

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT  
GENERAL COMMITTEES

Public Bill Committee

## TOBACCO AND VAPES BILL

*Sixteenth Sitting*

*Thursday 30 January 2025*

*(Afternoon)*

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### CONTENTS

New clauses considered.  
CLAUSES 161 TO 171 agreed to, some with amendments.  
Bill, as amended, to be reported.  
Written evidence reported to the House.

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**Monday 3 February 2025**

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**The Committee consisted of the following Members:**

*Chairs:* PETER DOWD, SIR ROGER GALE, SIR MARK HENDRICK, † MARK PRITCHARD

Ahmed, Dr Zubir (*Glasgow South West*) (Lab)

† Al-Hassan, Sadik (*North Somerset*) (Lab)

† Barros-Curtis, Mr Alex (*Cardiff West*) (Lab)

† Bool, Sarah (*South Northamptonshire*) (Con)

† Chambers, Dr Danny (*Winchester*) (LD)

† Cooper, Dr Becca (*Worthing West*) (Lab)

† Dickson, Jim (*Dartford*) (Lab)

† Foy, Mary Kelly (*City of Durham*) (Lab)

† Gwynne, Andrew (*Parliamentary Under-Secretary of State for Health and Social Care*)

Jarvis, Liz (*Eastleigh*) (LD)

† Johnson, Dr Caroline (*Sleaford and North Hykeham*) (Con)

Osborne, Tristan (*Chatham and Aylesford*) (Lab)

† Owatemi, Taiwo (*Lord Commissioner of His Majesty's Treasury*)

Rankin, Jack (*Windsor*) (Con)

Stafford, Gregory (*Farnham and Bordon*) (Con)

† Stainbank, Euan (*Falkirk*) (Lab)

† Whitby, John (*Derbyshire Dales*) (Lab)

Chris Watson, Kevin Candy, Sanjana Balakrishnan,  
*Committee Clerks*

† **attended the Committee**

# Public Bill Committee

Thursday 30 January 2025

(Afternoon)

[MARK PRITCHARD *in the Chair*]

## Tobacco and Vapes Bill

### New Clause 6

#### CONSULTATION ON LICENSING REGULATIONS

“(1) Within two months of the passing of this Act, the Secretary of State must publish draft regulations for the licensing of retail sale of tobacco products etc in England.

(2) Following the publication of the draft regulation as set out in subsection (1) the Secretary of State must publish a call for evidence seeking views on the efficacy and suitability of the draft regulations and invite the House of Commons Business and Trade Committee to scrutinise the draft regulations.

(3) After six months of the passing of this Act, the Secretary of State must lay before both Houses of Parliament a report setting out the Government’s formal response to evidence submitted in response to the call for evidence required by subsection (2) and any recommendations of the Business and Trade Committee.

(4) The Secretary of State may not make an order under section 168(4) bringing Sections 16 to 18 and Schedules 1 and 2 into force until the report specified in subsection (3) has been laid before both Houses of Parliament.”—(*Dr Johnson.*)

*See explanatory statement to Amendment 51.*

*Brought up, and read the First time.*

2 pm

**Dr Caroline Johnson** (Sleaford and North Hykeham) (Con): I beg to move, That the clause be read a Second time.

**The Chair:** With this it will be convenient to discuss the following:

Amendment 50, in clause 168, page 120, line 30, after “3” insert

“, save Sections 16 to 18 and Schedules 1 and 2.”.

*See explanatory statement to Amendment 51.*

Amendment 51, in clause 168, page 120, line 39, leave from “force” to end of line 41 and insert

“on such a date as the Secretary of State may by regulation appoint following the consultation on licensing regulations (see section (Consultation on licensing regulations)).”.

*This amendment, together with Amendment 50 and NC6, would require the Secretary of State to consult on licensing scheme regulations before Sections 16 to 18 and Schedules 1 and 2 come into force.*

**Dr Johnson:** New clause 6 will introduce a process of consultation and scrutiny of the licensing regulations for the retail sale of tobacco products, when the relevant sections of the Tobacco and Vapes Act come into effect. New clause 6 is designed to ensure that the implementation of the licensing system is transparent and effective.

Subsection (1) lays out the following requirement:

“Within two months of the passing of this Act, the Secretary of State must publish draft regulations for the licensing of retail sale of tobacco products etc in England.”

The Secretary of State says he is working like the clappers, at supersonic speed, so I am sure that that should be more than achievable, but the new clause holds his feet to the fire on timing.

The provision is crucial because it sets a clear and reasonable timetable for the initial stage of the regulatory process. The publication of the draft regulations will provide a starting point for discussions about the rules governing the sale of tobacco, enabling relevant stake-holders, including retailers, public health experts and consumer advocacy groups, to examine responsive proposals. The two-month window allows the Secretary of State to move promptly—like the clappers—while also giving enough time for key groups to review the draft and contribute meaningfully to the conversation.

Subsection (2) further strengthens the consultation process, and it states that after the draft regulations are published, the Secretary of State must publish a call for evidence. This is an invitation for the public, industry participants and experts to provide their view on the proposed regulations. The goal of the call for evidence is to gather insights on the efficacy and suitability of the draft regulations, helping the Government to understand whether the proposals will achieve the intended outcomes and whether they are feasible in practice. Furthermore, the subsection ensures that the Business and Trade Committee will be invited to scrutinise the draft regulations, ensuring that any regulations that are developed are subject to thorough review and are held to the highest standards of accountability.

Subsection (3) requires that within six months of passing this Act, the Secretary of State must lay before both Houses of Parliament a report that responds formally to the evidence gathered through the consultation process, details the Government’s response to the feedback received and outlines any changes made to the draft regulations. In addition, the Government will address any recommendations put forward by the Business and Trade Committee in their scrutiny of the draft regulations.

The report will provide a mechanism for the Government to explain how public input and parliamentary scrutiny have influenced the final regulations, thus reinforcing the transparency and accountability of the process. The report also gives Parliament the opportunity to assess whether the Government sufficiently considered evidence before moving forward with the regulations.

Finally, subsection (4) introduces an important safeguard, and states:

“The Secretary of State may not make an order under section 168(4) bringing Sections 16 to 18 and Schedules 1 and 2 into force until the report specified in subsection (3) has been laid before both Houses of Parliament”.

This ensures that significant changes are not implemented without the proper review, approval and scrutiny of the House.

In summary, the new clause will strengthen the legislative framework of the Tobacco and Vapes Bill by ensuring the licensing regulations on the sale of tobacco products are subject to a thorough process of consultation, scrutiny and formal response. By requiring early publication, gathering public input, inviting parliamentary review and ensuring that no major changes are enacted before proper scrutiny, the new clause guarantees that the regulations will be well informed, balanced and accountable.

