

Number: WG36595



Llywodraeth Cymru  
Welsh Government

## Welsh Government Consultation – summary of response

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

January 2019

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.  
This document is also available in Welsh.

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

## **CONSULTATION - SUMMARY OF RESPONSES RECEIVED**

### **CONTENTS**

	<b>Page Number</b>
<b>Introduction</b>	<b>1</b>
<b>Summary of Consultation Responses</b>	<b>2</b>
<b>Details of responses by question</b>	<b>4</b>
<b>Steps taken as a result of this consultation</b>	<b>14</b>
<b>Annex 1: Consultation Distribution List</b>	<b>15</b>
<b>Annex 2: Consultation Responses received</b>	<b>17</b>

**This document is also available in Welsh**

## INTRODUCTION

The draft Public Health (Wales) Act 2017 (Prescribed Objects for Intimate Piercing) Regulations 2019 (“the draft Regulations”) are to be made under sections 94(1)(b) and 94(3) of Part 4 of the Public Health (Wales) Act 2017. They will enable “objects” defined within those draft Regulations to be captured within the scope of the intimate piercing prohibition provided for at Part 5 of the Act. Part 5 bans the intimate piercing of children and young people under the age of 18 in Wales and was introduced in February 2018. The current intimate piercing legislation prohibits the intimate piercing of under 18s in Wales using items of jewellery. The introduction of the draft Regulations will widen the scope of that restriction so that the “objects” defined in the draft Regulations are captured as well as jewellery.

A public consultation on the draft Regulations and related impact assessments ran between 30 July and 19 October 2018, after which we reflected on the responses received and further steps we might need to take in light of those responses in order to formally introduce the regulations.

This document gives a summary and analysis of the responses received, and outlines the actions we will take next.

The Public Health (Wales) Act 2017 is available via this web link:

<http://www.legislation.gov.uk/anaw/2017/2/contents>

## SUMMARY OF CONSULTATION RESPONSES

### Details of Responses Received

A total of 14 responses were received from a range of sectors. Respondents were able to use the response form template in hard copy or electronic format could utilise the online survey form provided or could respond by letter or email. A breakdown of responses by sector type is as follows:

Academic	0
Representative Organisation	3
Government	0
Local Government	4
Health	0
Public Health	2
Piercing Industry	4
Personal*	1
<b>Total</b>	<b>14</b>

A number of these respondents could be placed in more than one category. Where this has been the case, the respondent has been categorised according to their main function.

### Anonymity

All respondents were asked to respond to the following anonymity question:

**'Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be anonymised, please tick here:'**

1 respondent indicated they wished their response to be kept anonymous. They are referred to in this document as “Anonymous – (category of sector type)”.

\* One online response has not been published, although the respondent did not request anonymity. This is because the response contained sensitive information that could lead to the identification of the respondent. The contents of the response have been noted and taken account of as part of the consultation. This course of action is in line with the updated Policy and Legislation Consultation Guidance (Section 12).

### Responses Received

The majority of those who responded to the consultation did so via email or the online response form. Some respondents answered all the questions directly, others chose to respond to some of the questions, and others did not reference the questions directly but wrote on the overarching issues they wished to raise.

All consultation responses were submitted in English.

A list of those invited to respond to the consultation is attached at **Annex 1**. The text of responses received is attached at **Annex 2**. We have presented the responses in **Annex 2** in a consistent format for clarity, but the text of the responses is given in full, and unedited,

except for the redaction of names, addresses and contact details and the exception of the one personal response as explained above.

Three partial responses were received via the online form which could not be included because they were not formally submitted. Under data protection rules, un-submitted responses have to be disregarded as the consent to use the response has not technically been given. The three responses of this kind have therefore not been included in this document.

## DETAILS OF RESPONSES BY QUESTION

### Question 1

**Do you think we have accurately defined the types of range of ‘objects’ that are used in intimate piercing procedures? (see Section 2 (2) and the draft regulations at Annex A).**

#### Overview

Eight substantive responses were received for this question, the majority of which expressed concerns that the list defined would be open to interpretation or soon go out of date.

#### Key themes of responses

A key theme to the responses was the specification of some objects and the terminology and interpretation used given the need to future-proof the Regulations.

