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## STATUTORY INSTRUMENTS

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# 2016 No. 507

## The Tobacco and Related Products Regulations 2016

### PART 3

#### Emissions, additives and other prohibited ingredients and products

##### Maximum emission levels of cigarettes

**13.**—(1) No person may produce, supply or manufacture for export any cigarettes with emission levels greater than—

- (a) 10 milligrams of tar per cigarette;
- (b) 1 milligram of nicotine per cigarette;
- (c) 10 milligrams of carbon monoxide per cigarette.

[<sup>F1</sup>(2) For the purposes of this regulation and regulation 14 as they apply in Great Britain, a person (“P”) manufactures a product for export if, in the course of a business, other than with a view to the product being supplied for consumption in Great Britain or through the GB travel retail sector, P—

- (a) manufactures the product, or
- (b) puts a name, trade mark, or other distinguishing mark on the product by which P is held out to be its manufacturer or its originator.

Such a product is referred to in this regulation and regulation 14 as a “product for GB export”.

(3) For the purposes of this regulation and regulation 14 as they apply in Northern Ireland, a person (“P”) manufactures a product for export if, in the course of a business, other than with a view to the product being supplied for consumption in Northern Ireland or through the NI travel retail sector, P—

- (a) manufactures the product, or
- (b) puts a name, trade mark, or other distinguishing mark on the product by which P is held out to be its manufacturer or its originator.

(4) Regulations may decrease the maximum emission levels specified in paragraph (1) in relation to—

- (a) cigarettes which are GB tobacco products, or
- (b) cigarettes which are products for GB export,

where this is necessary, based on internationally agreed standards.]

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**F1** Reg. 13(2)-(4) substituted for reg. 13(2) (31.12.2020) by [The Tobacco Products and Nicotine Inhaling Products \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1316\)](#), regs. 1(3), **3(13)** (with reg. 5))

## Measurement and verification of emission levels

**14.—**(1) The tar, nicotine and carbon monoxide emissions from cigarettes must be measured in accordance with standards ISO 4387 for tar, ISO 10315 for nicotine, and ISO 8454 for carbon monoxide.

(2) The accuracy of tar, nicotine and carbon monoxide measurements must be determined in accordance with standard ISO 8243.

(3) The Secretary of State must—

- (a) approve and monitor one or more laboratories (“approved laboratories”) which must not be owned or controlled directly or indirectly by the tobacco industry; and
- (b) arrange for an approved laboratory to verify the measurements referred to in paragraphs (1) and (2).

(4) For the purpose of enabling the Secretary of State to perform functions under paragraph (3) (b), a person who produces cigarettes, or manufactures cigarettes for export must provide to the Secretary of State (or to such person as the Secretary of State may specify) such samples, at such times and intervals and from such sources, as the Secretary of State may reasonably require.

[<sup>F2</sup>(5) Regulations may modify the methods of measurement of tar, nicotine and carbon monoxide emissions from cigarettes which are GB tobacco products or products for GB export, where this is necessary, based on scientific and technical developments or internationally agreed standards.

(6) Any regulations made under paragraph (5) must integrate standards agreed by the parties to the WHO Framework Convention on Tobacco Control or by the World Health Organization for measurement methods.]

**F2** Reg. 14(5)(6) inserted (31.12.2020) by [S.I. 2019/41](#), [regs. 1, 6\(12\)](#) (with [reg. 9](#)) (as amended by [The Tobacco Products and Nicotine Inhaling Products \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1316\)](#), [regs. 1\(3\), 3\(3\)\(14\), 5](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))

## No flavoured cigarettes or hand rolling tobacco etc.

**15.—**(1) No person may produce or supply cigarettes or hand rolling tobacco with a characterising flavour.

(2) No person may produce or supply cigarettes or hand rolling tobacco with—

- (a) a filter, paper, package, capsule or other component containing flavourings;
- (b) a filter, paper or capsule containing tobacco or nicotine; or
- (c) a technical feature allowing the consumer to modify the smell, taste, or smoke intensity of the product.

[<sup>F3</sup>(3) Regulations may—

- (a) specify whether a GB tobacco product has a characterising flavour;
- (b) set, in relation to GB tobacco products, maximum content levels for additives or a combination of additives that result in a characterising flavour.]