It will also ensure that the Minister does indeed go like the clappers, because it gives quite a tight timetable. One of my concerns, which I raised earlier in the debate, was that it would take some time for the regulations to come in. If we allow the time taken to bring in the regulations and consult to drag out, more children and adults will become addicted to these products, and that will be bad for the public health of the nation. The new clause provides a reasonable timetable to ensure the regulations are brought in swiftly, as the Minister has described.

**The Parliamentary Under-Secretary of State for Health and Social Care (Andrew Gwynne):** It is good to be back after a short lunch break, Mr Pritchard; I trust Members are well nourished ahead of this afternoon's sitting.

I am grateful to the shadow Minister for this set of amendments. They would require the Government to publish and consult on draft regulations relating to the licensing scheme in England, as set out in clauses 16 to 18 and schedules 1 and 2. The new clause stipulates that those regulations must be published within two months of Royal Assent of the Bill, and that a report on a mandated call for evidence, including a response to the Business and Trade Committee, must be laid before both Houses six months after Royal Assent.

I am sympathetic to the shadow Minister's desire to move swiftly in this space. It is certainly my intention and the intention of the Government to move at pace—like the clappers, in supersonic fashion—in a whole range of areas. However, as with similar amendments relating to the registration scheme, we believe that new clause 6 would place an unreasonable and impractical constraint on Government. The reality is that to publish the regulations within two months of Royal Assent is simply not feasible, and the new clause does not reflect the processes and stages required for the development of proportionate, appropriate and well-considered regulations.

Development of secondary legislation takes time, and the arbitrary timescales proposed would not enable effective policy development. Forcing the Government to proceed with producing new legislation at the pace that the shadow Minister seeks to stipulate would open the Government up to the risk of creating flawed policy. Creating flawed policy carries clear risks, not least the potential for the Government's work to be legally challenged, thereby delaying measures either for a further period of time or indeed for good.

The Bill imposes on the Secretary of State a statutory obligation to consult ahead of the introduction of any regulations. Through that process, we will be able to carefully consider views from stakeholders, including the retail sector, in order to build a licensing scheme that supports legitimate businesses while cracking down on rogue retailers.

Finally, to echo points that I have already made, the Bill has been developed in collaboration with colleagues across the United Kingdom, and such close working and close alignment will continue through the development of all secondary legislation. My concern about new clause 6 is that it risks creating inconsistencies with licensing regimes elsewhere, particularly in Wales and Northern Ireland. We are approaching this together, and that is why I ask the shadow Minister to withdraw the new clause.

**Dr Caroline Johnson:** We have learned from the Minister that terms such as “like the clappers”, “quickly”, “in due course” and “soon” all mean a timescale longer than publishing a draft within two months and the final version within six. In practice, that means the concerns I have expressed about the Bill are true. This will take a long time, and the Minister's “soon” is not really soon enough.

I understand the Minister's concern that if he does not get the work done in time, it will cause the Government problems, but the answer to that is simply to get the work done in sufficient time. The Minister has been clear all along that this is an urgent public health measure. Two thirds of the people who get addicted will die as a result of the tobacco they are consuming. Not to agree that he must produce draft regulations within two months, when he knows much of what the consultation will say—indeed, the previous Government consulted on much of it anyway—is to say that the Government will move slowly and not like the clappers at all.

I understand that he is concerned about inconsistency between the nations, but he has not expressed such concern before. In fact, throughout our debate, when we have discussed the nations, we have spoken repeatedly about respecting devolution and the ability of other nations to go at different paces, do different things in different ways, and impose different fines and other penalties.

**Andrew Gwynne:** I am not sure whether it is because of selective amnesia, or whether the shadow Minister has had a really good lunch, but she seems to have entirely forgotten our previous debates. We have debated the licensing regime at length, and I made it perfectly clear to the whole Committee that Scotland is doing its own thing because it believes that that works well for Scotland, but that England, Wales and Northern Ireland would be moving in lockstep on this. If she was not aware then, she should be now.

**Dr Caroline Johnson:** I thank the Minister for making my point, which is that some parts of the United Kingdom are choosing to do this in a different way.

**Andrew Gwynne:** We are doing this together.

**Dr Johnson:** But there is nothing to stop the Union doing it together. In the event that England chose to do things at a particular pace, as it has a right to do, the Scots have already chosen to do things differently, as is their right, and the Welsh and the Northern Irish could then choose to do things at the same pace—the same appropriately quick, or reasonable, pace—or they could decide that they want to go more slowly. That would be up to them. What is in the Minister's control is to decide that he is prepared to act at a suitable pace to ensure that these regulations come into force as properly and as quickly as possible, including with scrutiny from the House.

**Mr Alex Barros-Curtis (Cardiff West) (Lab):** It is a pleasure to serve under your chairmanship, Mr Pritchard. I appreciate the shadow Minister's zeal in desiring to see this Bill on the statute book as quickly as possible, and in many ways I agree with her. Following on from what my hon. Friend the Minister has said, my concern is that putting in something that is perhaps impractical, and may have unintended consequences, might undermine the good intention that no doubt underpins her new clause.





the draft regulations, particularly given that, I suspect, much of the work is done already, and some of it was done by the previous Government anyway.

Subsection (2) requires the Secretary of State, following the publication of the draft regulations, to issue a call for evidence. That call for evidence will seek views on the efficacy and suitability of the draft regulations from a wide range of stakeholders, including industry experts, public health organisations and other interested parties. Additionally, the Secretary of State is required to invite the House of Commons Business and Trade Committee to scrutinise the draft regulations. This subsection aims to ensure a transparent process that involves detailed external scrutiny of proposed regulations, helping to identify any potential issues or improvements before they are finalised.

Subsection (3) mandates that six months after the passage of the Act—I should mention again that that is more than six months from now—the Secretary of State must lay a report before both Houses of Parliament setting out the Government’s formal response to the evidence submitted in response to the call for evidence under subsection (2), as well as any recommendations made by the Business and Trade Committee. This requirement ensures that the Government are held accountable for considering all feedback and making any necessary adjustments to regulations before they are implemented. It promotes transparency and enables Parliament to monitor how the Government have addressed public and expert input.

Subsection (4) specifies the Secretary of State cannot make an order under clause 169(1A) bringing clauses 95 to 98 into force until the report mentioned in subsection (3) has been laid before both Houses of Parliament. That report sets out the Government’s response to consultation and any recommendations from the Business and Trade Committee, if there are any. Again, this is trying to make sure that the Government act at appropriate speed to get things done.

**Mr Barros-Curtis:** I repeat my point, perhaps inarticulately made earlier, about new clause 6, which applies to new clause 7. If subsection (4) said “any report”, my point might not stand, but it says “the report specified in subsection (3)”.

If the Bill passed and the report was for some reason laid not six months later, but nine months later, would that not mean, because of the way the new clause is drafted, that an order under clause 169(1A) could not be implemented by the Secretary of State, thereby hampering their ability to bring about some important public health legislation?

