



# Public Health (Wales) Act 2017

2017 anaw 2

PROSPECTIVE

## PART 6

### HEALTH IMPACT ASSESSMENTS

#### **108 Requirement to carry out health impact assessments**

- (1) Regulations must make provision about the carrying out of health impact assessments by public bodies.
- (2) A health impact assessment is an assessment of the likely effect, both in the short term and in the long term, of a proposed action or decision on the physical and mental health of the people of Wales or of some of the people of Wales.
- (3) The regulations must specify—
  - (a) the circumstances in which a public body must carry out a health impact assessment;
  - (b) the way in which a health impact assessment is to be carried out.
- (4) The regulations may require the Public Health Wales National Health Service Trust to give assistance to another public body carrying out a health impact assessment.
- (5) The regulations may make provision about how the assistance is to be given, including (among other things) about when it is to be given.
- (6) The regulations may make provision which applies subject to exceptions specified in the regulations.
- (7) Before making regulations under this section, the Welsh Ministers must—
  - (a) consider whether there are persons who appear to be representative of the interests of those likely to be affected by the regulations (“representative persons”), and

*Status: This version of this part contains provisions that are prospective.*

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- (b) carry out consultation with any representative persons whom the Welsh Ministers consider it appropriate to consult.

### **109 Health impact assessments: publication and taking into account**

- (1) Where a public body has carried out a health impact assessment in accordance with regulations under section 108 it must—
  - (a) publish the assessment, and
  - (b) take the assessment into account when exercising those functions in connection with which the assessment was carried out.
- (2) When taking the assessment into account, the public body must act in accordance with the sustainable development principle.
- (3) For the purpose of subsection (2), the reference to acting in accordance with the sustainable development principle is to be construed in accordance with section 5 of the Well-being of Future Generations (Wales) Act 2015 (anaw 2).
- (4) Regulations may make provision about publishing assessments, including (among other things) about when assessments are to be published.

### **110 Meaning of “public body”**

- (1) For the purposes of sections 108 and 109, each of the following persons is a “public body”—
  - (a) the Welsh Ministers;
  - (b) a local authority;
  - (c) a Local Health Board;
  - (d) the following National Health Service Trusts—
    - (i) Public Health Wales;
    - (ii) Velindre;
  - (e) a National Park authority for a National Park in Wales;
  - (f) a Welsh fire and rescue authority;
  - (g) the Natural Resources Body for Wales;
  - (h) the Higher Education Funding Council for Wales;
  - (i) the Arts Council of Wales;
  - (j) the Sports Council for Wales;
  - (k) the National Library of Wales;
  - (l) the National Museum of Wales.
- (2) Regulations may amend subsection (1) by—
  - (a) adding a person,
  - (b) removing a person, or
  - (c) amending a reference to a person.
- (3) But the regulations may not amend subsection (1) by adding a person unless that person exercises functions of a public nature.
- (4) If the regulations amend subsection (1) so as to add a person who has functions of a public nature and other functions, sections 108 and 109 apply to that person only in relation to those of its functions which are of a public nature.

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(5) In this section—

“Local Health Board” (“*Bwrdd Iechyd Lleol*”) means a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006 (c.42);

“Welsh fire and rescue authority” (“*awdurdod tân ac achub yng Nghymru*”) means an authority in Wales constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 (c.21) or a scheme to which section 4 of that Act applies.

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing S.I. 2017/949, art. 3 by [S.I. 2017/967 art. 2](#)