

## **SUPPLEMENTARY LEGISLATIVE CONSENT MEMORANDUM (MEMORANDUM NO 3)**

### **Tobacco and Vapes Bill**

1. This legislative consent memorandum (LCM) is laid under Standing Order (“SO”) 29.2. SO29 prescribes that an LCM must be laid, and a legislative consent motion may be tabled, before Senedd Cymru if a UK Parliamentary Bill makes provision in relation to Wales which has regard to devolved matters.
2. The Tobacco and Vapes Bill (“the Bill”) was introduced in the UK Parliament, the House of Commons, on 5 November 2024. I laid an LCM on 20 November 2024.
3. The Bill completed Commons Report Stage on 26 March 2025. A Supplementary LCM covering UK Government amendments tabled during Commons Report Stage was laid on 4 April 2025.
4. This Supplementary LCM covers UK Governments amendments tabled during Lords Committee Stage on 20 October 2025. The latest version of the Bill is available at: [Tobacco and Vapes Bill Committee stage - Parliamentary Bills - UK Parliament](#)

### **Policy Objectives**

5. The UK Government’s stated policy objectives of the Bill are to introduce measures to stop people from ever starting smoking and becoming addicted to tobacco products, as well as introducing measures to reduce youth vaping. The core measures in the Bill will:
  - create a smoke-free generation, gradually ending the sale of tobacco products across the country and breaking the cycle of addiction and disadvantage by making it an offence to sell tobacco products to anyone born on or after 1 January 2009;
  - enable regulation to strengthen the existing ban on smoking in public places to reduce the harms of passive smoking, particularly around children, families and vulnerable people;
  - ban vapes and nicotine products from being deliberately branded, promoted and advertised to children to stop the next generation from becoming hooked on nicotine;
  - strengthen enforcement activity to support implementation of the above measures and provide powers to introduce a licensing scheme for the retail sale of tobacco, herbal smoking products, cigarette papers, vapes and nicotine products in England, Wales and Northern Ireland and extend the retail registration scheme in Scotland.
  - the Bill sits alongside wider support across the health service to support smokers to quit.
6. The Bill modifies, amends, extends, and re-enacts several existing tobacco and vaping control measures to create a consistent legislative framework. These changes will help to ensure a consistent application of the law, close loopholes, improve readability and subsequent enforcement. The Bill broadly seeks to align

provisions across the UK, building on the existing legislative frameworks that apply across the UK.

### **Summary of the Bill**

7. A summary of the Bill was provided in the first LCM laid on 20 November 2024 and remains accurate.

### **Update on position since the publication of the second Legislative Consent Memorandum**

8. The Bill passed to the third reading in the House of Commons on 26 March 2025. The Bill had its first and second readings in the House of Lords on 27 March 2025 and 23 April 2025.
9. The Bill entered Lords Committee Stage on 27 October 2025. Ahead of Lords Committee Stage, the UK Government tabled 45 amendments. Those amendments which meet the SO 29 test requiring an LCM to be laid are detailed below.

### **Provisions tabled by the UK Government to the Bill for consideration at Lords Committee Stage for which consent is required**

10. The UK Government tabled amendments ahead of Lords Committee Stage on 20 October 2025 which require consent of the Senedd under SO 29. They address issues identified during the passage of the Bill and relate to provisions regarding:
  - a. Liability of others for certain offences committed by bodies (clause 31);
  - b. Enforcement powers (clause 103);
  - c. Commencement date for the amendments to the definition of a tobacco product in the Tobacco Advertising and Promotion Act 2002 (clause 168).

### **Provision in relation to Part 1: Sale and distribution: England and Wales**

#### **Clause 31 (Liability of others for certain offences committed by bodies)**

11. This corrects a minor drafting error in clause 31. It amends the reference in clause 31(2) from “regulations under section 13 and 14” to “regulations under section 13 or 14”. An LCM was laid in respect of clause 31 and this amendment makes relevant provision under SO 29.

### **Enforcement powers in relation to Part 5: Product and information requirements etc**

#### **Clause 103 (Amendment to remove clause 103 and insert new clause): Enforcement**

12. Clause 103 (clause 104 as introduced) contains provision stating that regulations made under Part 5 (product information and requirements etc) may include

provision about enforcement. An LCM was laid in respect of clause 103 and these amendments make relevant provision under SO 29.

