



Public Health (Wales) Act 2017

2017 anaw 2

PART 3

TOBACCO AND NICOTINE PRODUCTS

CHAPTER 1

SMOKING

General

28 Interpretation of this Chapter

(1) In this Chapter—

“adult care home” (“*cartref gofal i oedolion*”) means premises at which a care home service within the meaning given by paragraph 1 of Schedule 1 to the Regulation and Inspection of

[Social Care \(Wales\) Act 2016 \(anaw 2\)](#)
is provided to persons aged 18 or over;

“adult hospice” (“*hosbis i oedolion*”) means premises wholly or mainly used for the provision of palliative care to persons aged 18 or over, who are suffering from a progressive disease in its final stages, by or behalf of an establishment the primary function of which is the provision of such care;

“authorised officer” (“*swyddog awdurdodedig*”) has the meaning given by section 18(5);

“child” (“*plentyn*”) means a person aged under 18;

“childcare” (“*gofal plant*”) means (subject to subsection (2)) any form of care for a child, other than care provided for a child by a parent, relative or foster parent of the child, and includes—

- (a) education for a child, and
- (b) any other supervised activity for a child;

Status: This is the original version (as it was originally enacted).

“enforcement authority” (“*awdurdod gorfodi*”) is to be interpreted in accordance with section 18;

“hospital” (“*ysbyty*”) has the meaning given by section 206 of the [National Health Service \(Wales\) Act 2006 \(c.42\)](#)

;

“parent” (“*rhiant*”) includes any person who has parental responsibility (within the meaning of section 3 of the [Children Act 1989 \(c.41\)](#)

) for a child;

“playground equipment” (“*cyfarpar maes chwarae*”) includes (for example) a swing, slide, sand-pit, or ramp, but does not include powered equipment (such as equipment powered by electric motor);

“premises” (“*mangre*”) includes—

- (a) any place;
- (b) a moveable structure other than a vehicle;
- (c) a stall;
- (d) a tent;
- (e) an offshore installation within the meaning given in the [Mineral Workings \(Offshore Installations\) Act 1971 \(c.61\)](#) (see section 12 of that Act);

“registered pupil” (“*disgybl cofrestredig*”) has the meaning given by section 434(5) of the

[Education Act 1996 \(c.56\)](#)

;

“relative” (“*perthynas*”), in relation to a child, means a step-parent, grandparent, aunt, uncle, brother or sister (including any person who is in that relationship by virtue of a marriage or civil partnership or an enduring family relationship);

“school” (“*ysgol*”) has the meaning given by section 4 of the [Education Act 1996 \(c.56\)](#)

;

“smoking” and “smokes” (“*ysmygu*”) are to be read in accordance with section 4;

“vehicle” (“*cerbyd*”) includes a train, tram, vessel, hovercraft and aircraft;

“Wales” (“*Cymru*”) has the meaning given by section 158(1) of the [Government of Wales Act 2006 \(c.32\)](#)

- (2) References in this Chapter to “childcare” do not include—
 - (a) education (or any other supervised activity) provided by a school during school hours for a registered pupil, or
 - (b) any form of health care for a child.
- (3) For the purposes of subsection (1) a person is a foster parent in relation to a child if the person—
 - (a) is a local authority foster parent (within the meaning given by section 197 of the [Social Services and Well-being \(Wales\) Act 2014 \(anaw 4\)](#)), or
 - (b) fosters the child privately.

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

- (4) References in this Chapter to a “dwelling” include land enjoyed with premises where the premises themselves constitute a dwelling, unless the land is agricultural land (within the meaning given by section 246 of the [Renting Homes \(Wales\) Act 2016 \(anaw 1\)](#)) exceeding 0.809 hectares.
- (5) References in this Chapter, however expressed, to premises or vehicles which are (or are not) smoke-free (or treated as smoke-free), are to those premises or vehicles so far as they are (or are not) smoke-free (or treated as smoke-free) under or by virtue of this Chapter.
- (6) Premises may be smoke-free by virtue of more than one section in this Chapter.
- (7) Regulations may specify for the purpose of this Chapter what “enclosed”, “substantially enclosed” and “not enclosed or substantially enclosed” mean.

29 Consequential amendments

For amendments consequential on this Chapter, see Schedule 2.