



Public Health (Wales) Act 2017

2017 anaw 2

PART 3

TOBACCO AND NICOTINE PRODUCTS

CHAPTER 3

PROHIBITION ON SALE OF TOBACCO AND NICOTINE PRODUCTS

51 Restricted premises orders: tobacco or nicotine offence

In section 12D of the [Children and Young Persons Act 1933 \(c.12\)](#), after subsection (1) insert—

“(1A) In section 12A a “tobacco or nicotine offence” also means an offence specified in regulations made by the Welsh Ministers which is committed on any premises in Wales (which are accordingly “the premises in relation to which the offence is committed”).

(1B) An offence may be specified in regulations under subsection (1A) only if—

- (a) the Welsh Ministers are satisfied that the offence is one that relates to the supply, sale, transport, display, offer for sale, advertising or possession of tobacco or nicotine products, and
- (b) in the case of an offence that is triable only summarily, it is punishable by a fine of an amount corresponding to, or greater than, level 4 on the standard scale.

(1C) Regulations under subsection (1A) may include incidental, consequential or transitional provision.

(1D) Before making regulations under subsection (1A), the Welsh Ministers must—

- (a) consider whether there are persons who appear to be representative of the interests of those likely to have an interest in the regulations (“representative persons”), and

Status: This is the original version (as it was originally enacted).

- (b) carry out consultation with any representative persons whom the Welsh Ministers consider it appropriate to consult.
- (1E) The power of the Welsh Ministers to make regulations under subsection (1A) is exercisable by statutory instrument.
- (1F) A statutory instrument containing regulations made by the Welsh Ministers under subsection (1A) may not be made unless a draft of the instrument has been laid before, and approved by resolution of, the National Assembly for Wales.”