

Changes to legislation: There are currently no known outstanding effects for the Health and Care Act 2022, SCHEDULE 19. (See end of Document for details)

SCHEDULES

SCHEDULE 19

Section 180

LICENSING OF COSMETIC PROCEDURES

Introduction

- 1 This Schedule is about the provision that may be made by regulations under section 180.

Commencement Information

- I1** Sch. 19 para. 1 not in force at Royal Assent, see [s. 186\(6\)](#)
I2 [Sch. 19 para. 1](#) in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with [regs. 13, 29, 30](#))

Grant of licence

- 2 The regulations may—
- (a) require a local authority not to grant a licence unless satisfied as to a matter specified in the regulations;
 - (b) require a local authority to have regard, in deciding whether to grant a licence, to a matter specified in the regulations.

Commencement Information

- I3** Sch. 19 para. 2 not in force at Royal Assent, see [s. 186\(6\)](#)
I4 [Sch. 19 para. 2](#) in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with [regs. 13, 29, 30](#))

- 3 The regulations may make provision requiring a local authority not to grant a premises licence unless the premises have been inspected in accordance with the regulations.

Commencement Information

- I5** Sch. 19 para. 3 not in force at Royal Assent, see [s. 186\(6\)](#)
I6 [Sch. 19 para. 3](#) in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with [regs. 13, 29, 30](#))

Commencement Information

- I3** Sch. 19 para. 2 not in force at Royal Assent, see [s. 186\(6\)](#)
I4 [Sch. 19 para. 2](#) in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with [regs. 13, 29, 30](#))
I5 Sch. 19 para. 3 not in force at Royal Assent, see [s. 186\(6\)](#)
I6 [Sch. 19 para. 3](#) in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with [regs. 13, 29, 30](#))

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Licence conditions

- 4 (1) The regulations may make provision for the grant of a licence subject to conditions.
- (2) Provision of the kind mentioned in sub-paragraph (1) may—
- (a) enable a local authority to attach conditions to a licence;
 - (b) require a local authority to attach to a licence a condition specified in the regulations.

Commencement Information

I7 Sch. 19 para. 4 not in force at Royal Assent, see [s. 186\(6\)](#)

I8 [Sch. 19 para. 4](#) in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with [regs. 13, 29, 30](#))

Duration of licence etc

- 5 (1) The regulations may make provision about the duration, renewal, variation, suspension or revocation of licences.
- (2) The provision that may be made under sub-paragraph (1) includes provision conferring power on a court by which a person is convicted of an offence under the regulations to vary, suspend or revoke a licence.

Commencement Information

I9 Sch. 19 para. 5 not in force at Royal Assent, see [s. 186\(6\)](#)

I10 [Sch. 19 para. 5](#) in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with [regs. 13, 29, 30](#))

Reviews and appeals

- 6 The regulations may make provision for—
- (a) the review of decisions under the regulations;
 - (b) appeals against decisions under the regulations.

Commencement Information

I11 Sch. 19 para. 6 not in force at Royal Assent, see [s. 186\(6\)](#)

I12 [Sch. 19 para. 6](#) in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with [regs. 13, 29, 30](#))

Offences

- 7 (1) The regulations may create offences in relation to—
- (a) the breach of a prohibition imposed by virtue of section 180(1);
 - (b) the breach of a condition attached to a licence;
 - (c) the provision of false or misleading information to a local authority in connection with anything done under the regulations.
- (2) The regulations must provide for any such offence to be punishable on summary conviction with a fine or a fine not exceeding an amount specified, or determined in accordance with, the regulations.

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I13 Sch. 19 para. 7 not in force at Royal Assent, see [s. 186\(6\)](#)

I14 [Sch. 19 para. 7](#) in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with [regs. 13, 29, 30](#))

Financial penalties

- 8 (1) The regulations may confer power on a local authority to impose a financial penalty in relation to—
- (a) the breach of a prohibition imposed by virtue of section 180(1);
 - (b) the breach of a condition attached to a licence.
- (2) The amount of the financial penalty is to be specified in, or determined in accordance with, the regulations.
- (3) If the regulations confer power to impose a financial penalty in respect of conduct for which a criminal offence is created under the regulations, they must provide that a person is not liable to such a penalty in respect of conduct for which the person has been convicted of the offence.
- (4) If the regulations confer power to impose a financial penalty they must include provision—
- (a) requiring the local authority, before imposing a financial penalty on a person, to give the person written notice (a “notice of intent”) of the proposed financial penalty;
 - (b) ensuring that the person is given an opportunity to make representations about the proposed financial penalty;
 - (c) requiring the local authority, after the period for making representations, to decide whether to impose the financial penalty;
 - (d) requiring the local authority, if it decides to impose the financial penalty, to give the person notice in writing (a “final notice”) imposing the penalty;
 - (e) enabling a person on whom a financial penalty is imposed to appeal to a court or tribunal in accordance with the regulations;
 - (f) as to the powers of the court or tribunal on such an appeal.
- (5) The provision that may be made by the regulations by virtue of sub-paragraph (1) includes provision—
- (a) enabling a notice of intent or final notice to be withdrawn or amended;
 - (b) requiring the local authority to withdraw a final notice in circumstances specified in the regulations;
 - (c) for a financial penalty to be increased by an amount specified in or determined in accordance with the regulations in the event of late payment;
 - (d) as to how financial penalties are recoverable.

Commencement Information

I15 Sch. 19 para. 8 not in force at Royal Assent, see [s. 186\(6\)](#)

I16 [Sch. 19 para. 8](#) in force at 1.7.2022 by [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with [regs. 13, 29, 30](#))

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Enforcement

- 9 The regulations may confer on a local authority the function of enforcing the regulations in its area.

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- I17** Sch. 19 para. 9 not in force at Royal Assent, see [s. 186\(6\)](#)
I18 [Sch. 19 para. 9](#) in force at 1.7.2022 by [S.I. 2022/734](#), [reg. 2\(a\)](#), [Sch.](#) (with [regs. 13, 29, 30](#))

Fees

- 10 The regulations may include provision for fees in relation to the carrying out of functions of a local authority under or in connection with the regulations (including the cost of its enforcement functions under the regulations).

Commencement Information

- I19** Sch. 19 para. 10 not in force at Royal Assent, see [s. 186\(6\)](#)
I20 [Sch. 19 para. 10](#) in force at 1.7.2022 by [S.I. 2022/734](#), [reg. 2\(a\)](#), [Sch.](#) (with [regs. 13, 29, 30](#))

Guidance

- 11 The regulations may require a local authority, in carrying out functions under the regulations, to have regard to guidance published by the Secretary of State.

Commencement Information

- I21** Sch. 19 para. 11 not in force at Royal Assent, see [s. 186\(6\)](#)
I22 [Sch. 19 para. 11](#) in force at 1.7.2022 by [S.I. 2022/734](#), [reg. 2\(a\)](#), [Sch.](#) (with [regs. 13, 29, 30](#))

Interpretation

- 12 (1) In this Schedule—
 “grant”, in relation to a licence, includes vary or renew;
 “licence” means a personal licence or premises licence;
 “personal licence” has the meaning given by section 180(2);
 “premises licence” has the meaning given by section 180(2).
 (2) Nothing in this Schedule is to be read as limiting the scope of the power to make regulations under section 180.

Commencement Information

- I23** Sch. 19 para. 12 not in force at Royal Assent, see [s. 186\(6\)](#)
I24 [Sch. 19 para. 12](#) in force at 1.7.2022 by [S.I. 2022/734](#), [reg. 2\(a\)](#), [Sch.](#) (with [regs. 13, 29, 30](#))

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