Clause 75	Clause 79
Section 80	Clause 76	Clause 76	Clause 76	Clause 76	Clause 80
Section 81	Clause 77	Clause 77	Clause 77	Clause 77	Clause 81
Section 82	Clause 78	Clause 78	Clause 78	Clause 78	Clause 82
Section 83	Clause 79	Clause 79	Clause 79	Clause 79	Clause 83
Section 84	Clause 80	Clause 80	Clause 80	Clause 80	Clause 84
Section 85	Clause 81	Clause 81	Clause 81	Clause 81	Clause 85
N/A	Clause 82	Clause 82	N/A	N/A	N/A
Section 86	Clause 83	Clause 83	Clause 82	Clause 82	Clause 86
Section 87	Clause 84	Clause 84	Clause 83	Clause 83	Clause 87

Section of the Act	Bill as Introduced in the Commons	Bill as amended in Committee in the Commons	Bill as introduced in the Lords	Bill as amended in Committee in the Lords	Bill as amended on Report in the Lords
Section 88	Clause 85	Clause 85	Clause 84	Clause 84	Clause 88
Section 89	Clause 86	Clause 86	Clause 85	Clause 85	Clause 89
Section 90	Clause 87	Clause 87	Clause 86	Clause 86	Clause 90
Section 91	Clause 88	Clause 88	Clause 87	Clause 87	Clause 91
Section 92	Clause 89	Clause 89	Clause 88	Clause 88	Clause 92
Section 93	N/A	N/A	N/A	N/A	Clause 93
Section 94	Clause 90	Clause 90	Clause 89	Clause 89	Clause 94
Section 95	Clause 91	Clause 91	Clause 90	Clause 90	Clause 95
Section 96	Clause 92	Clause 92	Clause 91	Clause 91	Clause 96
Section 97	Clause 93	Clause 93	Clause 92	Clause 92	Clause 97
Section 98	Clause 94	Clause 94	Clause 93	Clause 93	Clause 98
Section 99	Clause 95	Clause 95	Clause 94	Clause 94	Clause 99
Section 100	Clause 96	Clause 96	Clause 95	Clause 95	Clause 100
Section 101	Clause 97	Clause 97	Clause 96	Clause 96	Clause 101
Section 102	Clause 98	Clause 98	Clause 97	Clause 97	Clause 102
Section 103	Clause 99	Clause 99	Clause 98	Clause 98	Clause 103
Section 104	Clause 100	Clause 100	Clause 99	Clause 99	Clause 104
Section 105	Clause 101	Clause 101	Clause 100	Clause 100	Clause 105
Section 106	Clause 102	Clause 102	Clause 101	Clause 101	Clause 106
Section 107	Clause 103	Clause 103	Clause 102	Clause 102	Clause 107
Section 108	Clause 104	Clause 104	Clause 103	Clause 103	Clause 108
Section 109	Clause 105	Clause 105	Clause 104	Clause 104	Clause 109
Section 110	Clause 106	Clause 106	Clause 105	Clause 105	Clause 110