**Dr Johnson:** The only thing that would inhibit the Government is not getting the work done in time—if they did not hand their homework in on time. We have all been at school and we know that if we do not hand our homework in on time, it causes us trouble. The simple fact is that the purpose of the clause is to get the Government to do their work in an appropriate time frame. So that is the point—we do not want to create a whole load of capacity in this legislation for the Government to do stuff only for them to put it on the back burner because they are too busy, do not have the time and do not see it as a priority. Legislating to have the power to

do things and doing them are not the same thing. The purpose of this new clause is to make sure that the Government get them done.

**Andrew Gwynne:** I am grateful to the shadow Minister for her new clause 7. It would require the Government to publish and consult on draft regulations relating to the registration and information requirements set out in clauses 95 and 98. It stipulates that these regulations must be published within two months of Royal Assent of the Bill, and that a report on a mandated call for evidence, including the response to the House of Commons Business and Trade Committee, must be laid before both Houses six months after Royal Assent.

Again, I am sympathetic to the shadow Minister’s desire to move swiftly in this space, but as with her similar proposals relating to licensing, this new clause would place an unreasonable and impractical constraint on the Government. To draft and publish these regulations within two months of Royal Assent is simply not feasible, and the new clause does not reflect the required processes and stages for the development of proportionate, appropriate and well-considered regulations. Development of secondary legislation takes time, and the arbitrary timescales proposed would not enable effective policy development.

The Bill imposes on the Secretary of State a statutory obligation to consult on the appropriate parties ahead of introducing any regulations on this issue. Through this process, we will be able to carefully consider views relating to the existing notification schemes for tobacco products and nicotine vapes, as well as to get views on how a future registration scheme might work, and, importantly, use that input to shape and draft the required regulations. Forcing the Government to proceed hastily with producing new legislation opens up the risk of creating flawed policy. Creating flawed policy creates clear risks, not least the potential for the Government’s work to be legally challenged. I know that that is not what the shadow Minister wants, so I therefore ask her not to push her new clause to a vote.

**Dr Johnson:** I think it is inevitable that much of this will be legally challenged, because the effect of the legislation is to hamper severely an industry that has a lot of money. They are going to challenge every dot and comma of it—I am quite sure of that. The purpose, however, of this new clause is to get the Government to move at speed. The Government have been in power for more than six months now, so they cannot say that they are not capable of producing draft guidelines for regulations within six months of the date of Royal Assent, which is many weeks from now, given that they have managed to publish the Employment Rights Bill, the Renters’ Rights Bill, the Finance Bill and various other things. I do not understand why the Minister is not keener to get these things done.

I will therefore push the new clause to a vote. Yes, the Minister could get himself in trouble if he did not work quick enough, but I have every confidence that if this new clause were enacted, the Minister would—like the clappers, at supersonic speed—be more than capable. I have every confidence that the Minister is more than capable of drafting regulations within the time available if he is forced to do so.

*Question put, That the clause be read a Second time.  
The Committee divided: Ayes 2, Noes 10.*

**Division No. 30]****AYES**

Bool, Sarah

Johnson, Dr Caroline

**NOES**

Al-Hassan, Sadik  
 Barros-Curtis, Mr Alex  
 Chambers, Dr Danny  
 Cooper, Dr Beccy  
 Dickson, Jim

Foy, Mary Kelly  
 Gwynne, Andrew  
 Owatemi, Taiwo  
 Stainbank, Euan  
 Whitby, John

*Question accordingly negatived.*

**New Clause 8**

REPORTS ON ILLEGAL SALE OF TOBACCO AND  
 VAPING PRODUCTS

“(1) The Secretary of State must—

- (a) prepare reports on the scale of the illegal sale and availability of tobacco and vaping products in the United Kingdom; and
- (b) lay a copy of each report before both Houses of Parliament.

(2) Each report must provide details in the United Kingdom of—

- (a) the estimated amount and value of illegal, counterfeit and contraband cigarettes and other tobacco products available for sale;
- (b) the estimated amount and value of illegal or non-compliant vapes available for sale;
- (c) the action taken to tackle the illicit trade of tobacco, tobacco products, vaping devices and vaping products; and
- (d) an assessment of the impact of the illicit trade of tobacco, vapes and nicotine products on public health and safety.

(3) The first report must be laid within the period of 12 months of the passing of this Act.

(4) Each subsequent report must be laid annually beginning with the day on which the previous report was laid.”—  
*(Dr Johnson.)*

*This new clause would require that the Government produce annual reports on the rate of sale and availability of illegal tobacco and vaping products and their impact on public health and safety.*

*Brought up, and read the First time.*

**Dr Johnson:** I beg to move, That the clause be read a Second time.

New clause 8 is designed to require the Government to produce annual reports detailing the scale of the illegal sale and availability of tobacco and vaping products. Subsection (1) would mandate the Secretary of State to prepare reports on the scale of illegal tobacco and vaping products in the UK. The reports would focus on providing a detailed overview of the prevalence and impact of illegal, counterfeit and contraband products in the market. Subsection (1) would also require the Secretary of State to lay a copy of each report before the Houses of Parliament, ensuring transparency and parliamentary oversight.

Subsection (2) outlines the specific information that each report would have to include. It stipulates that the reports would have to cover the estimated amount and value of illegal, counterfeit and contraband cigarettes

and other tobacco products available for sale in the UK; the estimated amount and value of illegal or non-compliant vapes available for sale; a breakdown of the actions taken by the Government and relevant authorities to tackle the illicit sale of tobacco, tobacco products, vaping devices and vaping products; and an assessment of the impact that the illicit trade of tobacco, vapes and nicotine products had been having on public health and safety. That is crucial to understanding not just the scale of the problem, but the broader implications for public health.

Subsection (3) sets out a requirement for the first report to be laid before both Houses of Parliament within 12 months of the passing of the Act. That would ensure that the Government addressed the issue of illegal tobacco and vaping products promptly after the Bill was enacted. Subsection (4) establishes that each subsequent report would have to be laid

“annually beginning with the day on which the previous report was laid.”

That annual cycle would ensure that ongoing monitoring of the illegal trade, providing a regular and up-to-date picture of the situation in the United Kingdom.

In conclusion, new clause 8 would establish a consistent and systematic process for reporting on the illegal sale and availability of tobacco and vaping products in the UK. By producing detailed annual reports assessing the scale of the illicit trade and its impact on public health and safety, the Government would be held accountable for addressing this issue. Furthermore, the new clause would provide Parliament with the necessary information to scrutinise the actions taken by the Government to combat the illegal trade, promoting transparency and informed decision making.

**Andrew Gwynne:** I am grateful to the shadow Minister for bringing this discussion before the Committee today. New clause 8 would require the Government to produce annual reports on the scale of the illegal sale and availability of tobacco and vaping products and the impact on public health and safety. I am sympathetic to the hon. Lady’s aim to ensure that the benefit and progress made as a result of our measures is known and seen by the public. However, this new clause is not needed, given that the Government already publish data on the illicit tobacco market and we will be doing the same for vapes following the introduction of the new vaping products duty.

