

Draft Regulations laid before the National Assembly for Wales under section 123(2)(b) of the Public Health (Wales) Act 2017, for approval by resolution of the National Assembly for Wales.

DRAFT WELSH STATUTORY
INSTRUMENTS

2019 No. (W.)

PUBLIC HEALTH, WALES

**The Public Health (Wales) Act 2017
(Prescribed Objects for Intimate
Piercing) Regulations 2019**

EXPLANATORY NOTE

(This note is not part of the Regulations)

Part 5 of the Public Health (Wales) Act 2017 (“the Act”) makes it an offence to perform an intimate piercing on a person under the age of 18 in Wales. It also makes it an offence to make arrangements to perform an intimate piercing on a person under the age of 18 in Wales. A person convicted of either offence is liable on summary conviction to an unlimited fine.

An intimate piercing is a body piercing performed on an intimate body part where performed otherwise than in the course of a medical procedure.

The definition of “body piercing” is provided in section 94(1) of the Act and means the perforation (including puncture or incision) of an individual’s skin or mucous membrane, with a view to enabling jewellery or another object of a description prescribed in or under regulations to be attached to, implanted in or removed from the individual’s body.

The intimate body parts are listed in section 96(2) of the Act and include the breast (including the nipple and areola), buttocks, penis, vulva and tongue. The list captures parts of the male and female anatomy. Mucous membranes are included in the definition as the surface of intimate body parts such as the vulva may comprise skin and mucous membranes.

Regulation 2 prescribes the objects which are captured by the definition of “body piercing” in section 94(1) for the purposes of the offence in section 95 of the Act (offence of performing or making

arrangements to perform an intimate piercing on a person under the age of 18). This has the effect of bringing an intimate body piercing using any of the prescribed objects within the scope of the offence in Part 5 of the Act.

Fluids, liquids and viscous materials such as injectable Botox and dermal fillers are not objects and are not caught by the definition of “body piercing” for the purpose of the offence in section 95 of the Act.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations in Wales. A copy can be obtained from the Population Health Directorate, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

Draft Regulations laid before the National Assembly for Wales under section 123(2)(b) of the Public Health (Wales) Act 2017, for approval by resolution of the National Assembly for Wales.

DRAFT WELSH STATUTORY
INSTRUMENTS

2019 No. (W.)

PUBLIC HEALTH, WALES

**The Public Health (Wales) Act 2017
(Prescribed Objects for Intimate
Piercing) Regulations 2019**

Made ***

Coming into force ***

The Welsh Ministers, in exercise of the powers conferred by sections 94(1) and 123(1) of the Public Health (Wales) Act 2017(1), make the following Regulations.

In accordance with section 123(2)(b) of the Public Health (Wales) Act 2017, a draft of these Regulations has been laid before, and approved by resolution of, the National Assembly for Wales.

Title and commencement

1.—(1) The title of these Regulations is the Public Health (Wales) Act 2017 (Prescribed Objects for Intimate Piercing) Regulations 2019.

(2) These Regulations come into force on XXX.

Prescribed objects for the purposes of offence relating to performing an intimate piercing on a child

2.—(1) The objects listed in paragraph (2) are prescribed for the purposes of paragraph (b) in the definition of “body piercing” in section 94(1) of the Public Health (Wales) Act 2017, but only in so far as that definition applies for the purposes of the offence

(1) 2017 anaw 2.

in section 95 of Part 5 of that Act (performing intimate piercing on a child etc.).

(2) The objects are—

- (a) flesh plugs;
- (b) flesh tunnels;
- (c) dermal and micro-dermal anchors;
- (d) skin divers; and
- (e) any other object which is not jewellery.

Vaughan Gething

Cabinet Secretary for Health and Social Services, one
of the Welsh Ministers

Date