WELSH STATUTORY INSTRUMENTS

2012 No. 1288 (W.165) (C.45)

NATIONAL HEALTH SERVICE, WALES

The Health Act 2009 (Commencement No. 3) (Wales) Order 2012

Made - - - - 14 May 2012

The Welsh Ministers make the following Order in exercise of the powers contained in section 40(2)(b) of the Health Act 2009(**1**).

Title, application and interpretation

1.—(1) The title of this Order is the Health Act 2009 (Commencement No. 3) (Wales) Order 2012.

(2) This Order applies in relation to Wales.

(3) In this Order—

"the Act" ("*y Ddeddf*") means the Health Act 2009;

"bulk tobacconist" ("*swmpwerthwr tybaco*") means a shop selling tobacco products (whether or not it also sells other products) whose sales of cigarettes or hand-rolling tobacco, measured in accordance with paragraph (4), meet the following conditions—

(i) at least 90% of its cigarette sales are in pre-packed quantities of 200 or more cigarettes in their original package, and the remainder in pre-packed quantities of 100 or more cigarettes in their original package; and

(ii) at least 90% of its hand-rolling tobacco sales are in pre-packed quantities with a weight of 250 grams or more in their original package, and the remainder in pre-packed quantities with a weight of 125 grams or more in their original package;

"large shop" ("*siop fawr*") means a shop which has a relevant floor area exceeding 280 square metres;

"original package" ("*pecyn gwreiddiol*") means the package in which the cigarettes or hand-rolling tobacco were supplied for the purpose of retail sale by the manufacturer or importer;

"package" ("*pecyn*") means any box, carton or other container;

"relevant floor area" ("*arwynebedd perthnasol y llawr*"), in relation to a shop, means the internal floor area of so much of the shop as consists of or is comprised in a building but excluding any part of the shop which used neither for the serving of customers in connection with the sale of goods nor for the display of goods; and

(**1**) 2009 c. 21.

"specialist tobacconist" ("*gwerthwr tybaco arbenigol*") has the meaning given in section 6 of the Tobacco Advertising and Promotion Act 2002(**2**).

(4) The sales referred to in the definition of "bulk tobacconist" are to be measured by sale price—

(a) during the most recent period of twelve months for which accounts are available; or

(b) during the period for which the shop has been established, if it has not been established long enough for twelve months' accounts to be available.

Appointed days

2.—(1) 1 June 2012 is the day appointed for the coming into force of the following provisions of Schedule 4 to the Act—

(a) paragraph 7(6);

(b) paragraph 8(1) and paragraph 8(3); and

(c) paragraph 2 in so far as it relates to the paragraphs listed in (a) and (b).

(2) 3 December 2012 is the day appointed for the coming into force of the following provisions of the Act—

(a) section 21 (prohibition of tobacco displays etc.) to the extent that it is not already in force, in so far as it inserts sections 7A, 7B and 7C of the Tobacco Advertising and Promotion Act 2002 (prohibition of tobacco displays, tobacco displays: exclusions and defence and displays: prices of tobacco products), for the purpose of large shops other than bulk tobacconists and specialist tobacconists;

(b) the following paragraphs of Schedule 4, and section 24 in so far as it relates to those paragraphs—

(i) paragraph 6(2) and paragraph 6(1) in so far as it relates to that sub-paragraph;

(ii) paragraph 10;

(iii) paragraphs 11 and 12 to the extent that they are not already in force;

(iv) paragraph 2 in so far as it relates to the paragraphs listed in (i) to (iii).

(3) 6 April 2015 is the day appointed for the coming into force of the following provisions of the Act—

(a) section 20 (prohibition of advertising: exclusion for specialist tobacconists) to the extent that it is not already in force;

(b) section 21 (prohibition of tobacco displays etc.) in so far as it inserts sections 7A, 7B and 7C of the Tobacco Advertising and Promotion Act 2002, to the extent that it is not already in force;

(c) the following paragraphs of Schedule 4, and section 24 so far as it relates to those paragraphs—

(i) paragraph 2 to the extent that it is not already in force;

(ii) paragraph 3; and

(iii) paragraph 4(2) and (5) and paragraph 4(1) so far as it relates to those sub-paragraphs.

(**2**) 2002 c. 36.