



# Public Health (Wales) Act 2017

## 2017 anaw 2

### PUBLIC HEALTH (WALES) ACT 2017

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#### **PART 3**

##### TOBACCO AND NICOTINE PRODUCTS

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

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- 10 School grounds
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- 16 Smoke-free premises: exemptions

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- 87 Supplementary provision about powers of entry
- 88 Powers of inspection etc.
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SCHEDULE 1 — FIXED PENALTIES

*Interpretation*

- 1 In this Schedule— “authorised officer” (“swyddog awdurdodedig”)— in relation to...

*Contents of fixed penalty notice*

- 2 A fixed penalty notice must— (a) state the alleged offence,...
- 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...

*Amount of penalty and period for payment*

- 6 The penalty is such amount as is specified in regulations....
- 7 The period for payment of the penalty is the period...

*Discounted amount and period for payment*

- 8 (1) A discounted amount is payable, instead of the amount...
- 9 The discounted amount is such amount as is specified in...

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### *Effect of notice and payment*

- 10 (1) Proceedings for the offence in respect of which a...
- 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...

### *Trial*

- 15 If the person to whom a penalty notice has been...
- 16 Any request to be tried must be made—

### *Withdrawal of notices*

- 17 (1) This paragraph applies if an issuing authority considers that...

### *Fixed penalty receipts*

- 18 (1) An enforcement authority which is a local authority may...

## SCHEDULE 2 — SMOKING: CONSEQUENTIAL AMENDMENTS

### *Health Act 2006 (c.28)*

- 1 The Health Act 2006 is amended as follows.
- 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...

### *Children and Families Act 2014 (c.6)*

- 17 In section 91 of the Children and Families Act 2014...

## SCHEDULE 3 — FURTHER PROVISION IN CONNECTION WITH SPECIAL PROCEDURE LICENCES

### *Application for special procedure licence*

- 1 An application for the issue of a 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—

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### *Contents of special procedure licence*

- 5 (1) A special procedure licence must— (a) state the name...

#### *Copy of licence*

- 6 (1) If a special procedure licence is mislaid, stolen, or...  
7 A copy of a licence issued by an authority under...

#### *Expiry of licence*

- 8 (1) A special procedure licence is to be treated for...

#### *Renewal of licence*

- 9 (1) A local authority may, on an application by the...  
10 If an application to renew a licence is received before...

#### *Variation of licence*

- 11 (1) A local authority may, on an application to this...  
12 (1) An application to vary a special procedure licence—  
13 (1) An application to vary a special procedure licence by...

#### *Voluntary termination of licence*

- 14 (1) Where a licence holder wishes a special procedure licence...

#### *Right to make representations*

- 15 (1) This paragraph applies if a local authority proposes—

#### *Notice of decision*

- 16 (1) This paragraph applies if, having complied with the requirements...  
17 If, having complied with the requirements of paragraph 15, a...

#### *Appeals*

- 18 (1) An applicant may appeal to a magistrates' court against—...  
19 (1) An appeal by either party against the decision of...  
20 (1) Where on an appeal under paragraph 18 or 19...

#### *Delegation of functions*

- 21 (1) The functions of a local authority under the following...

#### *Consequential amendments*

- 22 (1) The Local Government (Miscellaneous Provisions) Act 1982 (c.30)  
is...  
23 In the Local Government Byelaws (Wales) Act 2012 (anaw 2),...

### SCHEDULE 4 — PROVISION OF TOILETS: CONSEQUENTIAL AMENDMENTS

#### *Public Health Act 1936 (c.49)*

- 1 (1) Section 87 of the Public Health Act 1936 (provision...



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*Highways Act 1980 (c.66)*

- 2 In section 114 of the Highways Act 1980 (provision of...

*Local Government Byelaws (Wales) Act 2012 (anaw 2)*

- 3 (1) In the Local Government Byelaws (Wales) Act 2012, Schedule...

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

- s. 110(1)(h) words substituted by [2022 asc 1 Sch. 4 para. 37](#)
- specified provision(s) amendment to earlier commencing S.I. 2017/949, art. 3 by [S.I. 2017/967 art. 2](#)