

SUPPLEMENTARY LEGISLATIVE CONSENT MEMORANDUM (MEMORANDUM NO 4)

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 (Supplementary LCM No. 2) covering UK Government amendments tabled during Commons Report Stage was laid on 4 April 2025. The Bill moved to the House of Lords Committee Stage on 27 October 2025. A Supplementary LCM (Supplementary LCM No.3) in relation to clause 31 (Liability of others for certain offences committed by bodies), clause 103 (Enforcement powers) and clause 168 (Commencement date for the amendments to the definition of a tobacco product in the Tobacco Advertising and Promotion Act 2002) was laid on 31 October 2025 in relation to amendments tabled by the UK Government on 20 October 2025. Supplementary LCM No. 3 was withdrawn on 21 November as the UK Government withdrew their amendments on 7 November 2025 due to a procedural matter in the UK Parliament. House of Lords Committee Stage concluded on 26 November 2025 and Report stage commenced on 24 February 2026.
4. The Legislative Consent Motion for the Tobacco and Vapes Bill was agreed by the Senedd on 9 December 2025.
5. This Supplementary LCM covers UK Governments amendments tabled ahead of Lords Report Stage on 19 February 2026 which includes all the amendments previously withdrawn as noted above. The amendments which were previously withdrawn are also noted below at the paragraphs dealing with clauses 31, 103 and 168. The latest version of the Bill is available at: [Tobacco and Vapes Bill](#).

Policy Objectives

6. 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.
7. 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

8. 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 third Legislative Consent Memorandum

9. As noted above, the UK Government tabled amendments ahead of Lords Report Stage on 19 February 2026 which include those previously tabled during Lords Committee Stage and withdrawn for procedural reasons (amendments to clauses 31, 103 and 168).

Amendments tabled by the UK Government to the Bill for consideration at Lords Report Stage for which consent is required

10. The UK Government tabled the following amendments ahead of Lords Report Stage on 19 February 2026 which meet the test in SO 29. I have no policy concerns in relation to these amendments which address issues identified during the passage of the Bill as they are in line with the spirit of the Bill, its objectives and the consent already given by the Senedd.

Part 1: Sale and distribution: England and Wales

- a. Change of Parliamentary procedure for age verification regulations (clauses 1 and 10, amendment numbers 3 and 12).
- b. Exception to offence regarding vape vending machines (clause 12, amendment numbers 14 and 15).
- c. Minor drafting correction relating to liability of others for certain offences (clause 31 amendment number 49).

- d. Removal of requirement to pay proceeds from Fixed Penalty Notices (FPNs) into the Consolidated Fund (clause 38 and the second new clause after Clause 39, amendment numbers 64, 65, 69 and 74 (so far as they relate to above)).

Part 1: Sale and distribution: England and Wales, Part 4: Snus etc: Seizure and detention powers, Part 5: Product and information requirements, Part 6: advertising and sponsorship

- e. Amendments to enable regulation of filters (clauses 45, 47, new clause after clause 88, 89 to 97 99, 100, 111, 132 and 134. Amendment numbers 84, 85, 86, 121, 122, 128, 135 to 143, 146, 188 and 191).
- f. Powers to regulate technology in vape devices under Part 5 (clause 90, amendment numbers 130 and 132).
- g. Amendment to powers to create offences under Part 5 (clause 102, amendment number 144).
- h. Amendment to enforcement provisions under Part 5 (clause 103, amendment number 145).
- i. Exemption for internet service providers to certain advertising offences in Part 6 (new clause after clause 118, amendment number 165).
- j. Defence to advertising offences for public health campaigns and an exception to the prohibitions set out in section 368F Communication Act 2003 for on-demand programme services for public health campaigns (Part 6) (new clause after clause 119 and Schedule 16, amendment numbers 166, 175, 176, 177 and 178).
- k. Amendments to section 319 Communications Act 2003 relating to product placement in on-demand programme services (Schedule 16, amendment number 173, 174).
- l. Amendment to section 368H Communication Act 2003 providing product placement exception for on-demand programme service providers for production commencing before specified dates, and clarifying an ambiguity in interpretation (Schedule 16, amendment number 179, 180, 181 and 182).

