

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

Changes to legislation: Public Health (Wales) Act 2017, SCHEDULE 2 is up to date with all changes known to be in force on or before 18 July 2019. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

PROSPECTIVE

SCHEDULE 2

(introduced by section 29)

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 “vehicles” insert “ in England ”.
- 3 In section 1 (introduction), in subsection (1) after “vehicles” insert “ in England ”.
- 4 In section 2 (smoke-free premises)—
 - (a) in subsection (1) after “Premises” insert “ in England ”;
 - (b) in subsection (2) after “Premises” insert “ in England ”;
 - (c) in subsection (5) for “appropriate national authority” substitute “ Secretary of State ”.
- 5 In section 3 (smoke-free premises (exemptions)), in subsection (1)—
 - (a) for “appropriate national authority” substitute “ Secretary of State ”;
 - (b) after “premises” in both places insert “ in England ”.
- 6 In section 4 (additional smoke-free places)—
 - (a) in subsection (1)—
 - (i) for “appropriate national authority” substitute “ Secretary of State ”;
 - (ii) after “place” in both places insert “ in England ”;
 - (b) in subsection (3)—
 - (i) for “appropriate national authority” substitute “ Secretary of State ”;
 - (ii) for “authority's” substitute “Secretary of State's”.
- 7 In section 5 (vehicles), in subsection (1)—
 - (a) for “appropriate national authority” substitute “ Secretary of State ”;
 - (b) after “vehicles” insert “ in England ”.
- 8 In section 6 (no-smoking signs), in subsections (2), (3) and (4) for “appropriate national authority” substitute “ Secretary of State ”.
- 9 In section 8 (offence of failing to prevent smoking in smoke-free place), in subsection (3) for “appropriate national authority” substitute “ Secretary of State ”.
- 10 In section 9 (fixed penalties), in subsection (1A) for “appropriate national authority” substitute “ Secretary of State ”.
- 11 In section 10 (enforcement)—
 - (a) in subsection (1) for “appropriate national authority” substitute “ Secretary of State ”;
 - (b) in subsection (4) for “appropriate national authority” in both places substitute “ Secretary of State ”.

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- 12 In section 11 (obstruction etc of officers), in subsection (5) for “appropriate national authority” in both places substitute “ Secretary of State ”.
- 13 In section 12 (interpretation and territorial sea)—
 (a) in subsection (2) for “appropriate national authority” substitute “ Secretary of State ”;
 (b) omit subsection (3)(b).
- 14 In section 82 (interpretation), in subsection (1) omit the definition of “the appropriate national authority”.
- 15 In Schedule 1 (fixed penalties), in paragraphs 4 and 17 for “appropriate national authority” substitute “ Secretary of State ”.
- 16 In Schedule 2 (powers of entry, etc), in paragraph 10 for “appropriate national authority” in both places substitute “ Secretary of State ”.

Children and Families Act 2014 (c.6)

- 17 In section 91 of the Children and Families Act 2014 (purchase of tobacco, nicotine products etc on behalf of persons under 18), in subsection (5), after paragraph (b), insert —
 “(c) in relation to Wales—
 (i) the reference to the Secretary of State in paragraph 4 of Schedule 1 to the Health Act 2006 is to be read as a reference to the Welsh Ministers;
 (ii) the power of the Welsh Ministers to make regulations under paragraph 4 of Schedule 1 as so applied is to be exercised by statutory instrument;
 (iii) a statutory instrument containing such regulations made by the Welsh Ministers is to be subject to annulment in pursuance of a resolution of the National Assembly for Wales.”

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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](#)