

11 February 2025

Stuart McMillan MSP
Convener of the Delegated Powers and Law Reform Committee
T1.01, Chamber Office
Edinburgh EH99 1SP

Dear Convener,

I am writing on behalf of ASH Scotland (Action on Smoking and Health Scotland), the charity working in and for Scotland to reduce the harms associated with tobacco and related products, to express our support for the Scottish Government's work with the UK Government and the other devolved governments in respect of the four-nations approach to regulation under the Tobacco and Vapes Bill.

The passing of a Bill with strong UK-wide measures to restrict tobacco and related products would be a landmark step towards eradicating the damage being inflicted by profit-centred multi-national corporations on people's lives, especially in our poorest communities, and help Scotland to make progress towards attaining a tobacco-free generation by 2034, now less than a decade away.

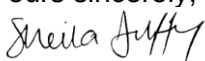
We are concerned, however, about the potential for any tobacco control regulatory powers being removed from the devolved competencies of the Scottish Parliament and any risk that existing measures in Scotland could be weakened by alignment to a four-nations approach.

We believe that the current primary legislation should be amended to enable the Scottish Government's Register of Tobacco and Nicotine Vapour Product Retailers to be made a conditional one, enabling potential measures like mandatory staff training or stronger provisions to de-register retailers found persistently in breach of the law to be introduced through secondary legislation. The Bill proposes tobacco retail licensing schemes for England, Wales and Northern Ireland but in Scotland only an expansion of the register's scope. Enabling a conditional register requires primary legislation – if not in this Bill, then the Scottish Parliament would need to introduce primary legislation to make the register conditional and must retain powers to do so.

It is vital that Scotland's consensus approach on public health and e-cigarettes is maintained. NHSS Quit your Way cessation services welcome people wishing to quit smoking, but only positively recommend medically licensed quit aids. These have the strongest evidence base for efficacy and are tested and monitored, quality-controlled and medicinally supervised and regulated. No e-cigarette has been medicinally licensed either by the MHRA or anywhere globally, and the World Health Organisation's clinical treatment guideline for tobacco cessation in adults (July 2024) does not include vapes as current evidence remains not strong enough to recommend.

We urge Members to ensure that a four nations approach maintains and does not dilute or remove Scotland's devolved powers; that a joined-up approach does not become a settling for the lowest common UK denominator. Thank you for your consideration of these matters,

Yours sincerely,



Sheila Duffy, Chief Executive