

# Children and Families Bill

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AMENDMENTS  
TO BE MOVED  
IN GRAND COMMITTEE

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**After Clause 88**

LORD FAULKNER OF WORCESTER  
BARONESS TYLER OF ENFIELD  
BARONESS FINLAY OF LLANDAFF  
LORD McCOLL OF DULWICH

Insert the following new Clause –

**“Children’s health: standardised tobacco packaging**

- (1) The Tobacco Advertising and Promotion Act 2002 is amended as follows.
- (2) After section 12 (television and radio broadcasting) insert –

**“12A Children’s health: standardised packaging**

- (1) The Secretary of State may, if satisfied that doing so is in the interests of preventing harm to the health of children under the age of 18 or of promoting the health of children under the age of 18, make regulations specifying retail tobacco packaging requirements.
- (2) Regulations made under subsection (1) may provide that retail packaging or tobacco products of any such description, or falling within any such class as may be specified in the regulations, shall not, except in such circumstances as may be so specified, be of any such colour or shape, or display any such mark or trade mark, or any other particulars as may be so specified.
- (3) A person is guilty of an offence if –
  - (a) in the course of a business he or she owns or manages retail or commercial premises or a leisure facility; and
  - (b) he or she sells or supplies products which might reasonably be expected to attract, or be aimed at, children under the age of 18; and
  - (c) he or she sells or supplies, or has in the premises or facility for sale or supply, any tobacco product; and
  - (d) the retail packaging of the tobacco product does not comply with a specified retail tobacco packaging requirement.

**After Clause 88 – continued**

- (4) In this section –
- “container” includes any pack, carton, box, tin, packet, bag, pouch, tube or other container;
- “retail packaging” means –
- (a) any container for retail sale in which a tobacco product is directly placed; or
  - (b) any container for retail sale that contains a smaller container in which a tobacco product is directly placed; or
  - (c) any cigarette paper in which tobacco is contained and anything else forming part of a cigarette other than the tobacco; or
  - (d) any plastic or other wrapper that covers any retail packaging of the type described in paragraph (a) to (c); or
  - (e) any plastic or other wrapper that covers a tobacco product, being a tobacco product that is for retail sale; or
  - (f) anything (other than a tobacco product) that is placed inside or is affixed or otherwise attached to retail packaging of the type described in paragraphs (a) to (e) but does not include the lining of a cigarette pack if the lining complies with retail packaging requirements;
- a “retail tobacco packaging requirement” is a requirement relating to any of the following particulars –
- (a) the colour of retail packaging;
  - (b) the shape and material of retail packaging;
  - (c) distinctive marks displayed on retail packaging;
  - (d) trade marks or registered trade marks displayed on retail packaging;
  - (e) the labelling of or on packages, packaging or tobacco products, or associated with retail packaging or tobacco products;
  - (f) the contents of retail packaging (including the shape and size of tobacco products);
  - (g) any covert or overt markings, coded numbering or any other security features on retail packaging or tobacco products;
  - (h) any other particulars relating to retail packaging or tobacco products as may be prescribed by the Secretary of State;
- a “specified retail packaging requirement” is a retail tobacco packaging requirement specified in regulations made under subsection (1);
- “trade mark” and “registered trade mark” have the same meaning as in section 1 of the Trade Marks Act 1994.””

*After Clause 88 – continued*

BARONESS FINLAY OF LLANDAFF  
LORD FAULKNER OF WORCESTER

Insert the following new Clause –

**“Offence of failing to prevent smoking in a private vehicle when children are present**

- (1) The Health Act 2006 is amended as follows.
- (2) After section 8 insert –
  - “8A Offence of failing to prevent smoking in a private vehicle when children are present**
  - (1) It is the duty of any person who drives a private vehicle to ensure that that vehicle is smoke-free whenever a child or children under the age of 18 are in such vehicle or part of such vehicle.
  - (2) A person who fails to comply with the duty in subsection (1) commits an offence.
  - (3) A person convicted of an offence under this section who has not previously been convicted of such an offence shall have the option of attending a smoke-free driving awareness course in place of paying a fine under subsection (4).
  - (4) A person who does not wish to attend an awareness course or who has previously been convicted of an offence under this section is liable on summary conviction to a fine of £60.
  - (5) The Secretary of State may introduce regulations to alter the level of penalty payable under subsection (4).
  - (6) The Secretary of State shall update all relevant regulations regarding the offence created under subsection (2) within six months of this section coming into force.
  - (7) The Secretary of State shall introduce regulations within six months of this section coming into force to prescribe the format of the awareness course in subsection (3).”
- (3) In section 79(4)(a), leave out “or 8(7)” and insert “, 8(7), or 8A(5)”.

**Schedule 5**

LORD LESTER OF HERNE HILL

Page 189, line 9, at end insert –

- “( ) In Schedule 1 to the Children Act 2004, for paragraph 7 substitute –
- 7 The Secretary of State shall –
    - (a) pay to the Children’s Commissioner such sums as are reasonably sufficient for the purpose of enabling the Children’s Commissioner to perform his or her functions, and

**Schedule 5** – *continued*

- (b) have due regard to the views of any parliamentary committee which has published a view on the level at which such sums should be set.”







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