



Public Health (Wales) Act 2017

2017 anaw 2

PUBLIC HEALTH (WALES) ACT 2017

PART 1

OVERVIEW

- 1 Overview

PART 2

OBESITY

- 2 National strategy on preventing and reducing obesity: publication and review
- 3 Implementation of national strategy

PART 3

TOBACCO AND NICOTINE PRODUCTS

CHAPTER 1

SMOKING

Introduction

- 4 Smoking

Offences

- 5 Offence of smoking in smoke-free premises or vehicle
- 6 Offence of failing to prevent smoking in smoke-free premises

Smoke-free premises

- 7 Workplaces
- 8 Premises that are open to the public

- 9 Outdoor care settings for children
- 10 School grounds
- 11 Hospital grounds
- 12 Public playgrounds
- 13 Additional smoke-free premises
- 14 Further provision about additional smoke-free premises: dwellings

Smoke-free vehicles

- 15 Smoke-free vehicles

Smoke-free premises: exemptions

- 16 Smoke-free premises: exemptions

Signs

- 17 Signs: smoke-free premises

Enforcement

- 18 Enforcement authorities
- 19 Powers of entry
- 20 Warrant to enter dwelling
- 21 Warrant to enter other premises
- 22 Supplementary provision about powers of entry
- 23 Powers of inspection etc.
- 24 Obstruction etc. of officers
- 25 Retained property: appeals
- 26 Appropriated property: compensation
- 27 Fixed penalty notices

General

- 28 Interpretation of this Chapter
- 29 Consequential amendments

CHAPTER 2

RETAILERS OF TOBACCO AND NICOTINE PRODUCTS

Register of retailers of tobacco and nicotine products

- 30 Duty to maintain register of retailers of tobacco and nicotine products
- 31 Application for entry in the register
- 32 Grant of application
- 33 Duty to give notice of certain changes
- 34 Duty to revise the register
- 35 Access to the register
- 36 Excepted premises
- 37 Moveable structures etc.

Offences

- 38 Offences

Enforcement

- 39 Authorised officers
- 40 Powers of entry
- 41 Warrant to enter dwelling
- 42 Warrant to enter other premises
- 43 Supplementary provision about powers of entry
- 44 Powers of inspection etc.
- 45 Obstruction etc. of officers
- 46 Power to make test purchases
- 47 Retained property: appeals
- 48 Appropriated property: compensation
- 49 Fixed penalty notices

Interpretation

- 50 Interpretation of this Chapter

CHAPTER 3

PROHIBITION ON SALE OF TOBACCO AND NICOTINE PRODUCTS

- 51 Restricted premises orders: tobacco or nicotine offence

CHAPTER 4

HANDING OVER TOBACCO ETC. TO PERSONS UNDER 18

- 52 Offence of handing over tobacco etc. to persons under 18
- 53 Arrangements in connection with handing over tobacco etc.
- 54 Enforcement
- 55 Interpretation of this Chapter

PART 4

SPECIAL PROCEDURES

Introduction

- 56 Overview of this Part

Meaning of special procedure

- 57 What is a special procedure?

Performance of special procedure: licensing requirement

- 58 Requirement for individual performing special procedure to be licensed
- 59 General provision about special procedure licences

Exemption from requirement to be licensed

- 60 Exempted individuals

Designation for purposes of licensing requirement

- 61 Designation of individual for the purposes of section 58(3)

Status: This is the original version (as it was originally enacted).

Licensing criteria and mandatory licensing conditions

- 62 Licensing criteria
- 63 Mandatory licensing conditions
- 64 Consultation about licensing criteria and mandatory licensing conditions

Issuing a special procedure licence

- 65 Mandatory grant or refusal of application for special procedure licence
- 66 Discretion to grant application for special procedure licence
- 67 Grant or refusal of application for renewal

Revoking a special procedure licence

- 68 Revocation of special procedure licence

Approved premises and vehicles

- 69 Performance of special procedure in course of business: approval requirement
- 70 Approval of premises and vehicles in respect of performance of special procedure
- 71 Approval certificates
- 72 Voluntary termination of approval
- 73 Revocation of approval
- 74 Revocation of approval: notification requirements

Register of special procedure licences and approved premises and vehicles

- 75 Duty to maintain register of special procedure licences and approved premises and vehicles

Fees

- 76 Fees

Stop notices

- 77 Stop notices

Remedial action notices

- 78 Special procedure licences: licence holder remedial action notices
- 79 Approved premises and vehicles: premises remedial action notices
- 80 Completion certificate

Appeals against stop notices and remedial action notices

- 81 Appeals

Offences relating to licensing and approval system

- 82 Offences

Enforcement

- 83 Authorised officers
- 84 Powers of entry etc.

- 85 Warrant to enter dwelling
- 86 Warrant to enter other premises
- 87 Supplementary provision about powers of entry
- 88 Powers of inspection etc.
- 89 Obstruction etc. of officers
- 90 Power to make test purchases
- 91 Retained property: appeals
- 92 Appropriated property: compensation

Amendment of meaning of special procedure

- 93 Power to add or remove special procedures

Interpretation

- 94 Interpretation of this Part

PART 5

INTIMATE PIERCING

Offences related to intimate piercing

- 95 Offence of performing or making arrangements to perform an intimate piercing on a child
- 96 What is an intimate piercing?

