



# Public Health (Wales) Act 2017

2017 anaw 2

## PART 4

### SPECIAL PROCEDURES

#### *Revoking a special procedure licence*

#### **68 Revocation of special procedure licence**

- (1) If a local authority is satisfied that the conditions in subsection (2), (3) or (4) are met, it may give notice to a licence holder—
  - (a) revoking a special procedure licence issued by it to the licence holder, or
  - (b) revoking a special procedure licence issued by it to the licence holder in so far as it authorises the performance of a particular special procedure.
- (2) The conditions 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.
- (3) The conditions are—
  - (a) that the licence holder has been convicted of an offence that is a relevant offence (and which was a relevant offence as at the date on which the licence in question was issued),
  - (b) that the licence was issued to the licence holder without regard having been had by the local authority to the nature and circumstances of that offence, as described in section 66, either because the local authority was unaware of the conviction, or because the conviction did not precede the issue of the licence, and
  - (c) that, had the authority had regard to the nature and circumstances of that offence, as described in section 66, for the purposes of the issue of the licence, the licence would either not have been issued at all (in the case of revocation

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*Status: This is the original version (as it was originally enacted).*

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as described in subsection (1)(a)), or would not have been issued in so far as it relates to the performance of a particular procedure (in the case of revocation as described in subsection (1)(b) in respect of the performance of that procedure).

- (4) The conditions are—
- (a) that the licence holder made a statement that was false or misleading in connection with an application for the issue, variation or renewal of a special procedure licence, and
  - (b) had the authority known that the statement was false or misleading, the licence would either not have been issued at all (in the case of revocation as described in subsection (1)(a)), or would not have been issued in so far as it relates to the performance of a particular procedure (in the case of revocation as described in subsection (1)(b)).
- (5) A revocation under this section has effect—
- (a) with the expiry of the period for bringing an appeal under Schedule 3 in respect of the revocation expires, if no appeal is brought under that Schedule within that period;
  - (b) with the date of the withdrawal of any appeal or further appeal brought in respect of the revocation, or the date of final determination of any unsuccessful appeal or further appeal brought in respect of the revocation, where the appeal or further appeal has been brought under Schedule 3 and no further appeal under that Schedule is available;
  - (c) with the expiry of the period for bringing a further appeal under Schedule 3, where an appeal brought under Schedule 3 in respect of the revocation is withdrawn or unsuccessful, and a further appeal under Schedule 3 is available but is not brought within that period.
- (6) For the purposes of subsection (5)(b) and (c) above, an appeal is brought under Schedule 3 if it is brought within the period provided for in that Schedule for bringing an appeal of the type concerned.
- (7) For provision about the procedure for revocations, see Schedule 3.