

PUBLIC HEALTH (WALES) ACT 2017

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 5

Intimate Piercing

Section 95 - Offence of performing or making arrangements to perform an intimate piercing on a child

190. This section makes it an offence to perform an intimate piercing on a child in Wales. It also makes it an offence to make arrangements to perform an intimate piercing on a child in Wales. A child for the purposes of this Part of the Act is any person who is under the age of 18. A person convicted of either offence is liable on summary conviction to an unlimited fine.
191. A person charged with the offence of performing an intimate piercing on a child in Wales may put forward a defence that they believed the person was aged over 18. The accused would need to show that they either took reasonable steps to establish the person's age (for example by requesting proof of age and that the evidence provided would have convinced a reasonable person), or that nobody could reasonably have suspected that the person was under the age of 18 from their appearance. If a person is charged with an offence under this section due to the actions of another person, it will be a defence to show that the accused took reasonable precautions and exercised due diligence to avoid committing the offence, for example by providing training to staff or putting systems in place to avoid committing the offence.