



Public Health (Wales) Act 2017

2017 anaw 2

PART 3

TOBACCO AND NICOTINE PRODUCTS

CHAPTER 1

SMOKING

Smoke-free premises

9 Outdoor care settings for children

- (1) Outdoor care settings in Wales are smoke free for the purposes of this Chapter.
- (2) Premises are an outdoor care setting so far as—
 - (a) they are not enclosed or substantially enclosed, and
 - (b) they are within subsection (3) or (4).
- (3) Premises are within this subsection if—
 - (a) they are registered under Part 2 of the Children and Families (Wales) Measure 2010 (nawm 1) (the “2010 Measure”) as being premises at which a person is authorised to provide day care for children, or
 - (b) they form part of premises that are so registered.
- (4) Premises are within this section if they form part of premises (the “domestic premises”) that are the usual place of residence of a person registered to act as a child minder under Part 2 of the 2010 Measure.
- (5) An outdoor care setting within subsection (3) is smoke free by virtue of this section only when day care for children is being provided—
 - (a) in the outdoor care setting, or

Changes to legislation: Public Health (Wales) Act 2017, Section 9 is up to date with all changes known to be in force on or before 25 March 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

- (b) in premises registered under Part 2 of the 2010 Measure (whether or not enclosed or substantially enclosed) of which the outdoor care setting forms part.
- (6) An outdoor care setting within subsection (4) is smoke free by virtue of this section only when—
 - (a) the child minder is acting as a child minder in the domestic premises (whether or not in a part of them that is enclosed or substantially enclosed) for at least one child, and
 - (b) that child or, as the case may be, at least one of those children is in the outdoor care setting.
- (7) For the purposes of this section, references to providing day care and acting as a child minder have the same meaning as in the 2010 Measure.
- (8) Premises are not to be treated as being within subsection (3) or (4) so far as they consist of the grounds of a school (for which see section 10 (school grounds)).

Commencement Information

II [S. 9](#) in force at 1.3.2021 by [S.I. 2021/202](#), [art. 2](#)

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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](#)