Part 8: General

- m. Duty for Secretary of State to review the Act (Part 8) (New clause before clause 158, amendment number 205).
- n. Amendments consequential on the changes to the terminology for Welsh secondary legislation and legislation procedures introduced by the Legislation (Procedure, Publications and Repeals) (Wales) Act 2025 (Part 8) (clause 165, amendment numbers 209 to 215 (so far as they relate to the above)).

- o. Amendment to commencement date for the amendments to the definition of a tobacco product in the Tobacco Advertising and Promotion Act 2002 (clause 168, amendment number 218 and 219).
11. A description of the tabled amendments is set out below with reference to the clause number. Unless otherwise indicated, all the clauses referred to below are the subject of earlier LCM's.

Age of sale offences - change of regulation procedure

Clause 1 (amendment number 3) Sale of tobacco etc

12. Clause 1 introduces a new age of sale restriction for tobacco products, herbal smoking products and cigarette papers and makes it an offence for retailers to sell these products to anyone who is born on or after 1 January 2009. It provides a power to the Secretary of State to make regulations specifying steps to take to verify a customer's age. This is subject to the consent of the Welsh Ministers on matters within their legislative competence. The regulations require a negative resolution.
13. The amendment changes the nature of the regulation procedure from the negative to the affirmative resolution procedure to all allow greater Parliamentary scrutiny.

Clause 10 (amendment number 12) Sale of vaping or nicotine products to under 18s

14. Clause 10 makes it an offence to sell a vaping or nicotine product to someone under the age of 18. Save for this, the nature and structure of this clause is the same as for clause 1.
15. The nature of this amendment is the same as for clause 1.

Exception to offence regarding vape vending machines

Clause 12 (amendment number 14 and 15) Vaping and nicotine product vending machines)

16. Clause 12 makes it an offence for a person who manages or controls a premises to have a vape or nicotine product vending machine available for use on the premises. This mirrors an equivalent provision for tobacco (clause 3) which re-states an existing offence about the availability of tobacco vending machines.
17. Amendments 14 and 15 create an exception to the offence for England and Wales. This permits adult mental health institutions to have a vape vending machine in an area intended wholly or mainly for inpatients. This is to enable them to purchase vapes to aid smoking cessation.

Minor amendments to wording relating to liability of others for certain offences

Clause 31 (amendment 49) Liability of others for certain offences committed by bodies

18. Clause 31 makes a “relevant person” liable for an offence committed by a body where the offence has been committed with their consent, connivance, or neglect.
19. This amendment corrects a drafting ambiguity 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”. The amendment clarifies that a reference to regulations under these sections includes a reference to either or both of them.

Fixed penalty notices: use of proceeds

Clauses 38 (amendments 64, 65, 67, 69) Fixed penalties: use of proceeds and second new clause after Clause 39 (amendment 74) Fixed penalties in Wales: use of proceeds