Four of the respondents questioned the need to specify or list objects proposing that sub paragraph 2(2)e as a cover all would suffice.

One respondent suggested an alternative definition of a piercing, i.e. puncturing the skin or mucous membrane, would negate the need to list objects. Two responses suggested that if the Regulations are to include a list of ‘objects’, there should be a short description of the function of each object alongside given that terms and names change over time and the use of the names without a description of the function of the object referred to may cause interpretation issues in the future.

A further issue of concern highlighted that the list of objects may need updating with the emergence of new types of piercings, with possible new terminology.

One respondent suggested the inclusion of dermal implants, RFID (radio frequency identification devices), chips, or any body modification objects. Another respondent expressed concern that the definition of objects in the draft regulations only related to their use in intimate piercings and they suggested that the objects defined in the draft Regulations should be the subject of control for any body piercings in under 18s, not just intimate body piercings.

#### Welsh Government response

We note that some respondents were calling for a definition of piercing. Body piercing and intimate piercing are already defined in sections 94 and 96 of the Public Health (Wales) Act 2017 so are outside the scope of these regulations.

We have noted the points made about terminology, interpretation and the speed at which fashions and practices change, and about the possibility of the regulations going out of date unless regularly updated. We will give further consideration to these issues and discuss

with our lawyers how the regulations can be effectively future-proofed against such changes if it is considered that the current catch-all inclusion at 2(2)(e) does not effectively provide that future-proofing.

The other procedures mentioned, such as dermal implants, body modifications and RFID chips are outside the scope of these regulations. These issues may be discussed at a future date when proposals are presented for consideration on additional special procedures for inclusion under section 93 of the Public Health (Wales) Act 2017.

## **Question 2**

**Are the terms used at section 2 (2) of the draft Regulations to prescribe the types and range of 'objects' used for intimate piercing procedures commonly used and fully understood within the piercing industry and by enforcement officers?**

### **Overview**

There were five substantive responses, with a further two responses providing their agreement to this question. The remainder gave no substantive response to this question.

### **Key themes of responses**

Themes generally echoed the concerns expressed in relation to question 1, with the understanding of terminology, specifically where terms used are localised to different local authority areas.

Further concerns were expressed regarding the fast-moving nature of the piercing industry and the need for the final Regulations to be sufficiently future-proofed to ensure that future developments are fully catered for and the perceived need for additional descriptions over time to assist interpretation and application.

### **Welsh Government response**

As in our response to question 1, we have noted the points made about terminology, interpretation and the speed at which fashions and practices change, and will give further consideration to these issues in discussion with our lawyers.



### **Question 3**

**Do the broad definitions provided for the “objects” we have identified provide a sufficient element of future-proofing to capture new/different “objects” in the future?**

#### **Overview**

There were eight substantive responses, one response referring to the comments they provided to question 1, and the remainder gave no substantive response to this question. Most of the substantive responses made the point about having one overarching definition of ‘object’.

#### **Key themes**

Most of the substantive responses expressed concerns regarding listing of specific ‘objects’ and expressed a preference for a ‘catch all’ term to cover any other object which is not jewellery. This would allow for changes in terminology and procedures. One respondent suggested the inclusion of any body modification or invasive treatment, and another thought that the age restriction should apply to the use of objects in all piercings because of the risk of scarring.

#### **Welsh Government response**

We have noted the request to include body modifications and other invasive treatments, but this is outside the scope of these Regulations. We note the concerns about the difficulties of keeping an itemised list of objects up to date and consistent in terminology. We note also the overall preference to have one overarching definition of an “object” akin to what is proposed at section 2(2)(e) of the draft Regulations and will give further consideration to this in discussion with our lawyers.

## **Question 4**

**Does the draft Regulatory Impact Assessment document at Annex B1 accurately reflect the impact on and benefits for the audiences identified?**

### **Overview**

There were five substantive responses, one additional response agreeing with the question and the remainder of respondents gave no substantive response to this question.

### **Key themes**

Most of the respondents were local authority based and queried some of the costings in the table within the Regulatory Impact Assessment, and the impact it will have on local authorities. Queries were also raised regarding the validity of the low number quoted of local authorities supporting Expert Panels. There were also concerns that additional duties carried out by local authority officers, partly due to reduced budgets, should be accounted for in the costings.