On tobacco, His Majesty’s Revenue and Customs already regularly provides data and reports on various aspects of the illicit trade. For example, HMRC periodically publishes the tobacco tax gap report, which estimates the difference between the theoretical duty liability and the actual amount of tobacco duty collected by HMRC. That report also estimates the market share of illicit tobacco. HMRC also publishes the annual outputs for tackling tobacco smuggling, which include figures on tobacco seizures, including the number of criminal prosecutions and amount of civil penalties issued. National Trading Standards, too, provides public reports and updates related specifically to enforcement activity, which include the illegal sale and importation of vapes and related products. Additionally, HMRC intends, following the introduction of the vaping products duty, to publish annual estimates of the size of the illicit market, using tax gap data as well as data on activity targeting vaping duty fraud, such as the number of seizures.



It is important that enforcement agencies produce the estimates and figures on enforcement activity, given that that is their area of expertise. An annual report from the Secretary of State would only duplicate that information. For that reason, I ask the hon. Lady to withdraw the new clause.

**Dr Johnson:** I thank the Minister for his detailed response to this new clause. Can he confirm that the reports are produced on an annual basis, and will continue to be produced on that basis by both relevant authorities through this Parliament?

2.30 pm

**Andrew Gwynne:** It is our intention that the reports will be published in accordance with the mechanisms with which they are published now, with the frequency that they are now published. Therefore, we do not need this new obligation on the Secretary of State.

**Dr Johnson:** I take the Minister at his word, and beg to ask leave to withdraw the motion.

*Clause, by leave, withdrawn.*

### New Clause 9

#### PROHIBITION ON MANUFACTURE AND RETAIL OF HIGH-CAPACITY COUNT VAPING DEVICES

“(1) The Secretary of State must produce regulations relating to the design, manufacture and sale of vaping devices and products that ensure—

- (a) refill containers cannot be attached to a vaping device post-purchase to increase a device’s overall capacity during use, or allow for multiple pods to be attached at the same time to a device to increase its functional capacity beyond a 2ml limit.
- (b) devices only have a single pod or tank that does not exceed 2ml limit.
- (c) refill devices do not exceed a 10ml capacity and must be sold separately and not in the form of a click-on tank.

(2) A person commits an offence if the person—

- (a) manufactures, designs for manufacture, imports or supplies for sale a vaping device that is contrary to the regulatory requirements set out in subsection (1).
- (b) sells or retails a vaping device that is contrary to the regulatory requirements set out in subsection (1).

(3) A person who is guilty of an offence under paragraph (2)(a) is liable on summary conviction to a fine of £20,000.

(4) A person who is guilty of an offence under paragraph (2)(b) is liable on summary conviction to a fine of £10,000.”—  
(*Dr Johnson.*)

*This new clause would seek the introduction of regulations and new offences to prohibit the manufacture, design and retail sale of high-capacity count vaping devices.*

*Brought up, and read the First time.*

**Dr Johnson:** I beg to move, That the clause be read a Second time.

New clause 9 is designed to regulate the design, manufacture, and sale of high-capacity vaping devices, specifically addressing concerns around devices that allow for an increased capacity beyond a specified limit. The proposal seeks to ensure that vaping products sold in the UK remain within acceptable safety standards

and prevent devices from becoming overly powerful or difficult to control. The clause places limits on the size of pods, tanks, and refill containers for vaping products.

Subsection (1) introduces specific requirements regarding the design, manufacture, and sale of vaping devices and products. It mandates that vaping devices sold within the UK should not allow for refill containers to be attached to a device post purchase to increase its capacity beyond the legally accepted limits. That part of the clause ensures that devices can only hold a single pod or tank that does not exceed a 2 ml capacity. This is a critical public health measure, because larger capacities could encourage excessive consumption of nicotine, posing potential risks to users, particularly younger people or those who may be more vulnerable to nicotine addiction.

It is worth pointing out that in line with the vote we had this morning on nicotine pouches of very high strength, if vapes are there to help people to stop smoking—as the industry says they are—there is no requirement for those devices to be stronger in nicotine than a cigarette is. Otherwise the addiction to nicotine will go in precisely the wrong direction.

Furthermore, subsection (1) ensures that refill devices, such as e-liquids, must not exceed a 10 ml capacity. Importantly, these refill devices must be sold separately, preventing sellers from marketing click-on or multi-pod systems that could encourage users to exceed the capacity limits in a single vaping session. By introducing the restrictions, the clause aims to maintain control over how vaping products are consumed and reduce the potential harms associated with unregulated usage.

Subsection (2) establishes that it is an offence for anyone to manufacture, import, supply for sale, or sell a vaping device that does not conform to the regulations outlined in subsection (1). The provision is designed to create accountability within the vaping industry, ensuring that businesses involved in the design, production, or sale of vaping products are held to strict standards. The penalties outlined in the clause will deter manufacturers or retailers from attempting to circumvent the capacity restrictions for financial gain.

Subsection (3) specifies the penalties for manufacturers, designers, or importers who are found guilty of violating the regulations set out in subsection (1). Specifically, those found guilty of manufacturing or importing non-compliant vaping devices could face a fine of up to £20,000 on summary conviction. That substantial fine acts as a deterrent against non-compliance by manufacturers, encouraging them to adhere strictly to safety standards.

Subsection (4) establishes penalties for retailers who sell non-compliant vaping devices. If a retailer is found guilty of selling a vaping device that does not meet the specified requirements, they could be fined up to £10,000. The tiered nature of the fines, with higher penalties for manufacturers and lower penalties for retailers, reflects the differing levels of responsibility in the supply chain.

New clause 9 introduces important regulations to prevent the manufacture, sale, and distribution of high-capacity vaping devices that could pose greater health risks. By limiting the size of tanks, pods, and refill containers, and imposing penalties for non-compliance, the clause seeks to protect public health and prevent the misuse of vaping products.

**Andrew Gwynne:** Again, I am grateful to the shadow Minister for bringing this important discussion to the Committee. The provision would regulate high-capacity count vaping devices, which we understand to mean so-called “big puff vapes”, or devices that provide more than 600 puffs, by ensuring that the Secretary of State regulates the amount of liquid in a tank and ensures that the refill container cannot be connected to the vape device, creating more liquid and thus more puffs.

Although I empathise with what the shadow Minister is trying to do, the Bill already provides powers that allow us to regulate for the size of a tank or refill container and the amount of liquid that can be included, as well as powers to standardise vapes and to further restrict liquid availability. In addition, the Bill contains powers that allow us to regulate the amount of nicotine in a puff, so as to restrict not only the amount of nicotine in the tank, but the amount of nicotine that can be emitted in the vapour.

