



Health Act 2006

2006 CHAPTER 28

PART 1

SMOKING

CHAPTER 1

SMOKE-FREE PREMISES, PLACES AND VEHICLES [^{F1}IN ENGLAND]

Enforcement

10 Enforcement

- (1) The [^{F1}Secretary of State] may make regulations designating the [^{F2}persons or] bodies or descriptions of [^{F3}person or] body which are to be enforcement authorities for the purposes of this Chapter.
- (2) The regulations—
 - (a) must specify the descriptions of premises, place or vehicle in relation to which an enforcement authority has enforcement functions,
 - (b) may provide for a case being dealt with by one enforcement authority to be transferred (or further transferred, or transferred back) to, and taken over by, another enforcement authority.
- (3) It is the duty of an enforcement authority to enforce, as respects the premises, places and vehicles in relation to which it has enforcement functions, the provisions of this Chapter and regulations made under it.
- (4) The [^{F4}Secretary of State] may direct, in relation to cases of a particular description or a particular case, that any duty imposed on an enforcement authority by subsection (3) is to be discharged instead by the [^{F4}Secretary of State].

Changes to legislation: There are currently no known outstanding effects for the Health Act 2006, Section 10. (See end of Document for details)

- (5) In this Chapter, “authorised officer”, in relation to an enforcement authority, means any person (whether or not an officer of the authority) who is authorised by it in writing, either generally or specially, to act in matters arising under this Chapter.
- (6) If regulations under this section so provide, no person is to be so authorised unless he has such qualifications as are prescribed by the regulations.
- (7) Schedule 2 makes provision about powers of entry, etc.

Textual Amendments

- F1** Words in s. 10(1) substituted (1.3.2021) by [Public Health \(Wales\) Act 2017 \(anaw 2\)](#), s. 126(2), [Sch. 2 para. 11\(a\)](#); [S.I. 2021/202](#), art. 2
- F2** Words in s. 10(1) inserted (1.10.2014 for specified purposes, 1.10.2015 in so far as not already in force) by [Children and Families Act 2014 \(c. 6\)](#), [ss. 95\(4\)\(a\)](#), 139(6); [S.I. 2014/2609](#), art. 2; [S.I. 2015/375](#), art. 3
- F3** Words in s. 10(1) inserted (1.10.2014 for specified purposes, 1.10.2015 in so far as not already in force) by [Children and Families Act 2014 \(c. 6\)](#), [ss. 95\(4\)\(b\)](#), 139(6); [S.I. 2014/2609](#), art. 2; [S.I. 2015/375](#), art. 3
- F4** Words in s. 10(4) substituted (1.3.2021) by [Public Health \(Wales\) Act 2017 \(anaw 2\)](#), s. 126(2), [Sch. 2 para. 11\(b\)](#); [S.I. 2021/202](#), art. 2

Modifications etc. (not altering text)

- C1** S. 10(3) functions made exercisable concurrently (8.5.2017) by [The West Midlands Combined Authority \(Functions and Amendment\) Order 2017 \(S.I. 2017/510\)](#), arts. 1(2), [18](#)
- C2** S. 10(5) functions made exercisable concurrently (8.5.2017) by [The West Midlands Combined Authority \(Functions and Amendment\) Order 2017 \(S.I. 2017/510\)](#), arts. 1(2), [18](#)

Commencement Information

- I1** S. 10 in force for certain purposes at Royal Assent, see s. 83
- I2** S. 10 in force at 2.4.2007 for W. in so far as not already in force by [S.I. 2007/204](#), [art. 2\(a\)](#)
- I3** S. 10 in force at 1.7.2007 for E. in so far as not already in force by [S.I. 2007/1375](#), [art. 2\(a\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Health Act 2006, Section 10.