### **Welsh Government response**

We note the concerns raised by local authorities about reduced budgets and additional duties that may arise as a result of these Regulations. We worked extensively with senior environmental health officers from two local authorities to discuss a reasonable basis for formulating the costings in the Regulatory Impact Assessment. It was acknowledged at the time of these discussions that uplifted hourly rates and staffing levels are not consistent across local authorities, so our calculations had to be based on averages.

## **Question 5**

**Do the other associated impact assessment documents at Annex B2 to B4 accurately reflect the impact on, and benefits for, the audiences identified?**

### **Overview**

There were two substantive responses, a further four agreed with the question and the remainder gave no substantive response to this question.

### **Key themes**

Of the two substantive responses, one commented that the impact assessments appeared appropriate but wondered how they fitted with their own organisation's long term strategy. The other said that it was unknown if the impact assessments were accurate. No key themes therefore emerged from these responses.

### **Welsh Government response**

Noted.

## Question 6

We would like to know your views on the effects that the *draft* Regulations would have on the Welsh language, specifically on opportunities for people to use Welsh, and on treating the Welsh language no less favourably than English:

What effects do you think there would be?

How could positive effects be increased, or negative effects be mitigated?

### Overview

There were four substantive responses, and the remainder of respondents provided no comments to this question.

### Key Themes

The theme that emerged from these responses is that translation of specific terms and practices must be accurate and therefore not lead to differences in the interpretation of the regulations.

### Welsh Government response

We have noted these comments and accept the importance of accurate translation.

## **Question 7**

**Please also explain how you believe the draft Regulations could be formulated or changed so as to have:**

**positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and on treating the Welsh language no less favourably than the English language.**

### **Overview**

There were no substantive responses to this question.

### **Key themes**

There were no key themes emerging from responses to this question as there were either no responses, or 'no comments' responses.

### **Welsh Government response**

We have noted this accordingly.

## MISCELLANEOUS COMMENTS

### Question 8

**Any other general comments or observations? We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.**

#### Overview

There were nine substantive responses, and the remainder of respondents provided no comments to this question.

#### Key Themes

Where some respondents made a more generalised response to the consultation and did not use the form supplied, their comments or observations have been added into this question category. Some respondents however used this question to clarify or summarise their previous responses.

- One respondent confirmed their agreement to the age 18 age restriction for dermal anchors and skin divers, but felt that piercings involving plugs and tunnels should be permitted from age 16 and above. These views, however, related to tunnel and plug piercings involving the ear.
- One respondent highlighted possible confusion or ambiguity in using the term 'flesh tunnel' which can be flesh coloured, but is also available in different colours. This could provide a 'loop hole' in the interpretation of the regulations if tunnels of a different colour are used in an intimate piercing procedure. Also identified was that new metals and materials are being used which may make it necessary for frequent changes in the items listed in the Regulations.
- Two respondents emphasised that the regulations should capture the common practice of changing 'objects' or jewellery post-piercing (where no new piercing is made).
- One respondent queried whether some practitioners may have to change their insurance policies to allow for amendments to the regulations.
- One local authority respondent emphasised a perceived requirement for further powers to regulate special procedures practitioners in view of the evolving treatments and practices. They highlighted that further clarity is needed as to whether some beauty procedures could be construed as medical treatments.

#### Welsh Government response

We thank all respondents for taking the time to comment on the regulations under this question. We cannot change the age restriction of 18 for intimate piercings for jewellery or

'objects', as this has been set by the requirements of the Public Health (Wales) Act 2017. We have noted the queries about terminology and concerns that the regulations could be circumvented, and also the perception of the ongoing need to keep the list of prescribed objects up to date.

We have noted the comments about changing of jewellery or 'objects' without further piercing taking place, but this is outside the scope of these regulations. The comments about clarification of whether certain beauty treatments or 'medical' cosmetic procedures should be captured are also outside the scope of these particular regulations. However, these issues may be discussed at a future date when proposals are presented for consideration on additional special procedures for inclusion under section 93 of the Public Health (Wales) Act 2017.

