

Status: This version of this provision is prospective.

Changes to legislation: Public Health (Wales) Act 2017, Section 61 is up to date with all changes known to be in force on or before 23 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 4

SPECIAL PROCEDURES

Designation for purposes of licensing requirement

PROSPECTIVE

61 Designation of individual for the purposes of section 58(3)

- (1) If the condition in subsection (2) is met, a local authority may give notice under this subsection to an individual (“P”), designating P for the purposes of section 58(3) in respect of a special procedure specified in the notice.
- (2) The condition is that the authority is satisfied that—
 - (a) P is likely to perform the procedure on someone else in Wales,
 - (b) the procedure as likely to be so performed by P presents or could present significant risk of harm to human health, and
 - (c) in order to remove or reduce that risk, it is appropriate to subject P to the requirement in section 58(3).
- (3) Notice under subsection (1) must—
 - (a) explain why the authority has decided to designate P,
 - (b) specify the date beginning with which the designation is to take effect, and
 - (c) prohibit P from performing the special procedure in question, as from the beginning of that date, otherwise than under the authority of a special procedure licence.
- (4) The notice must also state—
 - (a) that P may appeal under paragraph 18 of Schedule 3 against the decision, and
 - (b) the period within which an appeal may be brought.

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- (5) The date specified under subsection (3)(b) may be the date of the notice, or a subsequent date.
- (6) References in this Part to a special procedure in respect of which an individual is designated are to the procedure specified in the notice under this section designating the individual.
- (7) A local authority may withdraw a designation under subsection (1).
- (8) If a local authority withdraws the designation of an individual under subsection (1), it must give the individual notice of this, specifying—
 - (a) the reasons for the withdrawal;
 - (b) the date with the expiry of which the withdrawal is to take effect.
- (9) If a designation of an individual under subsection (1) in respect of a special procedure is withdrawn, the prohibition imposed under subsection (3)(c) in respect of that procedure ceases to have effect with the expiry of the date specified under subsection (8)(b).

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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](#)