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

Changes to legislation: Public Health (Wales) Act 2017, Cross Heading: Performance of special procedure: licensing requirement is up to date with all changes known to be in force on or before 23 April 2018. 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)



Public Health (Wales) Act 2017

2017 anaw 2

PART 4

SPECIAL PROCEDURES

PROSPECTIVE

Performance of special procedure: licensing requirement

58 Requirement for individual performing special procedure to be licensed

- (1) The following requirements apply in respect of the performance of a special procedure in Wales.
- (2) An individual who performs a special procedure on someone else in the course of a business must do so under the authority of a special procedure licence, unless the individual performing the procedure is exempt from the requirement to be licensed in respect of that procedure.
- (3) An individual designated under section 61 who performs a special procedure on someone else must do so under the authority of a special procedure licence, whether or not the procedure is performed in the course of a business.
- (4) For provision about exemption from the requirement to be licensed, see section 60.

59 General provision about special procedure licences

- (1) A special procedure licence is a licence issued by a local authority under this Part.
- (2) For the purposes of this Part, a special procedure licence authorises the performance in Wales by the licence holder of the special procedure (or those special procedures) specified in the licence.

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- (3) But a licence is not to be treated for the purposes of this Part as authorising the performance of a special procedure at premises or in a vehicle in Wales either occupied by, or to any extent under the management or control—
- (a) of the individual performing the procedure (“P”), or
 - (b) where P performs the procedure under a contract of service or apprenticeship, or a contract for services with another person (“E”), of E,
- unless the conditions in subsection (4) are met.
- (4) The conditions are that the premises or vehicle—
- (a) are identified in the licence, and
 - (b) are approved under section 70 in respect of the procedure.
- (5) But subsection (3) does not apply if, by virtue of regulations under section 69(8), the requirement in section 69(2) (procedure to be carried on only in approved premises or vehicle) does not apply in respect of the premises or vehicle concerned.
- (6) The period during which a special procedure licence authorises the performance of a special procedure is to be specified in the licence, and must be either—
- (a) a period of no more than seven days, beginning with a date specified in the licence, or
 - (b) a period of three years, beginning with the date of the issue of the licence.
- (7) For provision about applications for special procedure licences, and about varying, renewing and revoking special procedure licences, see Schedule 3.
- (8) In this Part—
- (a) references to the licence period, in relation to a special procedure licence, are to the period during which the licence authorises the performance of a special procedure;
 - (b) references to the licence holder, in relation to a special procedure licence, are to the individual to whom the licence is issued;
 - (c) references to a temporary licence are to a licence that authorises the performance of a special procedure for a period of no more than seven days.

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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](#)