

Status: This version of this chapter contains provisions that are prospective.

Changes to legislation: *Public Health (Wales) Act 2017, CHAPTER 3 is up to date with all changes known to be in force on or before 13 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*



Public Health (Wales) Act 2017

2017 anaw 2

PART 3

TOBACCO AND NICOTINE PRODUCTS

PROSPECTIVE

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.

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- (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
 - (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.”

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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](#)