20. The tabled amendments include some amendments relating to a restructure of certain licensing enforcement provisions to reflect updates relating to the two tier local authority structure in England. Those amendments do not affect Wales but certain enforcement provisions relating to England and Wales were separated out. Where the underlying restructured provision for Wales made no underlying change to the provisions, they do not meet the test under SO 29 and are not included in this LCM. Where the restructured provision includes amendments that meet the SO 29 test, they are included in this LCM. This is the case for some of the amendments relating to clause 38 and the second new clause after clause 39. Those amendments so far as they affect Wales are noted below. As a result of the restructure, the provisions of clause 38 now relate to England only. The equivalent provision for Wales (as detailed below), is now in the second new clause after clause 39.
21. Clause 38 provides that proceeds received from FPNs for offences in connection with licensing in England (clause 17) and Wales (clause 20) must be paid to the relevant Consolidated Fund once enforcement costs of investigating the offence and issuing the FPN have been deducted by the local weights and measures authority. Enforcement authorities are required to use the proceeds for specific statutory functions relevant to the objectives of the Bill.
22. The amendments to clause 38 remove the requirement to pay the proceeds received from FPN’s issued for licensing offences into the relevant Consolidated Fund. The relevant enforcement authority can retain sums received from FPN’s to be used in connection with the specified statutory functions.
23. A new clause is inserted after clause 39 relating to the use of proceeds of FPN’s in Wales. This was part of the restructure of provisions noted above. This clause includes updates relating to the proceeds of fixed penalty notices in the same

manner as those stated for clause 38 noted above (which now relates only to England). Accordingly, relevant enforcement authorities in Wales can retain the proceeds from FPN's for licensing provisions, to be used in connection with the same statutory functions.

Regulation of filters

Clause 45 (amendments 84 and 85) Power to extend Part 1 to other products

24. Clause 45 provides the Secretary of State with powers to extend the scope of the provisions of Part 1 (Sale and distribution: England and Wales) to include heated tobacco products. The Welsh Ministers must consent to the provisions on matters within the Senedd's legislative competence.
25. The amendments provide the Secretary of State with a power to make any provision in Part 1 that applies to tobacco products to also apply to filters that do not form part of a tobacco product or herbal smoking product.

Clause 47 (amendment no. 86) Interpretation of Part 1

26. Clause 47 provides the definitions for Part 1 of the Bill. Amendment 86 adds the definition of a filter to clause 47. This definition is intended to cover any filter used when smoking a tobacco product or herbal smoking product as well as filters that form part of or are intended to be inserted into an item such as a cigarette holder or pipe.

New clause after clause 88 (amendment 121) Extension of section 88 to filters

27. This clause relates to clause 88 (Part 4 of the Bill) which provides powers to an Officer of Revenue and Customs to seize and detain oral tobacco products for the purpose of facilitating enforcement of a relevant offence. Amendment 121 adds a new clause which provides the Secretary of State the power to amend clause 88 to include filters.

Clause 89 (amendment no. 122) Retail packaging

28. Clause 89 provides powers for the Secretary of State to make regulations about the packaging of tobacco products, tobacco related devices, herbal smoking products, cigarette papers, vaping products and nicotine products ("the Restricted Products"). The Welsh Ministers must consent to the provisions on matters within the Senedd's legislative competence.
29. Amendment 122 adds filters to the list of Restricted Products covered by the clause.

Clause 90 (amendment 128) Features of products

30. Clause 90 provides the Secretary of State with a power to make regulations about various features of the Restricted Products, such as the markings, the

information on such products and the appearance. The Welsh Ministers must consent to the provisions on matters within the Senedd's legislative competence.

31. Amendment 128 adds filters to the list of Restricted Products covered by the clause.

Clause 91 (amendment 135) Contents and flavour

32. Clause 91 provides the Secretary of State with a power to make regulations about the contents and flavour of the Restricted Products. The Welsh Ministers must consent to the provisions on matters within the Senedd's legislative competence.

33. Amendment 135 adds filters to the list of Restricted Products covered by the clause.

Clause 92 (amendment 136) Substances released into human body and emissions

34. Clause 92 provides the Secretary of State with a power to make regulations about the nature and amount of substances and emissions that may be released by the Restricted Products. The Welsh Ministers must consent to the provisions on matters within the Senedd's legislative competence.

35. Amendment 136 adds filters to the list of Restricted Products covered by the clause.

Clause 93 (amendment 137) Non-compliant images

36. Clause 93 provides the Secretary of State with regulation making powers to prohibit a person from publishing a "non-compliant" image of the Restricted Products. The Welsh Ministers must consent to the provisions on matters within the Senedd's legislative competence.

