

Eluned Morgan MS
Cabinet Secretary for Health and Social Care

30 April 2024

Dear Eluned

Legislative Consent Memorandum on the Tobacco and Vapes Bill

I refer to your letter of 16 April 2024 to the Llywydd regarding the above legislative consent memorandum.

In your letter, you state that the Bill is jointly supported by the four governments of the UK and is largely within the Senedd's competence, adding that:

"The rapid development of the Bill, and the complexity and breadth of the provisions has meant that it has not been possible for my officials to complete the detailed analysis required within the normal two week deadline set out in Standing Orders."

Given that the intention to legislate was announced on 4 October 2023 and that the Bill is supported by the four governments of the UK, we are unclear why the Welsh Government has not been able to comply with the Senedd's Standing Orders following the Bill's introduction on 20 March 2024.

We would therefore be grateful if you could write to us with a commentary of the inter-governmental discussions that have taken place on the Bill and to provide a timeline of those discussions, referencing any contacts between officials and between Ministers.

It would also be helpful to understand if the *United Kingdom Internal Market Act 2020* was an influencing factor in the decision to adopt a four government approach to the legislation. We would be grateful if your commentary of inter-governmental discussions could cover any consideration of the impact of the 2020 Act, were the governments to legislate separately.


We recognise that Standing Order 29.3 requires certain information to be provided in the memorandum about the delegated powers to be provided by the Bill to the Welsh Ministers. Given that concerns have been raised about the nature of these powers, we would be grateful if you could let us know:

- what discussions you held with the UK Government about the level of detail to be placed on the face of the Bill;
- if you asked for any powers to be delegated to the Welsh Ministers and if so, whether you were able to influence the scope of those powers;
- whether you were able to influence the relevant procedure for each delegated power.

We would be grateful to receive a response by 16 May 2024.

I am copying this letter to the Llywydd and Russell George MS, the Chair of the Health and Social Care Committee.

Yours sincerely,

A handwritten signature in black ink that reads "S. Murphy". The signature is written in a cursive style with a long, sweeping tail on the letter 'y'.

Sarah Murphy
Chair