We have a duty to consult on ways in which vapes and vape devices can be standardised before we make regulations. This will ensure that the right decisions are taken, based on evidence, which will reduce the legal risk to Government from any future litigation.

Moreover, many so-called big puff vapes currently on the market will be caught by the upcoming ban on single-use vapes, which will be led by the Department for Environment, Food and Rural Affairs and comes into force on 1 June, because most of them are disposable products and do not have replaceable coils.

It is for these reasons that I ask the shadow Minister to withdraw her new clause.

**Dr Caroline Johnson:** The key thing is that although the Bill does have powers for all that to happen under regulation, we have already established that the regulations will take more than two months to write and more than six months to review, even after the Bill has gained Royal Assent in a few months’ time, so we will probably be sitting here next year with no restrictions at all on vapes, because the Government will not have written them. Therefore, I think it is important that in the meantime we try to use the Bill to make the most clear and important changes, including the size of the tank limit.

*Question put, That the clause be read a Second time.*

*The Committee divided: Ayes 3, Noes 9.*

#### Division No. 31]

##### AYES

Bool, Sarah  
Chambers, Dr Danny

Johnson, Dr Caroline

##### NOES

Al-Hassan, Sadik  
Barros-Curtis, Mr Alex  
Cooper, Dr Beccy  
Dickson, Jim  
Foy, Mary Kelly

Gwynne, Andrew  
Owatemi, Taiwo  
Stainbank, Euan  
Whitby, John

*Question accordingly negated.*

#### New Clause 10

##### AGE VERIFICATION REQUIREMENT FOR ONLINE SALES OF VAPING DEVICES AND PRODUCTS

“(1) A person commits an offence if the person—

- (a) carries on an online vaping product business, and
- (b) fails to operate an age verification policy in respect of online sales of vaping products and devices.

(2) An “age verification policy” is a policy that steps are to be taken to establish and ensure the age of a person attempting to buy a vaping product (the “customer”) is not under 18 years of age.

(3) The appropriate national authority may by regulations amend the age specified in subsection (2).

(4) The appropriate national authority may publish guidance on matters relating to age verification policies, including, in particular, guidance about—

- (a) steps that should be taken to establish a customer’s age,
- (b) documents that may be used as evidence of a customer’s age,
- (c) training that should be undertaken by the person selling vaping products,
- (d) the form and content of notices that should be displayed on websites; and
- (e) the form and content of records that should be maintained in relation to an age verification policy.

(5) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(6) Regulations under subsection (3) are subject to the affirmative resolution procedure.

(7) In this section—

“the appropriate national authority” means—

- (a) in relation to England, the Secretary of State, and
- (b) in relation to Wales, the Welsh Ministers,

“online vaping product business” means a business involving the sale of vaping products by retail online.”—  
(*Dr Johnson.*)

*This new clause introduces a requirement on online vaping product businesses to operate an age verification policy covering steps to be taken to establish the age of persons attempting to buy vaping products online. It reflects provisions in place in Scotland.*

*Brought up, and read the First time.*

*Question put, That the clause be read a Second time.*

*The Committee divided: Ayes 3, Noes 9.*

#### Division No. 32]

##### AYES

Bool, Sarah  
Chambers, Dr Danny

Johnson, Dr Caroline

##### NOES

Al-Hassan, Sadik  
Barros-Curtis, Mr Alex  
Cooper, Dr Beccy  
Dickson, Jim  
Foy, Mary Kelly

Gwynne, Andrew  
Owatemi, Taiwo  
Stainbank, Euan  
Whitby, John

*Question accordingly negated.*

#### Clause 161

##### POWER OF SECRETARY OF STATE TO MAKE CONSEQUENTIAL PROVISION

*Question proposed, That the clause stand part of the Bill.*

**The Chair:** With this it will be convenient to discuss clauses 162 to 166 stand part.

**Andrew Gwynne:** The clauses concern powers for relevant Ministers to make consequential amendments and the procedure for making regulations under the Bill. Clause 161 provides the Secretary of State with the power to make regulations that are consequential on the Bill. Clause 162 confers a power on Scottish Ministers to make provisions that are consequential on part 2 of the Bill, as well as clauses 142 to 146 and schedule 18. Clause 163 confers a power on Welsh Ministers to make provisions that are consequential on part 1 of the Bill, as well as clauses 147 to 152 and schedule 19, provided they are within their legislative competence. Clause 164 confers a power on the Department of Health in Northern Ireland to make provisions that are consequential on part 3 of the Bill, as well as clauses 153 to 157 and schedule 20.

Those regulations may amend, repeal or revoke any legislation passed before or in the same Session of Parliament as the Bill, as well as any provision made by the Bill itself. Regulations may amend primary as well as secondary legislation. During the development of the Bill, every effort was made to identify any consequential amendments that are required and to make provision for them on the face of the Bill. However, as the Bill brings together legislation that has been made over the last century, there is a small likelihood that further consequential amendments may be required to enable it to function effectively. It is therefore prudent that powers are conferred on the relevant Minister to make such changes via secondary legislation. Any regulations amending primary legislation will be subject to the affirmative procedure, in line with guidance from the Delegated Powers and Regulatory Reform Committee.

Clause 165 provides that any regulations made under the Bill, except for regulations made under clauses 168 to 170, may make consequential, supplementary, incidental, transitional or saving provision. It also provides that such regulations may make different provision for different purposes and for different parts of the United Kingdom. For example, in relation to regulations made under the powers in part 5, on registration requirements for products, different provision may be needed for Great Britain and Northern Ireland, to take account of their pre-existing legislative frameworks.

Clause 166 provides for the procedures for making regulations under the Bill. Regulations made by the Secretary of State or Welsh Ministers are to be made by statutory instruments, regulations made by Scottish Ministers are to be made by Scottish statutory instruments and regulations made by the Department of Health in Northern Ireland are to be made by statutory rules. The clause also sets out in one place what is meant by the affirmative resolution procedure and negative resolution procedure for making regulations. Defining these terms is a drafting practice, and this is a standard clause that enables the measures in the Bill and regulations made under it to function effectively. I therefore commend the clauses to the Committee.

*Question put and agreed to.*

*Clause 161 accordingly ordered to stand part of the Bill.*

*Clauses 162 to 166 ordered to stand part of the Bill.*

## Clause 167

### EXTENT

*Question proposed,* That the clause stand part of the Bill.

**Andrew Gwynne:** This clause outlines the territorial extent of the Bill: part 1 applies to England and Wales, part 2 to Scotland, part 3 to Northern Ireland, and parts 4 to 6 and 8 to the entirety of the United Kingdom. Part 7 contains only amendments to existing legislation, and therefore, by virtue of subsection (1), its extent does not need to be explicitly stated. This is a standard clause that helps the measures in the Bill to function effectively; I therefore commend it to the Committee.