## Steps taken as a result of this consultation

As a result of the consultation responses received, we have decided on the following course of action:

- We will submit the findings presented in this document to the Cabinet Secretary for Health and Social Services.
- We will discuss with our lawyers whether we can dispense with a list of prescribed objects and retain one overarching definition, or whether other amendments are necessary which will sufficiently future-proof the Regulations against future developments in piercing practice. This, however, this may not be possible in light of the legal advice provided at the time of drafting the Regulations which advised on the need for itemisation, to provide certainty of prescription and interpretation, as well as an overarching definition to provide sufficient future-proofing.
- Following advice from our lawyers, we will make any necessary amendments to the Regulations subject to the overall approval of the Cabinet Secretary for Health and Social Services
- Further information on the outcome of the legislative process will be made available to local authorities and piercing practitioners at a later date.



## **Annex 1**

### **Consultation distribution list**

#### **Tattoo and Piercing practitioners and professional organisations**

Tattoo and Piercing practitioners – contacts from previous intimate piercing consultations

Tattoo and Piercing practitioners – members of current engagement group on special procedure licensing

Tattoo & Piercing Industry Union

Tattoo Club of Great Britain

Body Jewellery Wholesalers

#### **Representative organisations**

CSSIW – now Care Inspectorate Wales

Care Council for Wales

Equality and Wales Council for Voluntary Action

TUC Cymru

Confederation of British Industry Wales

Federation of Small Businesses Wales

Welsh Retail Consortium

British Independent Retailers Association

Forum for Private Business

Trading Standards Institute

Governors Wales

Welsh Language Commissioner

Children's Commissioner for Wales

Children in Wales

Pupil Voice Wales

#### **Government/Local Government**

Welsh Local Government Association

Directors of Public Protection Wales

Local Government Regulation

Wales Heads of Trading Standards

Chartered Trading Standards Institute

Wales Heads of Environmental Health

Chair and Secretary, All Wales Health and Safety Expert Panel

Chair and Secretary, All Wales Communicable Disease Expert Panel

Members of Special Procedures Engagement Group from local authorities

## **Health**

Chief Executives, Medical Directors and Nurse Directors  
of:

Abertawe Bro Morgannwg University Health Board

Aneurin Bevan Health Board

Betsi Cadwaladr University Health Board

Cardiff & Vale University Health Board

Cwm Taf Health Board

Hywel Dda Health Board

Powys Teaching Health Board

Velindre NHS Trust

Welsh Ambulance Service Trust

Royal College of Nursing

General Medical Council

Royal College of Physicians

Royal College of GPs

Community Health Councils

## **Public Health**

Public Health Wales

Association of Directors of Public Health

Faculty of Public Health

CIEH Wales

Welsh Combined Centres for Public Health

## Annex 2

### Consultation responses received

<b>(numbered in order of receipt)</b>	<b>Response number</b>	<b>Page</b>
Carl Tero, Practitioner Insurance	01	18
Anonymous - response not published due to personal sensitive information included	02	19
Practitioner	03	19
Practitioner	04	19
Practitioner	05	20
Caerphilly County Borough Council	06	20
Royal College of Physicians Wales	07	22
Anonymous (local authority)	08	23
Aneurin Bevan University Health Board	09	25
Royal College of General Practitioners	10	25
Royal College of Nursing Wales	11	26
Wales Health and Safety Expert Panel on behalf of Wales Heads of Environmental Health Group (WHOEHG)	12	28
All Wales Communicable Disease Expert Group	13	30
Public Health Wales	14	32

## **Response 1: Carl Tero – Tattoo Insure – Tattoo Insurance Company**

**Question 1: Do you think we have accurately defined the types and range of “objects” that are used in intimate piercing procedures (see section 2(2) of the draft Regulations at Annex A)?**

No. you could also include dermal implants, rfid chips, any body modification.

**Question 2: Are the terms used at section 2(2) of the draft Regulations at Annex A to prescribe the types and range of “objects” used for intimate piercing procedures commonly used and fully understood within the piercing industry and by enforcement officers?**

Yes.

