

Parliamentary Bureau – Legislative Consent Memorandum

Tobacco and Vapes Bill (UK legislation)

Introduction

1. Under Rule 9B.3.5, the Parliamentary Bureau is required to refer any legislative consent memorandum (LCM) that has been lodged with the Parliament to the committee within whose remit the subject matter of the relevant provision falls.

Tobacco and Vapes Bill

2. The Bill was introduced in the House of Commons on 20 March 2024.
3. An LCM was lodged by Neil Gray, Cabinet Secretary for NHS Recovery, Health and Social Care, on 2 April 2024.
4. The Bill introduces measures which seek to stop people from starting smoking, as well as stopping vaping products from being targeted at children. The measures will:
 - from 1 January 2027, make it an offence to sell tobacco products to anyone born on or after 1 January 2009;
 - provide powers to reduce the appeal and availability of vapes (nicotine and non-nicotine) to children;
 - strengthen enforcement activity to support implementation of the above measures (England and Wales only).
5. An LCM is required because the Bill includes provision that relates to devolved matters, namely public health, and also alters the executive competence of the Scottish Ministers.
6. The LCM indicates that the Scottish Government intends to lodge a motion seeking the Scottish Parliament's consent to the relevant provision in this Bill.

Designation of lead committee

7. The relevant provision in the Bill falls within the remit of the Health, Social Care and Sport Committee. The Committee's remit includes to consider and report on matters falling within the responsibility of the Cabinet Secretary for NHS Recovery, Health and Social Care. The LCM was lodged by the Cabinet Secretary for NHS Recovery, Health and Social Care. The relevant provision in the Bill relates to public health, and the Minister for Public Health and Women's Health reports to the Cabinet Secretary for NHS Recovery, Health and Social Care.
8. The LCM will also be considered by the Delegated Powers and Law Reform Committee in relation to any provisions in the Bill conferring powers on the Scottish Ministers to make subordinate legislation.

Recommendation

9. The Bureau is invited to refer, under Rule 9B.3.5, the LCM to the Health, Social Care and Sport Committee as lead committee.

Parliamentary Business Team

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