



# Public Health (Wales) Act 2017

2017 anaw 2

## PART 3

### TOBACCO AND NICOTINE PRODUCTS

#### CHAPTER 1

##### SMOKING

###### *General*

#### **28 Interpretation of this Chapter**

(1) In this Chapter—

“adult care home” (“*cartref gofal i oedolion*”) means premises at which a care home service within the meaning given by paragraph 1 of Schedule 1 to the Regulation and Inspection of [Social Care \(Wales\) Act 2016 \(anaw 2\)](#) is provided to persons aged 18 or over;

“adult hospice” (“*hosbis i oedolion*”) means premises wholly or mainly used for the provision of palliative care to persons aged 18 or over, who are suffering from a progressive disease in its final stages, by or behalf of an establishment the primary function of which is the provision of such care;

“authorised officer” (“*swyddog awdurdodedig*”) has the meaning given by section 18(5);

“child” (“*plentyn*”) means a person aged under 18;

“childcare” (“*gofal plant*”) means (subject to subsection (2)) any form of care for a child, other than care provided for a child by a parent, relative or foster parent of the child, and includes—

- (a) education for a child, and
- (b) any other supervised activity for a child;

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*Status: This is the original version (as it was originally enacted).*

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“enforcement authority” (“*awdurdod gorfodi*”) is to be interpreted in accordance with section 18;

“hospital” (“*ysbyty*”) has the meaning given by section 206 of the [National Health Service \(Wales\) Act 2006 \(c.42\)](#);

“parent” (“*rhiant*”) includes any person who has parental responsibility (within the meaning of section 3 of the [Children Act 1989 \(c.41\)](#)) for a child;

“playground equipment” (“*cyfarpar maes chwarae*”) includes (for example) a swing, slide, sand-pit, or ramp, but does not include powered equipment (such as equipment powered by electric motor);

“premises” (“*mangre*”) includes—

- (a) any place;
- (b) a moveable structure other than a vehicle;
- (c) a stall;
- (d) a tent;
- (e) an offshore installation within the meaning given in the [Mineral Workings \(Offshore Installations\) Act 1971 \(c.61\)](#) (see section 12 of that Act);

“registered pupil” (“*disgybl cofrestredig*”) has the meaning given by section 434(5) of the [Education Act 1996 \(c.56\)](#);

“relative” (“*perthynas*”), in relation to a child, means a step-parent, grandparent, aunt, uncle, brother or sister (including any person who is in that relationship by virtue of a marriage or civil partnership or an enduring family relationship);

“school” (“*ysgol*”) has the meaning given by section 4 of the [Education Act 1996 \(c.56\)](#);

“smoking” and “smokes” (“*ysmygu*”) are to be read in accordance with section 4;

“vehicle” (“*cerbyd*”) includes a train, tram, vessel, hovercraft and aircraft;

“Wales” (“*Cymru*”) has the meaning given by section 158(1) of the [Government of Wales Act 2006 \(c.32\)](#).

- (2) References in this Chapter to “childcare” do not include—
  - (a) education (or any other supervised activity) provided by a school during school hours for a registered pupil, or
  - (b) any form of health care for a child.
- (3) For the purposes of subsection (1) a person is a foster parent in relation to a child if the person—
  - (a) is a local authority foster parent (within the meaning given by section 197 of the [Social Services and Well-being \(Wales\) Act 2014 \(anaw 4\)](#)), or
  - (b) fosters the child privately.
- (4) References in this Chapter to a “dwelling” include land enjoyed with premises where the premises themselves constitute a dwelling, unless the land is agricultural land (within the meaning given by section 246 of the [Renting Homes \(Wales\) Act 2016 \(anaw 1\)](#)) exceeding 0.809 hectares.
- (5) References in this Chapter, however expressed, to premises or vehicles which are (or are not) smoke-free (or treated as smoke-free), are to those premises or vehicles so far as they are (or are not) smoke-free (or treated as smoke-free) under or by virtue of this Chapter.

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- (6) Premises may be smoke-free by virtue of more than one section in this Chapter.
- (7) Regulations may specify for the purpose of this Chapter what “enclosed”, “substantially enclosed” and “not enclosed or substantially enclosed” mean.

## **29 Consequential amendments**

For amendments consequential on this Chapter, see Schedule 2.