Section of the Act	Bill as Introduced in the Commons	Bill as amended in Committee in the Commons	Bill as introduced in the Lords	Bill as amended in Committee in the Lords	Bill as amended on Report in the Lords
Section 111	Clause 107	Clause 107	Clause 106	Clause 106	Clause 111
Section 112	Clause 108	Clause 108	Clause 107	Clause 107	Clause 112
Section 113	Clause 109	Clause 109	Clause 108	Clause 108	Clause 113
Section 114	Clause 110	Clause 110	Clause 109	Clause 109	Clause 114
Section 115	Clause 111	Clause 111	Clause 110	Clause 110	Clause 115
Section 116	Clause 112	Clause 112	Clause 111	Clause 111	Clause 116
Section 117	Clause 113	Clause 113	Clause 112	Clause 112	Clause 117
Section 118	Clause 114	Clause 114	Clause 113	Clause 113	Clause 118
Section 119	Clause 115	Clause 115	Clause 114	Clause 114	Clause 119
Section 120	Clause 116	Clause 116	Clause 115	Clause 115	Clause 120
Section 121	Clause 117	Clause 117	Clause 116	Clause 116	Clause 121
Section 122	Clause 118	Clause 118	Clause 117	Clause 117	Clause 122
Section 123	Clause 119	Clause 119	Clause 118	Clause 118	Clause 123
Section 124	N/A	N/A	N/A	N/A	Clause 124
Section 125	Clause 120	Clause 120	Clause 119	Clause 119	Clause 125
Section 126	N/A	N/A	N/A	N/A	Clause 126
Section 127	Clause 121	Clause 121	Clause 120	Clause 120	Clause 127
Section 128	Clause 122	Clause 122	Clause 121	Clause 121	Clause 128
Section 129	Clause 123	Clause 123	Clause 122	Clause 122	Clause 129
Section 130	Clause 124	Clause 124	Clause 123	Clause 123	Clause 130
Section 131	Clause 125	Clause 125	Clause 124	Clause 124	Clause 131
Section 132	Clause 126	Clause 126	Clause 125	Clause 125	Clause 132
Section 133	Clause 127	Clause 127	Clause 126	Clause 126	Clause 133

Section of the Act	Bill as Introduced in the Commons	Bill as amended in Committee in the Commons	Bill as introduced in the Lords	Bill as amended in Committee in the Lords	Bill as amended on Report in the Lords
Section 134	Clause 128	Clause 128	Clause 127	Clause 127	Clause 134
Section 135	Clause 129	Clause 129	Clause 128	Clause 128	Clause 135
Section 136	Clause 130	Clause 130	Clause 129	Clause 129	Clause 136
Section 137	Clause 131	Clause 131	Clause 130	Clause 130	Clause 137
Section 138	Clause 132	Clause 132	Clause 131	Clause 131	Clause 138
Section 139	Clause 133	Clause 133	Clause 132	Clause 132	Clause 139
Section 140	Clause 134	Clause 134	Clause 133	Clause 133	Clause 140
Section 141	Clause 135	Clause 135	Clause 134	Clause 134	Clause 141
Section 142	Clause 136	Clause 136	Clause 135	Clause 135	Clause 142
Section 143	Clause 137	Clause 137	Clause 136	Clause 136	Clause 143
Section 144	Clause 138	Clause 138	Clause 137	Clause 137	Clause 144
Section 145	Clause 139	Clause 139	Clause 138	Clause 138	Clause 145
Section 146	Clause 140	Clause 140	Clause 139	Clause 139	Clause 146
Section 147	Clause 141	Clause 141	Clause 140	Clause 140	Clause 147
Section 148	Clause 142	Clause 142	Clause 141	Clause 141	Clause 148
Section 149	Clause 143	Clause 143	Clause 142	Clause 142	Clause 149
Section 150	Clause 144	Clause 144	Clause 143	Clause 143	Clause 150
Section 151	Clause 145	Clause 145	Clause 144	Clause 144	Clause 151
Section 152	Clause 146	Clause 146	Clause 145	Clause 145	Clause 152
Section 153	Clause 147	Clause 147	Clause 146	Clause 146	Clause 153
Section 154	Clause 148	Clause 148	Clause 147	Clause 147	Clause 154
Section 155	Clause 149	Clause 149	Clause 148	Clause 148	Clause 155
Section 156	Clause 150	Clause 150	Clause 149	Clause 149	Clause 156

