

# **PUBLIC HEALTH (WALES) ACT 2017**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 4**

#### **Special Procedures**

#### ***Section 63 - Mandatory licensing conditions***

116. This section requires the Welsh Ministers to make regulations that set out the mandatory licensing conditions. The mandatory licensing conditions will detail the requirements that the holder of a special procedure licence must adhere to in order to retain their licence. The mandatory licensing conditions may differ depending on the procedure being performed and the basis upon which it is being performed i.e. peripatetically or from a fixed location. Subsections (2) and (3) set out the elements that the mandatory licensing conditions must relate to and the requirements that must be included in the regulations. These include requirements on the verification of the age of an individual on whom a special procedure is to be performed in relation to tattooing and intimate piercing; infection control practices; standards of hygiene; and how the licence holder must maintain their records. The regulations must also include a condition preventing a licence holder from performing a special procedure on an individual who is, or appears to be, intoxicated, by virtue of drink, drugs, or any other means.
117. The mandatory licensing conditions may (among other things) make further provision relating to premises or vehicles (including the cleaning and maintenance of the premises or vehicle from which a special procedure is performed, or where the equipment or material is stored or prepared). The conditions may also cover how a licence holder must display their licence, the information the licence holder must provide to the local authority in the case of conviction of a relevant offence, when an application for variation of a licence is to be made and when a licence must be returned.
118. The mandatory licensing conditions may also specify the way in which a special procedure is to be performed. This will include the equipment that should be used, how the procedure should be performed and the requirements in relation to the protective clothing worn by the licence holder. Provisions relating to information provided by the licence holder or to a licence holder before and after a special procedure is carried out may also be specified, for example aftercare advice.
119. The mandatory licensing conditions may also specify standards of competence relevant to performing a special procedure, including standards related to qualifications or experience, or to the performance of a special procedure on a specified part of an individual's body. So for instance if a procedure were carried out on a particularly vulnerable or sensitive part of a person's body, specified training or qualifications could be required.
120. The regulations may provide that different mandatory licensing conditions apply in relation to different purposes. For example, there may be different mandatory licensing

*These notes refer to the Public Health (Wales) Act  
2017 (c.2) which received Royal Assent on 3 July 2017*

conditions for different premises and vehicles, for different special procedures, and to take account of the different circumstances in which a special procedure is practiced.