

Sarah Murphy AS/MS
Y Gweinidog Iechyd Meddwl a Llesiant
Minister for Mental Health and Wellbeing



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref MA/SM/0151/25

Russell George MS, Chair of the Health and Social Care Committee
Mike Hedges MS, Chair of the Legislation, Justice and Constitution Committee

SeneddLJC@senedd.wales
SeneddHealth@senedd.wales

4 February 2025

Dear Russell and Mike,

I am writing to you regarding the Tobacco and Vapes Bill (“the Bill”) which was laid before the UK Parliament on 5 November 2024. As you are aware, the laying of the Bill triggered the requirement for consent under Standing Order 29.1. As such, a Legislative Consent Memorandum (LCM) was tabled by the Welsh Government on 20 November 2024. I am aware the Business Committee referred the LCM to the Health and Social Care Committee and the Legislation, Justice and Constitution Committee and have set a reporting deadline of 28 February 2025.

As both the Health and Social Care Committee and the Legislation, Justice and Constitution Committee are currently considering the Bill, I wanted to update you on the tabling of two amendments by the UK Government in relation to Wales. Both amendments were requested by the Welsh Government to rectify issues in the drafting and are minor and technical in nature. The details of the amendments are:

Amendment number 15

Amendment text

Clause 168, page 121, line 1

after “force” insert “(so far as not in force by virtue of subsection (2))”

Member's explanatory statement

Clause 168(2) brings the regulation making powers under Part 1 into force on royal assent. This amendment indicates that the Welsh Ministers' power to bring certain provisions into force is subject to that and is intended to ensure consistency with the drafting in clause 168(4).

Amendment number 16

Amendment text

Clause 170, page 122, line 2

at end insert—

“(za) sections 19 to 22 and Schedule 3 and 4 (licensing of retail sales of tobacco products etc in Wales);”

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Gohebiaeth.Sarah.Murphy@llyw.cymru
Correspondence.Sarah.Murphy@gov.wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Member's explanatory statement

This amendment confers power on the Welsh Ministers to make transitional or saving provision in connection with the commencement of certain provisions that they have power to bring into force by order under clause 168(5).

I am also undertaking discussions with the UK Government regarding clauses 34 (as indicated in paragraph 63 of the LCM) and 150 and 151 (as indicated in paragraph 162 of the LCM). At paragraph 201 of the LCM, I also said I would seek further engagement with the UK Government in relation to clauses 45, 95, 100 and 123 to seek the necessary constitutional assurances to ensure these provisions align with our Cabinet Principles on UK Legislation. Discussions on the matters are ongoing, and I will update the Committees on the outcome, as soon as possible.

I am due to attend the Health and Social care Committee on 6 February and look forward to discussing the Bill with the Committee during the session.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'S. Murphy'.

Sarah Murphy AS/MS

Y Gweinidog Iechyd Meddwl a Llesiant
Minister for Mental Health and Wellbeing