37. Amendment 137 would add filters to the list of Restricted Products covered by the clause.

Clause 94 (amendment 138) Registration

38. Clause 94 provides the Secretary of State with a power to establish a register of the Restricted Products. Regulations can specify provisions relating to the operation of the register, the publication of the register and fees to maintain the register. The Welsh Ministers must consent to the provisions on matters within the Senedd's legislative competence.

39. Amendment 138 would add filters to the list of Restricted Products covered by the clause.

Clause 95 (amendment 139) Information

40. Clause 95 provides the Secretary of State with a power to require a producer or importer of one or more of the Restricted Products to provide information related to the product or its producer. The Welsh Ministers must consent to the provisions on matters within the Senedd's legislative competence.
41. Amendment 139 would add filters to the list of Restricted Products covered by the clause.

Clause 96 (amendment 140) Studies

42. Clause 96 provides the Secretary of State with a power to require a producer of one or more of the Restricted Products to carry out a study and submit the results. The Welsh Ministers must consent to the provisions on matters within the Senedd's legislative competence.
43. Amendment 139 would add filters to the list of Restricted Products covered by the clause.

Clause 97 (amendment 141) Responsible person

44. Clause 97 provides the Secretary of State with a power to require a producer of one or more of the Restricted Products to nominate an individual to be responsible for supplying information that must be provided in accordance with regulations made under clauses 94 (Registration), 95 (Information) and 96 (Studies). The Welsh Ministers must consent to the provisions on matters within the Senedd's legislative competence.
45. Amendment 141 adds filters to the list of Restricted Products covered by the clause.

Clause 99 (amendment 142) product safety

46. Clause 99 provides the Secretary of State with a power to make regulations that requires producers or importers of one or more of the Restricted Products to have a process in place for collecting information on the effect of their product on human health and safety. The Welsh Ministers must consent to the provisions on matters within the Senedd's legislative competence.
47. Amendment 142 adds filters to the list of Restricted Products covered by the clause.

Clause 100 (amendment 143) Matters dealt with by 2016 regulations

48. Clause 100 provides the Secretary of State with powers to make provision in regulations in relation to one or more of the Restricted Products that is similar to any provision in The Tobacco and Related Products Regulations 2016 (TRPR 2016). The Welsh Ministers must consent to the provisions on matters within the Senedd's legislative competence.

49. Amendment 143 would add filters to the list of Restricted Products covered by the clause.

Clause 111 (amendment 146) Interpretation of Part 5

50. Clause 111 sets out definitions for Part 5 of the Bill.

51. Amendment 146 would add the definition of a filter to Part 5 of the Bill. This definition is intended to cover any filter used when smoking a tobacco product or herbal smoking product as well as filters that form part of or are intended to be inserted into an item such as a cigarette holder or pipe.

Clause 132 (amendment 188) Power to extend Part 6 and Communications Act 2003 to other products

52. Clause 132 provides the Secretary of State with powers to amend Part 6 and the Communications Act 2003 for the purpose of extending any provision that applies in relation to a tobacco product to: (a) any device that enables a tobacco product to be consumed (such as a heated tobacco device); (b) an item which is intended to form part of such a device. The Welsh Ministers must consent to the provisions on matters within the Senedd's legislative competence.

53. Amendment 188 adds filters to the list of items that the Secretary of State may make regulations for under this clause, for the purpose of extending to filters any provision that applies in relation to a tobacco product.

Clause 134 (amendment 191) Interpretation of Part 6

54. Clause 134 provides the definitions for Part 6. Amendment 191 adds the definition of filter.

Technology in vape devices

Clause 90 (amendments 130 and 132) Features of products

55. As noted above in relation to filters, clause 90 provides the Secretary of State with a power to make regulations about the features of the Restricted Products. The Welsh Ministers must consent to the provisions on matters within the Senedd's legislative competence.