**F3** Reg. 15(3) inserted (31.12.2020) by [S.I. 2019/41](#), [regs. 1, 6\(13\)](#) (with [reg. 9](#)) (as amended by [The Tobacco Products and Nicotine Inhaling Products \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1316\)](#), [regs. 1\(3\), 3\(3\)\(15\), 5](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))

**[<sup>F4</sup>No flavoured NI heated tobacco products**

**15A.**—(1) No person may produce or supply NI heated tobacco products with a characterising flavour.

- (2) No person may produce or supply NI heated tobacco products with—
- (a) a filter, paper, package, capsule or other component containing flavourings;
  - (b) a filter, paper or capsule containing tobacco or nicotine; or
  - (c) a technical feature allowing the consumer to modify the smell, taste, or smoke intensity of the product.
- (3) In this regulation, “NI heated tobacco product” means a novel tobacco product which—
- (a) is heated to produce an emission containing nicotine and other chemicals, which is then inhaled by the user; and
  - (b) is produced for supply, or is supplied, for consumption in Northern Ireland or through the NI travel retail sector.]

**F4** [Reg. 15A](#) inserted (N.I.) (23.10.2023) by [The Tobacco and Related Products \(Amendment\) \(Northern Ireland\) Regulations 2023 \(S.I. 2023/920\)](#), regs. 1(2), **3(3)**

**No vitamins, colourings or prohibited additives in tobacco products**

- 16.**—(1) No person may produce or supply a tobacco product containing—
- (a) vitamins or other additives that create the impression that a tobacco product has a health benefit or presents reduced health risks;
  - (b) caffeine, taurine or other additives and stimulant compounds that are associated with energy and vitality;
  - (c) additives which have colouring effects on emissions; or
  - (d) in the case of tobacco products for smoking, additives that facilitate inhalation or nicotine uptake.

- (2) No person may produce or supply a tobacco product containing—
- (a) additives that have CMR properties in unburnt form; or
  - (b) additives in quantities that increase, to a significant or measurable degree, the toxic or addictive effect or CMR properties of the product when it is consumed.

(3) Nothing in this regulation prohibits the use of an additive which is essential for the manufacture of a tobacco product (for example, sugar when it is used to replace sugar that is lost during the curing process), provided that the additive does not result in a product with a characterising flavour, and does not increase to a significant or measurable degree, the toxic effect, addictive effect or CMR properties of the product when it is consumed.

- [<sup>F5</sup>(4) Regulations may, in relation to GB tobacco products—**
- (a) specify whether a tobacco product contains additives in quantities that increase the toxic or addictive effect, or the CMR properties of that tobacco product at the stage of consumption to a significant or measurable degree;
  - (b) where an additive or a certain quantity thereof has been shown to increase the toxic or addictive effect of a tobacco product, set maximum content levels for that additive.]

**F5** Reg. 16(4) inserted (31.12.2020) by S.I. 2019/41, regs. 1, **6(14)** (with reg. 9) (as amended by The Tobacco Products and Nicotine Inhaling Products (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1316), regs. 1(3), **3(3)(16)**, 5); 2020 c. 1, **Sch. 5 para. 1(1)**

**[<sup>F6</sup>Regulations: procedures for determining characterising flavour : GB tobacco products**

**16A.—**(1) Regulations may establish procedures for determining whether a GB tobacco product—

- (a) has a characterising flavour; or
  - (b) contains additives in quantities that increase the toxic or addictive effect, or the CMR properties, of that tobacco product at the stage of consumption to a significant or measureable degree.
- (2) Regulations made under paragraph (1) may—
- (a) provide for any determination to be made by—
    - (i) the Secretary of State; or
    - (ii) a person authorised by the Secretary of State for that purpose;
  - (b) establish, and provide for the operating procedures of, an independent advisory panel;
  - (c) be varied from time to time, including to take account of scientific and market developments in relation to tobacco products;
  - (d) make different provision for different cases or descriptions of case, different circumstances, different purposes or different areas;
  - (e) be revoked.
- (3) Before making regulations under this regulation the Secretary of State must consult such persons (or representatives of such persons) as appear to the Secretary of State to be likely to be substantially affected by them.]

**F6** Reg. 16A inserted (31.12.2020) by S.I. 2019/41, regs. 1, **6(15)** (with reg. 9) (as amended by The Tobacco Products and Nicotine Inhaling Products (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1316), regs. 1(3), **3(3)(17)** (with reg. 5)); 2020 c. 1, **Sch. 5 para. 1(1)**

**Tobacco for oral use**

**17.** No person may produce or supply tobacco for oral use.

**Changes to legislation:**

There are currently no known outstanding effects for the The Tobacco and Related Products Regulations 2016, PART 3.