Enforcement

- 97 Enforcement action by local authorities
- 98 Authorised officers
- 99 Powers of entry
- 100 Warrant to enter dwelling
- 101 Warrant to enter other premises
- 102 Supplementary provision about powers of entry
- 103 Powers of inspection etc.
- 104 Obstruction etc. of constable or officer
- 105 Power to make test purchases
- 106 Retained property: appeals
- 107 Appropriated property: compensation

PART 6

HEALTH IMPACT ASSESSMENTS

- 108 Requirement to carry out health impact assessments
- 109 Health impact assessments: publication and taking into account
- 110 Meaning of “public body”

PART 7

PHARMACEUTICAL SERVICES

- 111 Pharmaceutical needs assessments
- 112 Pharmaceutical lists

PART 8

PROVISION OF TOILETS

Status: This is the original version (as it was originally enacted).

Local toilets strategies

- 113 Local toilets strategies: preparation and review
- 114 Local toilets strategies: interim progress statement
- 115 Local toilets strategies: consultation

Local authority power to provide public toilets

- 116 Local authority power to provide public toilets
- 117 Power to make byelaws in relation to toilets
- 118 Consequential amendments

PART 9

MISCELLANEOUS AND GENERAL

Food hygiene rating offences: fixed penalty receipts

- 119 Fixed penalty receipts for food hygiene rating offences

General

- 120 Offences by bodies corporate etc.
- 121 Offences committed by partnerships and other unincorporated associations
- 122 Giving notices
- 123 Regulations
- 124 Interpretation
- 125 Power to make consequential and transitional etc. provision
- 126 Coming into force
- 127 Short title

SCHEDULE 1 — FIXED PENALTIES

- 1 Interpretation
- 2 Contents of fixed penalty notice
- 3 A fixed penalty notice must also state—
- 4 A fixed penalty notice must also— (a) inform the person...
- 5 Regulations may make further provision as to the content and...
- 6 Amount of penalty and period for payment
- 7 The period for payment of the penalty is the period...
- 8 Discounted amount and period for payment
- 9 The discounted amount is such amount as is specified in...
- 10 Effect of notice and payment
- 11 If the penalty is paid in accordance with the penalty...
- 12 If the discounted amount is paid in accordance with the...
- 13 If proceedings have been brought pursuant to a request under...
- 14 In any proceedings, a certificate documenting payment of a penalty...
- 15 Trial
- 16 Any request to be tried must be made—
- 17 Withdrawal of notices
- 18 Fixed penalty receipts

SCHEDULE 2 — SMOKING: CONSEQUENTIAL AMENDMENTS

- 1 Health Act 2006 (c.28)

- 2 In the heading to Chapter 1 of Part 1 after...
- 3 In section 1 (introduction), in subsection (1) after “vehicles” insert...
- 4 In section 2 (smoke-free premises)— (a) in subsection (1) after...
- 5 In section 3 (smoke-free premises (exemptions)), in subsection (1)—
- 6 In section 4 (additional smoke-free places)— (a) in subsection (1)—...
- 7 In section 5 (vehicles), in subsection (1)—
- 8 In section 6 (no-smoking signs), in subsections (2), (3) and...
- 9 In section 8 (offence of failing to prevent smoking in...
- 10 In section 9 (fixed penalties), in subsection (1A) for “appropriate...
- 11 In section 10 (enforcement)— (a) in subsection (1) for “appropriate...
- 12 In section 11 (obstruction etc of officers), in subsection (5)...
- 13 In section 12 (interpretation and territorial sea)—
- 14 In section 82 (interpretation), in subsection (1) omit the definition...
- 15 In Schedule 1 (fixed penalties), in paragraphs 4 and 17...
- 16 In Schedule 2 (powers of entry, etc), in paragraph 10...
- 17 Children and Families Act 2014 (c.6)

SCHEDULE 3 — FURTHER PROVISION IN CONNECTION WITH SPECIAL PROCEDURE LICENCES

- 1 Application for special procedure licence
- 2 An application for a licence authorising the performance of a...
- 3 (1) An application— (a) must specify the procedure to which...
- 4 (1) An application must include the following information—
- 5 Contents of special procedure licence
- 6 Copy of licence
- 7 A copy of a licence issued by an authority under...
- 8 Expiry of licence
- 9 Renewal of licence
- 10 If an application to renew a licence is received before...
- 11 Variation of licence
- 12 (1) An application to vary a special procedure licence—
- 13 (1) An application to vary a special procedure licence by...
- 14 Voluntary termination of licence
- 15 Right to make representations
- 16 Notice of decision
- 17 If, having complied with the requirements of paragraph 15, a...
- 18 Appeals
- 19 (1) An appeal by either party against the decision of...
- 20 (1) Where on an appeal under paragraph 18 or 19...
- 21 Delegation of functions
- 22 Consequential amendments
- 23 In the Local Government Byelaws (Wales) Act 2012 (anaw 2),...

SCHEDULE 4 — PROVISION OF TOILETS: CONSEQUENTIAL AMENDMENTS

- 1 Public Health Act 1936 (c.49)
- 2 Highways Act 1980 (c.66)
- 3 Local Government Byelaws (Wales) Act 2012 (anaw 2)