**Dr Johnson:** As the Minister says, clause 167 provides for the extent of the Bill. I am particularly interested in the way that part 3 extends to Northern Ireland. As part of the Windsor framework, Northern Ireland is subject to 283 Euro laws, including the EU's tobacco directive. Article 24 of the tobacco directive says:

“Member States may not...prohibit or restrict the placing on the market of tobacco or related products”, apparently contradicting this Bill.

2.45 pm

It is claimed in paragraph 350, on page 44 of the explanatory notes to the Bill:

“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 Bill 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.”

The Minister will be aware that several MPs, including the former Member for North Antrim, the hon. and learned Member for North Antrim (Jim Allister) and my hon. Friend the Member for South Northamptonshire, have asked whether the Bill will fall foul of the tobacco directive by restricting the sale of tobacco, and will therefore be unenforceable in Northern Ireland. I notice that formal submissions to the Committee have suggested so too. The Minister will be aware that a King's counsel has expressed similar concerns in the press. I share the concerns of other Members, no doubt, that that potential shortcoming could be exploited by tobacco companies looking to undermine the Bill.

Responding to the hon. and learned Member for North Antrim on 26 November, the Minister said that he was assured that the Bill

“complies with the requirements of the Windsor framework”

and that it

“covers all four nations of the United Kingdom”. —[*Official Report*, 26 November 2024; Vol. 757, c. 725.]

In the fifth sitting of this Committee, on 14 January, the Minister said:

“On the Windsor framework, we are proud to say that the Bill is UK-wide and has been developed in partnership, in full, with the Scottish Government, Welsh Government and Northern Ireland Executive. This Government, and I hope this House, intend the smoke-free generation policy to apply to all four nations.” —[*Official Report, Tobacco and Vapes Public Bill Committee*, 14 January 2025; c. 175.]



That intent is, of course, good, but the Minister does not appear to have laid out clearly how the Bill can be fully applicable to Northern Ireland while also compatible with the Windsor framework. For the benefit of the Committee, will he please do so?

**Sarah Bool** (South Northamptonshire) (Con): I want to build on the shadow Minister's point, because I raised that concern in one of the previous sittings. I want to refer to the words of the King's counsel, Jason Coppel, of 11KBW chambers, in relation to this point. In an article published online, he notes that TPD2, the tobacco products directive,

"lays down various requirements concerning matters such as ingredients, emission levels and packaging which must be satisfied by tobacco products, vapes and other smoking products if they are to be marketed within the EU. Member States are not permitted to prohibit or restrict the placing on the market of products which satisfy these requirements (article 24(1)). However, TPD2 does not seek to harmonise domestic sales arrangements for these products and positively encourages Member States to introduce age limits on their sale (recitals (21) and (48)). The key issue is therefore whether a GSB"—

a generational sales ban—

"would be a selling arrangement or age limit which is compatible with TPD2 or a gradual prohibition on the placing on the market of tobacco and other products which meet the product requirements of TPD2, which would likely be incompatible with TPD2. There are, on any view, powerful arguments in favour of the latter view. The age limits referred to in TPD2 were limits on the sale of tobacco products to minors, not to adults. Unlike an age limit, the intention and effect of a GSB is to phase out the use of tobacco products entirely. It is equivalent in effect to an absolute ban on the sale of tobacco products, but a ban which is introduced very slowly, with an extent which increases day by day. If that analysis is correct then cl 68-69 of the Bill, if enacted, would likely contravene TPD2 regardless of whether they can be established by the Government to be a proportionate restriction in the interests of public health. It is reasonable to infer that the positions adopted by the Danish and Irish Governments were dictated by arguments along these lines. If a GSB would indeed contravene TPD2, it is relatively clear, from a series of decisions of the Northern Ireland courts applying the Windsor Framework, that TPD2 would have direct effect so as to override the GSB, pursuant to section 7A of the European Union Withdrawal Act 2018."

I appreciate that that is heavy legalese, but it is important to stress Mr Coppel's point. I do not feel that I had a sufficient answer from the Minister last time, so I would appreciate it if he could confirm that that has been considered.

**Andrew Gwynne:** Of course that has been considered. It is the responsibility of the United Kingdom Government to ensure that any legislation appertaining to Northern Ireland is compatible with the Windsor framework—that is clear. In drafting the Bill, the Government have taken into account all our domestic and international obligations. It has been put together following full consultation with Scotland, Wales and Northern Ireland, and we intend it to be United Kingdom-wide legislation for a smoke-free UK, in accordance with our international obligations.

**Dr Johnson:** I understand that that is the Minister's intent—indeed, it would be my intent to see people in Northern Ireland, as part of our great country, be as healthy as the rest of those in the United Kingdom—but intent is not enough to make things happen, in the same way that the Government saying they will go for growth

does not make it happen, particularly if they do things that have the opposite effect. What is the legal position on which the Minister believes the clause will stand?

**Andrew Gwynne:** The Bill is and will be, as an Act of Parliament, in full accordance with our international obligations. We will have a smoke-free United Kingdom, and the measures appertaining to Northern Ireland fit within our international and domestic obligations under the Windsor framework.

*Question put and agreed to.*

*Clause 167 accordingly ordered to stand part of the Bill.*

## Clause 168

COMMENCEMENT: PARTS 1 TO 4

**Andrew Gwynne:** I beg to move amendment 15, in clause 168, page 121, line 1, after "force" insert

"(so far as not in force by virtue of subsection (2))".

*Clause 168(2) brings the regulation making powers under Part 1 into force on royal assent. This amendment indicates that the Welsh Ministers' power to bring certain provisions into force is subject to that and is intended to ensure consistency with the drafting in clause 168(4).*

**The Chair:** With this it will be convenient to discuss the following:

Government amendment 98.

Clause stand part.

Clause 169 stand part.

**Andrew Gwynne:** Clauses 168 and 169 provide for the commencement of provisions in parts 1 to 4 and parts 5 to 8 respectively. Provisions in parts 1 to 4 come into force six months after the day the Bill is passed, with certain exceptions, including the regulation-making powers contained in parts 1 to 3, including powers to implement a licensing scheme, which will be commenced on the day the Bill is passed. Provisions to implement the smoke-free generation policy across the UK will come into force on 1 January 2027, when those born on 1 January 2009 turn 18 years old. Clause 168 also provides for the commencement of various other provisions that are specific to the devolved Governments, such as the provision to update the definition of a tobacco product in Scottish legislation. The remaining provisions in parts 1 to 4 will be commenced by regulations or by order.

Provisions in part 5 of the Bill, which relate to product and information requirements, are regulation-making powers, so they come into force on the day the Bill is passed. The majority of the provisions in part 6, such as those that prohibit the advertising of products including vaping products, will come into force on such day as the Secretary of State may appoint by regulations. Provisions in part 7 will come into force on such days as the relevant national authority may appoint by regulations. That includes regulation-making powers to create additional smoke-free places, and making smoke-free places vape-free. These are standard clauses that are required for the implementation of measures in the Bill.