56. Amendments 130 and 132 adds to the list of product features on which the Secretary of State can make regulations. This would enable the Secretary of State to also make provision about the technological features of tobacco related devices (such as heated tobacco devices) or a vaping product. For example, regulations could regulate the use of Bluetooth connectivity to limit or prohibit the gamification of vapes.

Offences

Clause 102 (Amendment 144) Offences

57. Clause 102 provides for the creation of offences for the failure to comply with any regulations made under Part 5. The clause provides that offences must be triable either way and sets out the maximum term of imprisonment (2 years), subject to the general limit of the magistrates' court for offences tried summarily. The power to specify fines is also permitted. The Welsh Ministers must consent to the provisions on matters within the Senedd's legislative competence.
58. Amendment 144 removes the requirement for regulations to provide that offences must be triable either way. This would allow summary only offences to be created for minor offences. The clause is more simply stated and provides powers for any penalty to be specified, but a term of imprisonment may not exceed two years.

Enforcement

Replacement Clause 103 (Amendment 145) Enforcement

59. 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. The Welsh Ministers must consent to the provisions on matters within the Senedd's legislative competence.

New clause 103(1)

60. 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.
61. 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)

62. The current clause 103(2) and (3) are replaced with new subsections (3) to (5).
63. Subsections (3) and (4) provide powers of enforcement which may be included in regulations, including prohibition of sale, forfeiture and seizure.
64. 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.

65. The purpose of this amendment is to avoid referring to powers set out in the Consumer Protection Act 1987. These powers were 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)

66. New clause 103(6) provides interpretation for the enforcement provisions at clause 103.

67. Minor grammatical and technical amendments are made to the definition of “relevant enforcement authority”. They do not change the substance of the underlying provision.

68. A definition of “supplying” has been added meaning “(a) agreeing to supply; (b) offering or exposing for supply”.

Advertising – exception for internet service providers

New clause after clause 118 (amendment 165) Exceptions for internet service providers (conduits, caching and hosting)

69. Amendment 118 provides a new clause in Part 6 which relates to advertising and sponsorship. Part 6 includes a number of offences relating to advertising and sponsorship. This amendment introduces an exception to certain offences for internet service providers where they act as intermediaries and conduits in relation to information in a communication network. Those activities include transmitting, providing access to, and storing information.

70. The providers do not commit an offence by undertaking those activities if they act as an intermediary. The new clause relates to the protection of public health and has regard to devolved matters.

Advertising - public health defence to advertising offences and public health exception to restrictions set out in the Communications Act 2003

New clause after Clause 119 (amendment 166) Advertising defence: public health campaigns

71. Clauses 113 to 118 of Part 6 sets out offences in relation to the advertising and sponsorship of the restricted products specified.

72. Amendment 166 creates a defence to those offences. This applies to offences in relation to vaping and nicotine products where the person reasonably believes that the promotion of the product is in accordance with arrangements made by a public authority. For example, this would enable public health authorities to have arrangements with businesses to promote non-branded vapes and nicotine products for public health reasons such as smoking cessation. This also introduces a requirement on public authorities to only make such arrangements

for the purpose of promoting public health. This new provision has regard to devolved matters as it relates to the protection of public health.

Schedule 16 (Amendments 175, 176, 177 and 178) Advertising etc: audiovisual and radio broadcasting – section 368F Communications Act 2003 - public health exception

73. Clause 126 / Schedule 16 introduces amendments to section 368F Communications Act 2003. This prohibits advertising in on-demand programme services in relation to the restricted products including cigarettes or other tobacco products.
74. The amendment provides for an exception to the prohibited advertising set out in section 368F Communications Act 2003 for on-demand programme services. Advertising of vaping and nicotine products is permitted where it is pursuant to an arrangement with a public authority for public health campaigns if other conditions are met.

