



# Public Health (Wales) Act 2017

2017 anaw 2

## PART 4

### SPECIAL PROCEDURES

#### *Approved premises and vehicles*

#### **69 Performance of special procedure in course of business: approval requirement**

- (1) A person carrying on a business in the course of which a special procedure is performed must comply with the requirements in subsections (2) and (3).
- (2) The first requirement is to ensure that the procedure, so far as carried on in the course of the business—
  - (a) in the case of a special procedure performed at premises, is performed at premises approved under section 70 in respect of the procedure;
  - (b) in the case of a special procedure performed in a vehicle, is performed in a vehicle approved under section 70 in respect of the procedure.
- (3) The second requirement is to ensure compliance with the applicable mandatory conditions of approval.
- (4) The applicable mandatory conditions of approval, for this purpose, are the mandatory approval conditions to which approval of the premises or vehicle concerned is subject. (For mandatory approval conditions, see section 70(3).)
- (5) Subsections (6) and (7) apply in the case of an exhibition, entertainment or other event—
  - (a) to which members of the public have access, and
  - (b) at which a special procedure is performed by a person in the course of a business.
- (6) The person who organises the exhibition, entertainment or event is to be treated for the purposes of this section as carrying on a business in the course of which the special procedure is performed.

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*Status: This is the original version (as it was originally enacted).*

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- (7) The premises at which the exhibition, entertainment or event is held are to be treated for the purposes of this section as being the premises at which the special procedure is performed in the course of that business.
- (8) Regulations—
- (a) may provide that either or both of the requirements in subsections (2) and (3) do not apply in respect of a description of premises, or vehicle, specified in the regulations;
  - (b) may provide for any one or more of subsections (5) to (7) to apply with modifications, or not to apply, in respect of a description of person, or a description of premises or vehicle, specified in the regulations.
- (9) For the purposes of subsection (8), premises or vehicles may be described by reference to any of the following (among other things)—
- (a) the persons by whom they are managed or controlled;
  - (b) the nature of activities carried on at or in them (including, among other things, the range of special procedures performed at or in them);
  - (c) the different circumstances in which a special procedure is performed at or in them (including by reference to, among other things, the frequency or regularity with which a special procedure is performed at or in them, the duration of any period during which a special procedure is performed at or in them, and whether a special procedure is performed at or in them on a peripatetic basis, on a fixed site basis, on a mobile basis, on a temporary basis, or otherwise);
  - (d) the number of individuals by whom special procedures are performed at or in them.
- (10) For the purposes of this section and section 70, an individual designated under section 61 in respect of a special procedure is to be treated as carrying on a business in the course of which that procedure is performed.