

Status: Point in time view as at 01/03/2021.

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 04 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)

SCHEDULE 2

(introduced by section 29)

SMOKING: CONSEQUENTIAL AMENDMENTS

Health Act 2006 (c.28)

1 The Health Act 2006 is amended as follows.

Commencement Information

I1 Sch. 2 para. 1 in force at 1.3.2021 by S.I. 2021/202, art. 2

2 In the heading to Chapter 1 of Part 1 after “vehicles” insert “ in England ”.

Commencement Information

I2 Sch. 2 para. 2 in force at 1.3.2021 by S.I. 2021/202, art. 2

3 In section 1 (introduction), in subsection (1) after “vehicles” insert “ in England ”.

Commencement Information

I3 Sch. 2 para. 3 in force at 1.3.2021 by S.I. 2021/202, art. 2

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 ”.

Commencement Information

I4 Sch. 2 para. 4 in force at 1.3.2021 by S.I. 2021/202, art. 2

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 ”.

Commencement Information

I5 Sch. 2 para. 5 in force at 1.3.2021 by S.I. 2021/202, art. 2

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)—

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- (i) for “appropriate national authority” substitute “ Secretary of State ”;
- (ii) for “authority's” substitute “Secretary of State's”.

Commencement Information

I6 Sch. 2 para. 6 in force at 1.3.2021 by S.I. 2021/202, art. 2

- 7 In section 5 (vehicles), in subsection (1)—
 - (a) for “appropriate national authority” substitute “ Secretary of State ”;
 - (b) after “vehicles” insert “ in England ”.

Commencement Information

I7 Sch. 2 para. 7 in force at 1.3.2021 by S.I. 2021/202, art. 2

- 8 In section 6 (no-smoking signs), in subsections (2), (3) and (4) for “appropriate national authority” substitute “ Secretary of State ”.

Commencement Information

I8 Sch. 2 para. 8 in force at 1.3.2021 by S.I. 2021/202, art. 2

- 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 ”.

Commencement Information

I9 Sch. 2 para. 9 in force at 1.3.2021 by S.I. 2021/202, art. 2

- 10 In section 9 (fixed penalties), in subsection (1A) for “appropriate national authority” substitute “ Secretary of State ”.

Commencement Information

I10 Sch. 2 para. 10 in force at 1.3.2021 by S.I. 2021/202, art. 2

- 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 ”.

Commencement Information

I11 Sch. 2 para. 11 in force at 1.3.2021 by S.I. 2021/202, art. 2

- 12 In section 11 (obstruction etc of officers), in subsection (5) for “appropriate national authority” in both places substitute “ Secretary of State ”.

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I12 Sch. 2 para. 12 in force at 1.3.2021 by S.I. 2021/202, art. 2

- 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).

Commencement Information

I13 Sch. 2 para. 13 in force at 1.3.2021 by S.I. 2021/202, art. 2

- 14 In section 82 (interpretation), in subsection (1) omit the definition of “the appropriate national authority”.

Commencement Information

I14 Sch. 2 para. 14 in force at 1.3.2021 by S.I. 2021/202, art. 2

- 15 In Schedule 1 (fixed penalties), in paragraphs 4 and 17 for “appropriate national authority” substitute “ Secretary of State ”.

Commencement Information

I15 Sch. 2 para. 15 in force at 1.3.2021 by S.I. 2021/202, art. 2

- 16 In Schedule 2 (powers of entry, etc), in paragraph 10 for “appropriate national authority” in both places substitute “ Secretary of State ”.

Commencement Information

I16 Sch. 2 para. 16 in force at 1.3.2021 by S.I. 2021/202, art. 2

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

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pursuance of a resolution of the National Assembly for Wales.”

Commencement Information

I17 Sch. 2 para. 17 in force at 1.3.2021 by S.I. 2021/202, art. 2

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