

PUBLIC HEALTH (WALES) ACT 2017

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 4

Special Procedures

Section 68 - Revocation of special procedure licence

128. This section provides discretion for the local authority to revoke a special procedure licence (or revoke it in so far as it relates to the performance of a particular special procedure), if it is satisfied that the conditions in subsection (2), (3) or (4) are met.
129. The first set of conditions (set out in subsection (2)) are (a) that the licence holder has failed to comply with an applicable mandatory licensing condition; and (b) that the non-compliance presents or could present significant risk of harm to human health. The second set of conditions (set out in subsection (3)) relate to convictions for a relevant offence and also provide a basis upon which a local authority can revoke a special procedure licence, for example if the local authority was unaware of the conviction for a relevant offence at the time of granting the licence, or where the conviction did not precede the issuing of the licence. The third set of conditions (set out in subsection (4)) relate to a statement made by the licence holder in connection with an application that was false or misleading. If the authority would not have issued the licence had it known that the statement was false or misleading, or it would not have issued the licence in full, the licence may be revoked.
130. The section also provides that a revocation will come into effect following the expiry of the period for bringing an appeal or further appeal in respect of the revocation, or the withdrawal of any appeal or further appeal. Further detail on the procedure for revocations is provided in Schedule 3. For commentary, see Schedule 3 below.