

*Status: This version of this provision is prospective.*

*Changes to legislation: Public Health (Wales) Act 2017, Section 42 is up to date with all changes known to be in force on or before 01 April 2024. 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*



# Public Health (Wales) Act 2017

2017 anaw 2

## PART 3

### TOBACCO AND NICOTINE PRODUCTS

#### CHAPTER 2

##### RETAILERS OF TOBACCO AND NICOTINE PRODUCTS

###### *Enforcement*

PROSPECTIVE

#### **42 Warrant to enter other premises**

- (1) A justice of the peace may exercise the power in subsection (4) in relation to premises in Wales other than premises used wholly or mainly as a dwelling if satisfied on sworn information in writing—
- (a) that there are reasonable grounds for believing that an offence under section 38(1), (2) or (4) has been committed in the area of a local authority,
  - (b) that it is necessary to enter the premises for the purpose of ascertaining whether such an offence has been committed, and
  - (c) that a requirement set out in subsection (2) or (3) is met.
- (2) The requirement is that—
- (a) a request to enter the premises has been, or is likely to be, refused, and
  - (b) notice of intention to apply for a warrant under this section has been given to the occupier or a person who reasonably appears to the local authority to be concerned in the management of the premises.

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- (3) The requirement is that requesting to enter the premises, or the giving of notice of intention to apply for a warrant under this section, is likely to defeat the purpose of the entry.
- (4) The justice may issue a warrant authorising an authorised officer of the local authority to enter the premises, if need be by force.
- (5) The warrant continues in force until the end of the period of 28 days beginning with the date on which it was issued.

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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](#)