

PUBLIC HEALTH (WALES) ACT 2017

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 4

Special Procedures

Section 66 - Discretion to grant application for special procedure licence

125. The requirement on the local authority to grant an application does not apply in the case of an applicant who has been convicted of a relevant offence. The relevant offences are provided under subsection (8). A regulation-making power is available in subsection (10) to amend the list of relevant offences by adding, varying or removing a description of offence.
126. If an applicant has been convicted of a relevant offence, the local authority retains the discretion to grant a special procedures licence, if it thinks fit, having regard to the nature of the offence and any special procedure to which the application relates. The test is whether the circumstances are such that the applicant's fitness to perform a special procedure has been called into question to such an extent that the licence should not be granted. The local authority may decide not to issue a licence, in which case it must provide notice to the applicant that the application has been refused. A conviction for a relevant offence is to be disregarded by the local authority if it is spent for the purposes of the [Rehabilitation of Offenders Act 1974 \(c.53\)](#). Pursuant to subsection (11), the Welsh Ministers must give guidance to local authorities about matters to be taken into account in deciding whether, and, if so, to what extent an applicant's fitness to perform a special procedure has been called into question.