Section of the Act	Bill as Introduced in the Commons	Bill as amended in Committee in the Commons	Bill as introduced in the Lords	Bill as amended in Committee in the Lords	Bill as amended on Report in the Lords
Section 157	Clause 151	Clause 151	Clause 150	Clause 150	Clause 157
Section 158	Clause 152	Clause 152	Clause 151	Clause 151	Clause 158
Section 159	Clause 153	Clause 153	Clause 152	Clause 152	Clause 159
Section 160	Clause 154	Clause 154	Clause 153	Clause 153	Clause 160
Section 161	Clause 155	Clause 155	Clause 154	Clause 154	Clause 161
Section 162	Clause 156	Clause 156	Clause 155	Clause 155	Clause 162
Section 163	Clause 157	Clause 157	Clause 156	Clause 156	Clause 163
Section 164	Clause 158	Clause 158	Clause 157	Clause 157	Clause 164
Section 165	N/A	N/A	N/A	N/A	Clause 165
Section 166	Clause 159	Clause 159	Clause 158	Clause 158	Clause 166
Section 167	Clause 160	Clause 160	Clause 159	Clause 159	Clause 167
Section 168	Clause 161	Clause 161	Clause 160	Clause 160	Clause 168
Section 169	Clause 162	Clause 162	Clause 161	Clause 161	Clause 169
Section 170	Clause 163	Clause 163	Clause 162	Clause 162	Clause 170
Section 171	Clause 164	Clause 164	Clause 163	Clause 163	Clause 171
Section 172	Clause 165	Clause 165	Clause 164	Clause 164	Clause 172
Section 173	Clause 166	Clause 166	Clause 165	Clause 165	Clause 173
Section 174	Clause 167	Clause 167	Clause 166	Clause 166	Clause 174
Section 175	Clause 168	Clause 168	Clause 167	Clause 167	Clause 175
Section 176	Clause 169	Clause 169	Clause 168	Clause 168	Clause 176
Section 177	Clause 170	Clause 170	Clause 169	Clause 169	Clause 177
Section 178	Clause 171	Clause 171	Clause 170	Clause 170	Clause 178
Schedule 1	Schedule 1	Schedule 1	Schedule 1	Schedule 1	Schedule 1

Section of the Act	Bill as Introduced in the Commons	Bill as amended in Committee in the Commons	Bill as introduced in the Lords	Bill as amended in Committee in the Lords	Bill as amended on Report in the Lords
Schedule 2	Schedule 2	Schedule 2	Schedule 2	Schedule 2	Schedule 2
Schedule 3	Schedule 3	Schedule 3	Schedule 3	Schedule 3	Schedule 3
Schedule 4	Schedule 4	Schedule 4	Schedule 4	Schedule 4	Schedule 4
Schedule 5	Schedule 5	Schedule 5	Schedule 5	Schedule 5	Schedule 5
Schedule 6	Schedule 6	Schedule 6	Schedule 6	Schedule 6	Schedule 6
Schedule 7	Schedule 7	Schedule 7	Schedule 7	Schedule 7	Schedule 7
Schedule 8	Schedule 8	Schedule 8	Schedule 8	Schedule 8	Schedule 8
Schedule 9	Schedule 9	Schedule 9	Schedule 9	Schedule 9	Schedule 9
Schedule 10	Schedule 10	Schedule 10	Schedule 10	Schedule 10	Schedule 10
Schedule 11	Schedule 11	Schedule 11	Schedule 11	Schedule 11	Schedule 11
Schedule 12	Schedule 12	Schedule 12	Schedule 12	Schedule 12	Schedule 12
Schedule 13	Schedule 13	Schedule 13	Schedule 13	Schedule 13	Schedule 13
Schedule 14	Schedule 14	Schedule 14	Schedule 14	Schedule 14	Schedule 14
Schedule 15	Schedule 15	Schedule 15	Schedule 15	Schedule 15	Schedule 15
Schedule 16	Schedule 16	Schedule 16	Schedule 16	Schedule 16	Schedule 16
Schedule 17	Schedule 17	Schedule 17	Schedule 17	Schedule 17	Schedule 17
Schedule 18	Schedule 18	Schedule 18	Schedule 18	Schedule 18	Schedule 18
Schedule 19	Schedule 19	Schedule 19	Schedule 19	Schedule 19	Schedule 19
Schedule 20	Schedule 20	Schedule 20	Schedule 20	Schedule 20	Schedule 20
Schedule 21	Schedule 21	Schedule 21	Schedule 21	Schedule 21	Schedule 21

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