

Status: This version of this provision is prospective.

Changes to legislation: Public Health (Wales) Act 2017, Section 79 is up to date with all changes known to be in force on or before 23 May 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 4

SPECIAL PROCEDURES

Remedial action notices

PROSPECTIVE

79 Approved premises and vehicles: premises remedial action notices

- (1) If a local authority that has approved premises or a vehicle under section 70 is satisfied that a person is in breach of the requirement in section 69(3) (compliance with applicable mandatory conditions of approval) in respect of the premises or vehicle, it may give notice under this section to the person.
- (2) Notice given under this section to a person (“P”) is referred to in this Part as a premises remedial action notice.
- (3) A premises remedial action notice must—
 - (a) state that the local authority is satisfied that P is in breach of the requirement in section 69(3);
 - (b) specify the matters giving rise to the breach;
 - (c) specify steps to be taken by P in order to secure compliance with the requirement;
 - (d) specify a period (the “compliance period”) of not less than 14 days beginning with the date of the notice during which those steps are to be taken.
- (4) A premises remedial action notice must also state—
 - (a) that P may appeal under section 81 against the notice, and
 - (b) the period within which an appeal may be brought.

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- (5) If the authority is satisfied that the breach of the requirement presents, or could present, significant risk of harm to human health, the premises remedial action notice may also prohibit the performance of a special procedure, until the steps specified under subsection (3)(c) have been taken, at the premises or (as the case may be) in the vehicle to which the notice relates.
- (6) No proceedings for an offence under section 82 are to be instituted against P during the compliance period in respect of—
 - (a) the breach that gave rise to the notice, or
 - (b) any continuation of that breach.
- (7) If the steps specified in a premises remedial action notice are taken during the compliance period, no proceedings for an offence under section 82 are to be instituted against P in respect of—
 - (a) the breach that gave rise to the notice, or
 - (b) any continuation of that breach prior to the taking of the steps specified in the notice.
- (8) But nothing in subsection (6) or (7) prevents proceedings for an offence under section 82 being instituted, at any time, in respect of the breach of a prohibition on the performance of a procedure that is included in a premises remedial action notice under subsection (5).
- (9) If a premises remedial action notice given to a person prohibits the performance of a special procedure as described in subsection (5), the authority by which it was given must take reasonable steps for bringing the notice to the attention of any persons the authority thinks likely to be affected by the notice.

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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](#)