

Status: This version of this provision is prospective.

Changes to legislation: Public Health (Wales) Act 2017, Section 63 is up to date with all changes known to be in force on or before 27 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

Licensing criteria and mandatory licensing conditions

PROSPECTIVE

63 Mandatory licensing conditions

- (1) Regulations must set out mandatory licensing conditions that are to apply to special procedure licences.
- (2) The mandatory licensing conditions specified in the regulations must include conditions imposing requirements in connection with—
 - (a) the verification of the age of an individual on whom a special procedure is to be performed;
 - (b) infection control, standards of hygiene, and first aid;
 - (c) consultation to be carried out before and after a special procedure is performed;
 - (d) record keeping.
- (3) The conditions specified in the regulations must also include a condition prohibiting the performance of a special procedure in circumstances where the individual on whom the procedure would otherwise be performed is, or appears to be, intoxicated, whether by virtue of drink, drugs or any other means.
- (4) Mandatory licensing conditions may also make further provision relating to (among other things)—
 - (a) the premises or vehicle at or in which a special procedure is to be performed, or at or in which equipment or material used in a special procedure is to be

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- stored or prepared (including, among other things, facilities and equipment available there, and cleaning and maintenance);
 - (b) the way in which a special procedure is to be performed (including by reference to, among other things, equipment used in, or in connection with, its performance, and protective clothing);
 - (c) standards of competence relevant to performing a special procedure (including standards specified by reference to, among other things, qualifications or experience), or performing a special procedure upon a specified part of an individual's body;
 - (d) information to be provided by a licence holder (whether by display or otherwise), and to a licence holder, before and after a special procedure is performed;
 - (e) displaying a licence;
 - (f) information to be provided to a local authority in the case of the conviction of a licence holder for a relevant offence;
 - (g) circumstances in which an application for variation of a licence is to be made;
 - (h) the return of a licence, on its expiry, to the authority by which it was issued.
- (5) Regulations under this section may make different provision for different purposes, including (among other things) in respect of—
- (a) different descriptions of premises and vehicles;
 - (b) different descriptions of special procedure;
 - (c) different circumstances in which a special procedure is performed (including by reference to, among other things, the frequency or regularity with which a special procedure is performed, the duration of any period during which a special procedure is performed, and whether a special procedure is performed on a peripatetic basis, on a fixed site basis, on a mobile basis, on a temporary basis, or otherwise).
- (6) Each special procedure licence is to be subject to the applicable mandatory licensing conditions.
- (7) The applicable mandatory licensing conditions, in relation to a special procedure licence, are the mandatory licensing conditions applying in respect of the licence concerned as at the date of its issue under this Part.

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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](#)