Advertising – on-demand programme services - product placement

Amendments to Schedule 16 (amendments 173 and 174) – amendments to section 319 Communications Act 2003 – product placement

75. Clause 126 / Schedule 16 includes a series of amendments to the Communication Act 2003 in Part 6. The provisions relate to advertising and sponsorship in relation to audiovisual and radio broadcasting.
76. Schedule 16 included amendments to section 319 Communications Act 2003. Section 319 requires OFCOM to set standards for the content of television and radio programmes to serve standards objectives in a code. One of the standards objectives is to ensure that the product placement requirements are met in relation to programmes included in a television programme service.
77. The amendment provides that these product placement requirements do not apply to herbal smoking products, cigarette papers and nicotine products, as well as vaping products where programmes began production before paragraph 8 of Schedule 16 to the Bill comes into force. This reflects the intention that the restrictions are only intended to apply to programming produced after the provisions take effect in respect of television / audio and on-demand programme services.

Advertising – on-demand programme services – prohibition on product placement and exceptions

Schedule 16 (amendments 179, 180, 181 and 182) – Section 368H Communication Act 2003

78. Schedule 16 of the Bill introduced amendments to section 368H Communications Act 2003. Section 368H sets out product placement

prohibitions in respect of restricted products which apply to on-demand programme services.

79. This amendment updates section 368H of the Communications Act 2003. The amendment provides that the product placement prohibitions do not apply to herbal smoking products, cigarette papers and nicotine products, as well as vaping products, where the programmes began production before the changes in the Bill come into force. This aligns with the intention of the provision to apply to programming produced after the on-demand provisions of the Bill take effect.

Review of the Act

New clause after Clause 158 (amendment 205) Review of the Act

80. Amendment 205 adds a new clause after Clause 158 to require the Secretary of State to review the operation of the Act within a specified period and report the conclusions to Parliament. The Secretary of State must consult the devolved governments. This new clause relates to the protection of public health and has regard to devolved matters.

Amendments consequential on the changes to the terminology for Welsh secondary legislation and legislation procedures introduced by the Legislation (Procedure, Publications and Repeals) (Wales) Act 2025

Clause 165 (amendments 209 to 215) Regulations and orders: procedure

81. Changes to the terminology used in Wales to describe Welsh secondary legislation and legislative procedures were introduced by the Legislation (Procedure, Publications and Repeals (Wales) Act 2025. As a result, amendments 209 to 215 update the provisions of the Bill to reflect the updated terminology for Wales. A statutory instrument is now referred to as a Welsh statutory instrument in Wales and there is new terminology to describe the negative and affirmative approval procedures. Although the individual clauses setting out the Welsh Ministers' powers continue to refer to the former terminology for Wales, the updated terminology is addressed by these amendments, which are made to clause 165.

Commencement date in relation to the definition of a tobacco product in the Tobacco Advertising and Promotion Act 2002

Clause 168 (amendments 218 and 219) Commencement of Parts 5 to 8

82. Clause 168 makes commencement provision for Parts 5 to 8.
83. 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.

84. 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

85. The UK Government has sought consent for amendments 3, 12, 14, 15, 49, 64, 65, 67, 69, 74, 84, 85, 86, 122, 128, 130, 132, 135 - 146, 188, 191, 218, and 219 as they have been determined by the UK Government to engage the LCM process. I agree with UK Government’s assessment in respect of these clauses. I also consider that consent is required for the amendments to clauses 121, 165, 166, 173 - 182, 205, 209 -215, 218 and 219 as in my view, these clauses make provision in relation to Wales that have regard to the devolved matter of public health. As a result, in accordance with Standing Order 29, Senedd consent is required.

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

86. 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.
87. 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.
88. 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.
89. 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.
90. 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

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

Conclusion

92. 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.

93. These amendments make provision in line with the consent previously given by the Senedd.

Sarah Murphy MS
Minister for Mental Health and Wellbeing
6 March 2026