#### New clause 103(1)

13. There are two minor changes to existing clause 103(1)(b)(i). The effect of the first amendment to clause 103(1)(b)(i) is to state that any function of a local weights and measures authority in Wales is to be discharged by Welsh Ministers, thus broadening the scope. The second amendment now refers to “the regulations” instead of “provision” which is a minor drafting change and has no impact.
14. The effect of the amendment to clause 103(1)(b)(ii) is that the references to offences committed under any Part 5 regulations are now references to Part 5. This broadens the scope. There are currently no offences set out in Part 5 but any offences added in the future would be covered by the amendments to this provision.

#### New clause 103(3) to (5)

15. The current clause 103(2) and (3) are replaced with new subsections (3) to (5).
16. Subsections (3) and (4) provide powers of enforcement which may be included in regulations, including prohibition of sale, forfeiture and seizure.
17. Subsection (5) of the new clause states that the enforcement provisions may include provision conferring jurisdiction on a court or tribunal, including jurisdiction to order a person to reimburse an enforcement authority’s expenses.
18. The purpose of this amendment is to avoid referring to powers set out in the Consumer Protection Act 1987. These powers are intended to be repealed by the Product Regulation and Metrology Act 2025 which came into force on 21 July 2025. The repeals have yet to take effect.

#### New clause 103(6)

19. New clause 103(6) provides interpretation for the enforcement provisions at clause 103.
20. Minor grammatical and technical amendments are made to the definition of “relevant enforcement authority”. They do not change the substance of the underlying provision.
21. A definition of “supplying” has been added meaning “(a) agreeing to supply; (b) offering or exposing for supply”.

### **Commencement provisions in relation to Part 8: General**

#### Clause 168 (Commencement of Parts 5 to 8)

22. Clause 168 makes commencement provision for Parts 5 to 8.
23. There are two linked amendments to clause 168(2). A new clause 168(2)(za) is added which provides that clause 131 comes into force on the date the Act is passed. Resultingly, the reference to clause 131 is removed from clause 168(2)(a), which stipulated that clause 131 would have commenced 2 months after the Act was passed.
24. Clause 131 amends section 1 of the Tobacco Advertising and Promotion Act 2002, to align the definition of 'tobacco product' with the definition set out in the Bill. The definition now reads: "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 purpose of this amendment is to bring forward the commencement date of clause 131.

### **UK Government view on the need for consent**

25. The UK Government has sought consent for the amendments listed above to clauses 103 and 168, as they have been determined by the UK Government to engage the LCM process. I agree with UK Government's assessment. I also consider that consent is required for the amendment to clause 31 because it makes provision with regard to devolved matters.

### **Reasons for making these provisions for Wales in the Tobacco and Vapes Bill**

26. The amendments laid by the UK Government will strengthen the Bill in an appropriate way that addresses policy issues or potential loopholes, ensuring the public health aims of the provisions will be achieved.
27. The reasoning set out in the previous LCMs as to why it is appropriate for this UK Bill to make provision for Wales still stands but I restate those reasons here for ease of reference.
28. The Bill will provide legislative changes across the United Kingdom, offering an opportunity to achieve a smokefree generation and to protect children from vaping and other nicotine products. These are key policy objectives of the Welsh Government and will save thousands of lives, reduce pressure on the Welsh NHS and save the UK economy billions of pounds. The response to the UK-wide consultation overwhelmingly backed the measures.
29. Given the nature of the regulation and enforcement of tobacco, vapes, herbal tobacco and nicotine products, and the product, advertising and sponsorship requirements, a collaborative approach between the four nations of the UK is the most efficient and effective way to proceed for Wales and the UK. The starting point for the regulatory regime for these products should be that it is, as far as possible, identical across the UK or at least Great Britain. Further, as far as possible, that it should be introduced at the same time. Otherwise, products that are acceptable in one part of the UK may be able to enter another part of the UK where they might not meet regulations.

30. The Bill enables policy objectives to be achieved in a manner that also provides coherence and consistency throughout the UK. This approach achieves a single regulation regime across the whole of the UK as a way of ensuring a coherent and operable system across the whole of the UK regarding these products.

### **Financial implications**

31. The amendments do not introduce any additional financial obligations for the Welsh Government.

### **Conclusion**

32. In my view 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 these amendments and therefore, I recommend that the Senedd supports the proposals and gives its consent.

**Sarah Murphy MS**  
**Minister for Mental Health and Wellbeing**  
**31 October 2025**