



Public Health (Wales) Act 2017

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PART 4

SPECIAL PROCEDURES

Remedial action notices

78 Special procedure licences: licence holder remedial action notices

- (1) If a local authority by which a special procedure licence authorising the performance of a special procedure was issued is satisfied that the licence holder is in breach of an applicable mandatory licensing condition, it may give notice under this section to the licence holder.
- (2) Notice given under this section is referred to in this Part as a licence holder remedial action notice.
- (3) A licence holder remedial action notice must—
 - (a) state that the local authority is satisfied that the licence holder is in breach of an applicable mandatory licensing condition;
 - (b) specify the matters giving rise to the breach;
 - (c) specify steps to be taken by the licence holder in order to secure compliance with the applicable mandatory licensing conditions;
 - (d) specify a period (the “compliance period”) of not less than 14 days beginning with the date of the notice during which those steps are to be taken.
- (4) A licence holder remedial action notice must also state—
 - (a) that the licence holder may appeal under section 81 against the notice, and
 - (b) the period within which an appeal may be brought.
- (5) If the authority is satisfied that the breach of the condition presents, or could present, significant risk of harm to human health, the licence holder remedial action notice may also prohibit the performance of the procedure by the licence holder until the steps specified under subsection (3)(c) have been taken.

Status: This is the original version (as it was originally enacted).

- (6) The prohibition may relate to the performance of the procedure by the licence holder in an area in Wales that is specified in the notice, or to its performance by the licence holder anywhere in Wales.
- (7) Where a licence holder remedial action notice has been given to a licence holder, no proceedings for an offence under section 82 are to be instituted during the compliance period in respect of—
- (a) the breach that gave rise to the notice, or
 - (b) any continuation of that breach.
- (8) If the steps specified in a licence holder remedial action notice are taken during the compliance period, no proceedings for an offence under section 82 are to be instituted in respect of—
- (a) the breach that gave rise to the notice, or
 - (b) any continuation of that breach prior to the taking of the steps specified in the notice.
- (9) But nothing in subsection (7) or (8) prevents proceedings for an offence under section 82 being instituted, at any time, in respect of the breach of a prohibition on the performance of a procedure that is included in a licence holder remedial action notice under subsection (5).