I turn now to Government amendments 15 and 98, which stand in my name. These technical amendments to clause 168 have been tabled at the request of the



Welsh Government and the Northern Ireland Executive. Government amendment 15 concerns powers for the Welsh Ministers to commence provisions in part 1 relating to the licensing of retail sales in Wales and the handing over of tobacco products, herbal smoking products, cigarette papers, and vaping and nicotine products, to under-age people.

Government amendment 98 concerns equivalent powers for the Department of Health in Northern Ireland to commence provisions in part 3 relating to the extension of the retailer register and the licensing of retail sales in Northern Ireland. Some parts of the provisions will be commenced automatically by clause 168(2) where they provide powers for the Welsh Ministers or the Department of Health in Northern Ireland to make regulations. Therefore, the amendment makes it clear that the power for the Welsh Ministers or the Department of Health in Northern Ireland to commence provisions cannot be used on those provisions that have already been commenced. The amendment serves to align the drafting for Wales and Northern Ireland with the equivalent provisions for England in clause 168(4). For that reason, I encourage the Committee to support the Government amendments.

*Amendment 15 agreed to.*

*Amendment made:* 98, in clause 168, page 121, line 12, after “force” insert

“(so far as not in force by virtue of subsection (2))”.—(*Andrew Gwynne.*)

*Clause 168(2) brings the regulation-making powers under Part 3 into force on royal assent. This amendment indicates that the power of the Department of Health in Northern Ireland to bring certain provisions into force is subject to that and is intended to ensure consistency with the drafting in clause 168(4).*

*Clause 168, as amended, ordered to stand part of the Bill.*

*Clause 169 ordered to stand part of the Bill.*

### Clause 170

#### TRANSITIONAL PROVISION

**Andrew Gwynne:** I beg to move amendment 16, in clause 170, page 122, line 3, at end insert—

“(za) sections 19 to 22 and Schedule 3 and 4 (licensing of retail sales of tobacco products etc in Wales);”

*This amendment confers power on the Welsh Ministers to make transitional or saving provision in connection with the commencement of certain provisions that they have power to bring into force by order under clause 168(5).*

**The Chair:** With this it will be convenient to discuss clause stand part.

**Andrew Gwynne:** Clause 170 provides powers for Ministers in each of the devolved nations to make transitional and saving provisions. Transitional provisions address how existing legislation will be phased out or replaced by new legislation. Saving provisions preserve certain rights, obligations or legal consequences from existing statute. The power to make transitional and saving provisions is given to Ministers in each devolved Government to aid the implementation of specific measures in the Bill within their legislatures. This is a standard provision that enables measures in the Bill to function effectively.

Government amendment 16 is being made at the request of the Welsh Government. This technical amendment provides powers to the Welsh Ministers to make transitional or saving provisions in connection with the commencement of provisions relating to the retail licensing of products in Wales. As the Welsh Ministers have the power to commence those provisions by order, it is appropriate that they have the power to make transitional or saving provisions in connection with their commencement. That aligns with the approach taken throughout the Bill whereby such powers are given to the relevant Minister responsible for their commencement. For that reason, I encourage the Committee to support Government amendment 16.

*Amendment 16 agreed to.*

*Clause 170, as amended, ordered to stand part of the Bill.*

### Clause 171

#### SHORT TITLE

*Question proposed,* That the clause stand part of the Bill.

3 pm

**Andrew Gwynne:** The clause currently provides that the Bill may be cited as the Tobacco and Vapes Act 2024 once passed. As it is now 2025, the short title will be updated when the Bill, as amended in Committee, is printed to refer to 2025 rather than 2024.

*Question put and agreed to.*

*Clause 171 accordingly ordered to stand part of the Bill.*

*Question proposed,* That the Chair do report the Bill, as amended, to the House.

**Andrew Gwynne:** This is a remarkable moment in parliamentary history, because we have got the Tobacco and Vapes Bill through Committee. I thank you, Mr Pritchard, as well as Sir Roger, Sir Mark and Mr Dowd, for your diligent chairing. Please pass on the whole Committee’s appreciation for the way in which you have kept us going throughout.

I thank all Members on both sides of the Committee for the role that they have played, particularly as many are new Members. It has been a baptism of fire for some of them, but I hope that they have found the experience of amending, scrutinising and debating a really important piece of legislation to be of benefit. New Members should be assured that their Whips have already noted that this will be their first Committee of many.

**Mary Kelly Foy (City of Durham) (Lab):** I wonder whether the Minister will allow me to indulge in a history lesson of my own, as that seems to have been the order of the day for most of the Committee’s sitting days. While I am overjoyed that the Bill is one step closer to becoming law, I must make the Committee aware of a previous smoking ban introduced in the 16th century by Pope Urban VII. During his short period as pope—it lasted 13 days—he went like the clappers to bring in a smoking ban, before he snuffed it.

[Mary Kelly Foy]

That ban was taken further by Pope Urban VIII, who banned snuff and threatened to excommunicate anyone smoking it, chewing it or sniffing it in or anywhere near a church. I only wish that the hon. Member for Windsor was in his place to realise that the Bill is positively liberal compared to the papal bulls of those popes.

**The Chair:** May I say that that was completely within scope? [Laughter.]

**Andrew Gwynne:** I am grateful to my hon. Friend for her intervention. Perhaps it shows that history does matter and we can learn from it. Never mind Henry VIII powers: perhaps when we bring forward the regulations, we will have papal powers to go further.

**Dr Johnson:** As the Minister is aware from my previous contributions, I am delighted to see both the Bill's passage and that the Government have taken on board some of my amendments to the Conservative Bill, which was similar. I very much enjoyed the history lesson from the hon. Member for City of Durham and hope that the Minister's version of "like the clappers" will be just as quick.

**Andrew Gwynne:** I am grateful to the shadow Minister. We have been greatly entertained by her history lessons—I now know more about snuff than I ever wanted to. We have had tradition. We spent such an inordinate amount of time on clause 1: I thought we would never reach this stage. We were certainly not going like the clappers or supersonic at the start. I suspect that we have heard a large amount from ChatGPT—[Interruption.] Well, I think perhaps my hon. Friend the Member for City of Durham certainly did a good google.

**Dr Johnson:** The Minister credits me with more tech savvy than I have. ChatGPT is well outside my portfolio.

**Andrew Gwynne:** Well, if we have not heard from ChatGPT, we have certainly had, through the Institute of Economic Affairs, a bit of ChatSHT.

**The Chair:** I am not sure that is in order.

**Andrew Gwynne:** I take it back, Mr Pritchard—only because the hon. Member for Windsor is not here.

**The Chair:** By the way, just for the record, that is not an endorsement or a lack of endorsement of that organisation; it is just a question of whether that language is parliamentary.

