

PUBLIC HEALTH (WALES) ACT 2017

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 9

Miscellaneous and General

Section 119

- Fixed penalty receipts for food hygiene rating offences

259. This section amends section 22 of the Food Hygiene Rating (Wales) Act 2013. That section regulates the use of monies received by county and county borough councils in Wales in payment of fixed penalties in connection with various offences relevant to the mandatory display of food hygiene rating stickers required by the 2013 Act.
260. Section 22 of the 2013 Act requires councils to pay monies received to the Welsh Ministers; this section instead enables a council to use fixed penalty receipts for the purpose of its functions relating to the enforcement of the provisions of the 2013 Act, and regulations made under it.

Sections 120

and

121

- Offences by bodies corporate, partnerships and other unincorporated associations

261. These sections make provision in connection with offences committed, or alleged to have been committed, under the Act by a body corporate; a partnership; or other unincorporated association (“relevant bodies”).
262. ***Section 120*** makes it possible, in the circumstances described in subsection (2), for individuals holding positions of responsibility within a relevant body (the “senior officers” defined by the section) to be criminally liable for an offence committed by the body.
263. ***Section 121*** makes provision about and in connection with bringing proceedings against partnerships or other unincorporated associations.

Section 122

- Giving notices

264. This section provides detail about how a notice is to be given from a person to another person under the Act or regulations made under it. It imposes requirements in relation to the form of the notice (it must be in writing) and the method by which a notice may be delivered. This provides clarity for both the person giving the notice and the person receiving the notice.

Section 123

- Regulations

265. This section explains that powers to make regulations under this Act are to be exercised by statutory instrument (which means that certain procedural and other requirements contained in the Statutory Instruments Act 1946 apply to regulations made under the Act), and sets out the procedure, in terms of the National Assembly for Wales' involvement, to be followed in making regulations under different sections of the Act.

Section 124

- Interpretation

266. This section defines general terms which apply throughout the Act.

Section 125

- Power to make consequential and transitional etc. provision

267. This section permits the Welsh Ministers to make supplementary, incidental, consequential, transitional, transitory or saving provision in regulations. Such provision must be for the purposes of the Act, in consequence of such a provision, or be necessary to give full effect to them. For example, time limited arrangements may be needed to allow appropriate time for a practitioner of a special procedure to comply with the new requirements introduced by the Act.

Section 126

- Coming into force

268. Subsection (1) of this section sets out the provisions of the Act that come into effect on the date of Royal Assent. Any provision which is not mentioned in subsection (1) will come into force on a day specified by a commencement order made by the Welsh Ministers. Different dates may be specified.

Section 127

- Short title

269. This provides that the short title of the Act is the Public Health (Wales) Act 2017.