

PUBLIC HEALTH (WALES) ACT 2017

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 6

Health Impact Assessments

Section 108 - Requirement to carry out health impact assessments

211. This section defines a health impact assessment (HIA) as an assessment of the likely effect, both in the short and long term, of a proposed action on the physical and mental health of all or some of the people of Wales. It requires the Welsh Ministers to make regulations about the carrying out of such assessments by public bodies. These regulations must specify the circumstances in which a HIA is to be carried out and how it is done.
212. This section also enables the regulations to require Public Health Wales NHS Trust who have expertise in this area to assist another public body in carrying out a HIA, with the potential for those regulations to specify how and when such assistance might be given.

Section 109 - Health impact assessments: publication and taking into account

213. Where a public body has carried out a HIA in accordance with regulations made under section 108, this section requires the public body to publish the assessment and to take into account its findings when exercising those of its functions in connection with which the assessment was carried out. The regulations may specify how and when the results of a HIA are to be published.
214. In taking the HIA into account, this section requires the public body to act in accordance with the sustainable development principle as defined in section 5 of the Well-being of Future Generations (Wales) Act 2015. This means that the body must take certain things into account in order to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

Section 110 - Meaning of “public body”

215. This section sets out the public bodies to which the regulations on carrying out HIAs will apply.
216. The section also gives the Welsh Ministers the power by regulations to amend the list of public bodies by adding to the list, or amending or removing a public body (or description of body) which is already listed. Bodies may be added to the list only if they exercise functions of a public nature. If a body whose functions comprise a mixture of functions of a public nature and other functions were added to the list of public bodies, subsection (4) would operate to prevent the provisions of this Part of the Act from applying to those other functions.