**Andrew Gwynne:** It was just three letters.

**Mr Barros-Curtis:** I join the Minister in congratulating everyone involved in the Bill, including the Clerks and everybody behind the scenes. On the question of history, I think I recall from our copious sessions the mention of LADbible, in which the Minister has featured four times. I wonder whether we can make history by getting him featured a fifth time once the Bill gets into statute.

**Andrew Gwynne:** I am almost like a standing article now for LADbible. I am not sure whether that makes me a social media influencer—about which we have heard a lot during the course of the debate—or just a media tart. My hon. Friend is absolutely right that it was not one, two or three but four features we got out of LADbible—and who knows; we might get a fifth.

I sincerely thank the Clerks, the *Hansard* staff and the Doorkeepers. We do not thank them enough for the work that they do to keep Committees like this going, and I want to place that on the record.

**Dr Danny Chambers (Winchester) (LD):** As a new Member, and someone who came into politics with a passion for health—specifically public health—and addressing inequality, I am really proud to have been a part of this group. I remember the chief medical officer saying that the Bill will not only have the biggest impact on public health of any legislation in about 20 years, but it will be one of the biggest interventions to help even up inequality, especially in life expectancy. As a new Member, and as part of the Liberal Democrat health team, I am really pleased to be involved in this.

Unfortunately he is not here today, but on several occasions the hon. Member for Farnham and Bordon pontificated on what the flavour of unicorn milk in vapes might be. I never contributed but, as the only vet here, I could have made some assumptions. Assuming that the unicorn's horn does not influence the flavour of the milk, we can probably extrapolate that it tastes very much like a horse's milk. As someone who has regularly had to milk a mare to feed a newborn foal, I can tell the Committee that when the mare does not enjoy that, the milk often sprays everywhere—sometimes into one's mouth. It does not taste terrible, but I would not advise vape manufacturers that it is a good flavour to put into vapes.

**Andrew Gwynne:** I now know more about the equine sector than I ever wanted to. We have got to the accidental squirting of horse milk into one's mouth, but of course, we started the Committee with a whole tale about getting one's hoof trimmed—which, I have to say, Mr Pritchard, has a whole other meaning in Manchester.

**Sadik Al-Hassan (North Somerset) (Lab):** As a pharmacist, I have greatly enjoyed all Members' contributions to the debate in Committee, but I am very much looking forward to a future in which I do not have to do a stop smoking consultation again.

**Andrew Gwynne:** And so say all of us. The last thanks I want to give are to my private secretary and my team of officials from the Department of Health and Social Care, because they are the ones who have been up late most days, ensuring that the packs are ready for me and the Government Whip, that I am well briefed and that I have the time to question them about the various clauses. I am really grateful to them.

We have had a lot of good, detailed scrutiny. Most of the debates have been good natured, and it has shown the House of Commons at its best. To echo the hon. Member for Winchester, this is a landmark Bill. It will be the single most important piece of public health legislation for a generation, and we are all part of that. We have made history.

**Jim Dickson** (Dartford) (Lab): There is one last person the Committee should thank, and that is the Minister himself. I am sure we will get a chance to say this again on Third Reading, when we will no doubt debate these things again, but I have to say that the passion, good humour, knowledge and commitment with which he has taken this legislation through Committee is something for which we should all be grateful. Thank you, Minister.

**Andrew Gwynne** *rose*—

**Dr Johnson:** I think there is another person to whom thanks need to go on the record, and that is my right hon. Friend the Member for Richmond and Northallerton (Rishi Sunak). Let us not forget that while this Bill is coming through now, the vast majority of it is similar in content to—in some cases, it is entirely verbatim—the Bill that came through a similar Committee last spring, thanks to the visionary leadership of my right hon. Friend.

**Andrew Gwynne:** First, I thank my hon. Friend the Member for Dartford for his thanks. It would be remiss of me not to pay tribute to the former Prime Minister. When we were debating clause 1—all those many, many moons ago—I said that it took a lot of political bravery for a Conservative Prime Minister not just to go as far as he did, but to announce it at Conservative conference. I know from some of my Conservative friends that it raised significant eyebrows within that conference hall, but it was the right thing to do. That is why the Labour Opposition supported this legislation in the last Parliament. We would have loved to have seen it taken through the wash-up procedure before the general election, but that was not part and parcel of the deal that was put.

However, we are here today with this Bill, which includes many of the things that the shadow Minister wanted to have included in her Bill. What is transformative is that once what we have taken through Committee today—we have Report and Third Reading to go—gains

Royal Assent, it will ensure that no child born after 2009 will legally be able to be sold tobacco products ever again. We are stopping that conveyor belt, as I have described it, for the tobacco industry, and through stop smoking services and support we are coming after the market share that they have protected. We are going to make sure that vapes are never promoted, advertised or displayed in a way that will encourage children to take up vaping.

The Bill is a landmark and it is life-changing. In just 25 years' time, if the Government's impact assessment is correct, the smoking prevalence of people under the age of 30 will be near to zero. It started here, with this Bill. Well done, and thanks to all Members.

**The Chair:** Before I put the question, if I may, I will put on record my thanks to you, Minister—I actually said “you”; I mean the hon. Gentleman. I am breaking my own rules, or the House's rules. I thank the Minister, the shadow Minister, the Government Whip, the hon. Member for Coventry North West, and the shadow Whip, the hon. Member for Farnham and Bordon, who is not here today. I thank all Members for their contributions to debating this serious subject, but with good humour.

I give particular thanks to the Clerks. Frankly, Parliament could not operate without our fantastic Clerks. I thank the officials from *Hansard*, who literally keep us all on the record, and the fantastic Doorkeepers who do such a great job with Divisions. I also thank the other Chairs who have shared this Bill Committee with me.

The Committee has almost finished its work; all that is left is for me to put the question formally. I encourage all Members to go like the clappers—but within the law—to their constituencies.

*Question put and agreed to.*

*Bill, as amended, accordingly to be reported.*

3.15 pm

*Committee rose.*

**Written evidence reported to the House**

TVB77 CCHG trading as VPZ

TVB78 British Paediatric Respiratory Society (BPRS)

TVB79 Association of Directors of Public Health (supplementary)

TVB80 UK Vaping Industry Association

TVB81 Dr Johannes Kniess, Senior Lecturer in Political Philosophy, Newcastle University; and Andreas Schmidt, Professor of Moral and Political Philosophy, University of Groningen in the Netherlands

TVB82 Australian Association of Convenience Stores (AACS)

TVB83 Bristol City Council

TVB84 Robert Sidebottom

TVB85 NASUWT (supplementary)

TVB86 Independent British Vape Trade Association (IBVTA) (further evidence)

TVB87 Professor John Holloway, University of Southampton

TVB88 Resolve ASB

TVB89 Vendi Tech