

Status: This version of this provision is prospective.

Changes to legislation: Public Health (Wales) Act 2017, Section 70 is up to date with all changes known to be in force on or before 19 April 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

Approved premises and vehicles

PROSPECTIVE

70 Approval of premises and vehicles in respect of performance of special procedure

- (1) A local authority may, on an application to it by a person carrying on a business in the course of which a special procedure is or is likely to be performed in its area, by issuing a certificate under this section (an “approval certificate”), approve in respect of the special procedure premises or a vehicle that are within subsection (2).
- (2) Premises or a vehicle are within this subsection if—
 - (a) in the case of premises, they are in the area of the local authority;
 - (b) in the case of a vehicle, the local authority considers that the vehicle is, or is likely to be, driven, used or kept in the area of the local authority.
- (3) Regulations must make provision—
 - (a) for criteria that must be met for an application for approval to be granted;
 - (b) for circumstances in which an application for approval is to be granted;
 - (c) for conditions (“mandatory approval conditions”) to which an approval under this section is to be subject;
 - (d) about appealing against refusal of an application for approval.
- (4) The mandatory approval conditions may, among other things, include conditions relating to the inspection of premises and vehicles approved under this section, and the display of an approval certificate.

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- (5) An approval certificate must specify a period for which, in the absence of any previous expiry under section 72 or 73, the approval to which it relates is to have effect, being either—
 - (a) a period of no more than seven days, beginning with the date on which the approval certificate is issued (the “approval date”), or
 - (b) a period of three years, beginning with the approval date.
- (6) Unless it previously ceases to have effect under section 72 or 73, approval under this section ceases to have effect with the expiry of that period.
- (7) Regulations may make provision about—
 - (a) the way in which applications for approval are to be made and dealt with (including for the payment of a fee in respect of an application, and for inspections to be carried out before an approval is granted);
 - (b) circumstances in which an application for approval must not be granted, or may be granted at the discretion of the authority to which the application is made;
 - (c) the renewal of approval;
 - (d) the variation of approval.
- (8) Regulations making provision as described in subsection (7)(a) may include (among other things)—
 - (a) provision about how a local authority is to determine the amount of a fee payable in respect of an application;
 - (b) provision about the consequences of failure to comply with a requirement to pay a fee (including provision permitting the local authority to decline to proceed with the application).
- (9) 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 at premises or in a vehicle, the duration of any period during which a special procedure is performed at premises or in a vehicle, 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).

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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](#)