

SL(6)648 – The Health Impact Assessment (Wales) Regulations 2025

Background and Purpose

Part 6 of the Public Health (Wales) Act 2017 (“the 2017 Act”) makes provision for listed public bodies to undertake Health Impact Assessments (HIAs). A HIA is defined as an assessment of the likely effect, both in the short and long term, of a proposed action or decision on the physical and mental health of all or some of the people of Wales.

Under section 108(1) of the 2017 Act the Welsh Ministers must specify the circumstances in which a HIA, and the way in which a HIA is carried out, within regulations. These Regulations make that provision. They require a public body carries out a HIA when it proposes to make a decision of a strategic nature about how to exercise its functions. They provide that the HIA must:

- identify the decision to which it relates;
- identify the population group potentially affected and the effects of the decision on that group;
- identify and assess any measures that may prevent, reduce or mitigate negative effects or increase positive ones;
- identify and assess anything else the public body considers relevant to the HIA.

The regulations also:

- require Public Health Wales issue guidance to assist public bodies carrying out a HIA;
- require publication of a HIA as soon as reasonably practicable after it is carried out;
- amend the list of public bodies required to carry out a HIA under section 110(1).

Procedure

Draft Affirmative.

The Welsh Ministers have laid a draft of these Regulations before the Senedd. The Welsh Ministers cannot make the Regulations unless the Senedd approves the draft Regulations.

Technical Scrutiny

The following point is identified for reporting under Standing Order 21.2 in respect of this instrument.

- 1. Standing Order 21.2(ii) that it appears to make unusual or unexpected use of the powers conferred by the enactment under which it is made or to be made**



Section 108(4) of the 2017 Act provides that Welsh Ministers regulations may require Public Health Wales to give assistance to another public body carrying out a HIA. Section 108(5) provides that the regulations may set out how the assistance is to be given. Regulation 5 of these regulations provides that Public Health Wales must publish guidance to assist public bodies carrying out a HIA, and that is the full extent of the provision made under section 108(4) and (5).

Paragraph 4.32 of the Explanatory Memorandum laid before the Senedd in relation to these Regulations says:

"In addition to guidance, PHW will be required to provide a programme of support to public bodies to include training, toolkits, maintenance of a HIA practitioner network and other activities beneficial to public bodies."

The Welsh Government is asked to explain the basis upon which PHW will be required to provide this additional support and to clarify why these obligations have not been specified in these Regulations.

Merits Scrutiny

The following point is identified for reporting under Standing Order 21.3 in respect of this instrument.

2. Standing Order 21.3 (ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

The 2017 Act received Royal Assent on 3 July 2017. Pursuant to section 126 a small number of sections came into force on Royal Assent leaving the majority to be commenced by Order of the Welsh Ministers. The Welsh Ministers made the Public Health (Wales) Act 2017 (Commencement No. 9) Order 2025 on 16 September 2025 to commence Part 6 of the 2017 Act on 19 September 2025, a little over 8 years after Part 6 was enacted. Please can the Welsh Government explain why Part 6 has not been commenced until now?

Welsh Government response

A Welsh Government response is required.

Legal Advisers

Legislation, Justice and Constitution Committee

24 September 2025

