

# Report on the Tobacco and Vapes Bill Legislative Consent Memorandum No.2

June 2025

## 1. The Tobacco and Vapes Bill

### Background

1. The Tobacco and Vapes Bill (“the Bill”), was introduced to the UK Parliament on 5 November 2024.
2. The Welsh Government laid a Legislative Consent Memorandum (“Memorandum No.1”)<sup>1</sup> in respect of the Bill before the Senedd on 20 November 2024. The Committee considered Memorandum No.1 at its meeting on 6 February 2025 and laid its report<sup>2</sup> on 28 February 2025.

## 2. The Supplementary LCM

### Background

3. A Supplementary Legislative Consent Memorandum (“Memorandum No.2”)<sup>3</sup> was laid on 4 April 2025. This was referred to the Committee with a reporting deadline of 6 June 2025.

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<sup>1</sup> Legislative Consent Memorandum: Tobacco and Vapes Bill

<sup>2</sup> Report on the Legislative Consent Memorandum for the Tobacco and Vapes Bill

<sup>3</sup> Supplementary Legislative Consent Memorandum No.2



4. The Committee considered Memorandum No.2 at its meeting on 21 May 2025.

## 3. Provisions for which consent is required

### Overview

5. The UK Government laid amendments during the House of Commons Report Stage which require Senedd consent in relation to:

- Age verification - tobacco products
- Age verification - vapes and nicotine products
- Tobacco, vaping and nicotine product vending machines
- The display of tobacco related devices in shops or online places.

### The UK Government's view on consent

6. The UK Government has sought consent for amendments to clauses 1, 3, 10, 12, 14, 46 and 48, as they have been determined by the UK Government to engage the LCM process. The Welsh Government agree with the UK Government's assessment.

7. Clauses 1, 3, 10, 12, 14, 46 and 48 were all identified to engage the LCM process in the LCM laid in Memorandum No.1.

8. These clauses as amended, except for clause 46 which has been removed, continue to make relevant provision in relation to Wales that has regard to devolved matters. The purpose of the clauses continue to be the protection of public health in Wales.

### The Welsh Government's view on consent

9. The Welsh Government's LCM at paragraph 35 states:

*"it is appropriate to deal with these provisions in this UK Bill as there is a need for a UK wide approach to dealing with these products and will ensure a consistent and effective regulatory regime throughout the UK. I strongly support the policy*

*proposals of the Bill and therefore, I recommend that the Senedd supports the proposals and gives its consent.”.*

## **Our view**

**10.** A majority of us support the principles of the Tobacco and Vapes Bill to create a smoke-free generation, to reduce tobacco use and to help tackle the problems of youth vaping. As such we see no reason that the Senedd should not support this Supplementary Legislative Consent Memorandum.

**11.** One Member could not support the SLCM on the basis of concerns about the long-term, ‘generational’ nature of the Bill.

**12.** Separately, one member of the Committee has placed on record their objection, in principle, to legislation affecting devolved Welsh matters – namely public health, being enacted via a UK Government Bill.

**Conclusion 1.** A majority of the Committee see no reason that the Senedd should not support Supplementary Legislative Consent Memorandum No.2.