
WELSH STATUTORY INSTRUMENTS

2021 No. 202 (W. 49) (C. 5)

PUBLIC HEALTH, WALES

The Public Health (Wales) Act 2017
(Commencement No. 6) Order 2021

Made - - - - 25 February 2021

The Welsh Ministers in exercise of the powers conferred by section 126(2) of the Public Health (Wales) Act 2017⁽¹⁾, make the following Order:

Title and interpretation

1.—(1) The title of this Order is the Public Health (Wales) Act 2017 (Commencement No. 6) Order 2021.

(2) In this Order, “the Act” means the Public Health (Wales) Act 2017.

Provisions coming into force on 1 March 2021

2. The day appointed for the coming into force of the following provisions of the Act is 1 March 2021, so far as not already in force—

- (a) section 4 (smoking);
- (b) section 5 (offence of smoking in smoke-free premises or vehicle);
- (c) section 6 (offence of failing to prevent smoking in smoke-free premises);
- (d) section 7 (workplaces);
- (e) section 8 (premises that are open to the public);
- (f) section 9 (outdoor care settings for children);
- (g) section 10 (school grounds);
- (h) section 11 (hospital grounds);
- (i) section 12 (public playgrounds);
- (j) section 13 (additional smoke-free premises);
- (k) section 14 (further provision about additional smoke-free premises: dwellings);
- (l) section 17 (signs: smoke-free premises);
- (m) section 18 (enforcement authorities);

(1) 2017 anaw 2.

- (n) section 19 (powers of entry);
- (o) section 20 (warrant to enter dwelling);
- (p) section 21 (warrant to enter other premises);
- (q) section 22 (supplementary provision about powers of entry);
- (r) section 23 (powers of inspection etc.);
- (s) section 24 (obstruction etc. of officers);
- (t) section 25 (retained property: appeals);
- (u) section 26 (appropriated property: compensation);
- (v) section 27 (fixed penalty notices);
- (w) section 28 (interpretation of this Chapter);
- (x) section 29 (consequential amendments);
- (y) Schedule 1 (fixed penalties); and
- (z) Schedule 2 (smoking: consequential amendments).

25 February 2021

Eluned Morgan
Minister for Mental Health, Wellbeing and
Welsh Language, one of the Welsh Ministers

EXPLANATORY NOTE

(This note is not part of the Order)

This Order made by the Welsh Ministers brings into force specified provisions of the Public Health (Wales) Act 2017 (“the Act”).

Article 2 brings into force Chapter 1 of Part 3 (sections 4 to 29) of the Act on 1 March 2021, to the extent that those provisions have not already been commenced. Article 2 also brings into force Schedule 1 (fixed penalties) and Schedule 2 (smoking: consequential amendments) to the Act. Schedule 1 is introduced by sections 27 and 49 of the Act, and Schedule 2 is introduced by section 29 of the Act.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Act have been brought into force by Commencement Orders made before the date of this Order:

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|------------------------|-----------------------------|----------------------------------|
| Section 2 | 4 October 2017 | 2017/949 (W. 237) (C. 85) |
| Section 3 | 4 October 2017 | 2017/949 (W. 237) (C. 85) |
| Section 6 (partially) | 29 September 2020 | 2020/1048 (W. 234) (C. 30) |
| Section 10 (partially) | 29 September 2020 | 2020/1048 (W. 234) (C. 30) |
| Section 11 (partially) | 29 September 2020 | 2020/1048 (W. 234) (C. 30) |
| Section 15 | 29 September 2020 | 2020/1048 (W. 234) (C. 30) |
| Section 16 | 29 September 2020 | 2020/1048 (W. 234) (C. 30) |
| Section 17 (partially) | 29 September 2020 | 2020/1048 (W. 234) (C. 30) |
| Section 18 (partially) | 29 September 2020 | 2020/1048 (W. 234) (C. 30) |
| Section 27 (partially) | 29 September 2020 | 2020/1048 (W. 234) (C. 30) |
| Section 28 (partially) | 29 September 2020 | 2020/1048 (W. 234) (C. 30) |
| Section 94 | 1 February 2018 | 2018/1 (W. 1) ⁽¹⁾ |
| Part 5 | 1 February 2018 | 2018/1 (W. 1) |
| Part 7 | 1 April 2019 | 2019/829 (W. 152) ⁽²⁾ |
| Part 8 | 31 May 2018 | 2018/605 (W. 116) (C. 48) |
| Section 119 | 4 October 2017 | 2017/949 (W. 237) (C. 85) |
| Schedule 1 (partially) | 29 September 2020 | 2020/1048 (W. 234) (C. 30) |

(1) Instrument not allocated number in the Commencement Instruments series.

(2) Instrument not allocated number in the Commencement Instruments series.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|------------------|-----------------------------|---|
| Schedule 4 | 31 May 2018 | 2018/605 (W. 116) (C. 48) |

- (1) Instrument not allocated number in the Commencement Instruments series.
- (2) Instrument not allocated number in the Commencement Instruments series.

See also section 126(1) of the Act for the provisions that came into force on 3 July 2017 (the date of Royal Assent).