**Question 3: Do the broad definitions provided for the “objects” we have identified provide a sufficient element of future-proofing to capture new/different “objects” in the future?**

I would include the term any body modification or invasive treatment on under 18s.

**Question 4: Does the draft Regulatory Impact Assessment document at Annex B1 accurately reflect the impact on and benefits for the audiences identified?**

No response.

**Question 5: Do the other associated impact assessment documents at Annex B2 to B4 accurately reflect the impact on, and benefits for, the audiences identified?**

No response.

**Question 6: We would like to know your views on the effects that the draft Regulations would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.**

**What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?**

Just treat them both the same, with no benefits to either language. everyone should be equal.

**Question 7: Please also explain how you believe the draft Regulations could be formulated or changed so as to have:**

- positive effects or increased positive effects on opportunities for people to use

**the Welsh language and on treating the Welsh language no less favourably than the English language, and**

- **no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.**

No response.

**Question 8: Any other general comments or observations? We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.**

Would this have any impact on the body piercers current insurance policy which may already allow them to carry out some of these treatments?

### **Response 2 – Anonymous / Sensitive**

**This response will not be published due to the personal sensitivity of some of the information provided.**

**The respondent highlighted the possible consequences of lack of regulation in the piercing industry from personal experience. Responses indicated general agreement that the current objects defined are captured in the regulations.**

### **Response 3 – Practitioner - general response by email**

I am in agreement with an age restriction of 18 for dermal and divers, as this is already something I enforce.

However, I feel 18 for plugs and tunnels is too high, an age of 16 is much more fair. As to stretch the ear there already needs to be a healed piercing in place. Which would have already been consented for. A stretch can be closed back over time. Finally, it is common for a stretch to be done at home by youngster, which can be far more dangerous than if done safely at a studio.

### **Response 4 – Practitioner – general reply by email**

Hello again sorry for the late reply. All the above bullet points listed in the new draft regulations i am in agreement with and currently already employ these rules in my studio. I believe any procedure which can leave scarring or stretched tissue should only be able to be consented to on someone who understands the long term effects and is of adequate age to make these decisions.

## **Response 5 – Practitioner - general reply by email**

I have read the proposed changes to the new intimate piercing laws and have a number of points to raise.

I think the whole proposal is a little confused. Firstly, the objects listed to be included can not get in to the body without it being pierced first, which would negate the need to highlight those specifically, out of the wide variety of jewellery available. If the thought behind their inclusion is to prevent a body piercer changing the jewellery on a person under age, then the recent changes have clarifications to ensure that this point is clear.

Secondly, the choices of items are a little bizarre. The term 'flesh tunnel' for instance is a colloquialism. The actual piece of item is a silicone tunnel, which is flesh coloured. There are all colours available, so if one were to follow the inclusion to the letter of the law, they could use a black silicone tunnel quite legally.

I also feel that focusing on the different objects available will only lead to many more inclusions being necessary which will be costly and unnecessary. The list provided so far is not exhaustive even if you include the items proposed. There are new metals being produced and worked on which comply with the nickel directive (1994), like Niobium, which appeal to the industry as they give a body piercer more artistic scope in their work. These presumably would need to be added to the list as an when they are made available.

My humble opinion is that if further clarification is needed to help protect people from unscrupulous practitioners, focusing on materials and jewellery types will be confusing, unnecessarily expensive and of little use as those unscrupulous individuals will probably be using substandard materials anyway.

I feel an iron clad description of what a piercing is, ie., breaking of the skin or membrane with any object (which would include dermals/skin divers; along with a similarly unequivocal description of changing of objects within an existing piercing (which would also cover stretching / silicone tunnels) would more than suffice and would require no further changing regardless of new innovations within the industry.

I hope my views are of some interest and if you would like to discuss them any further, please don't hesitate to contact me.

## **Response 6 - Caerphilly County Borough Council**

**Question 1: Do you think we have accurately defined the types and range of “objects” that are used in intimate piercing procedures (see section 2(2) of the draft Regulations at Annex A)?**

Yes. In order to stay ahead of future developments within the industry there is no necessity to specifically list objects. It would suffice to state subparagraph (e) Any other object which is not jewellery” alone as this would not be prescriptive, prove future proof and act as a coverall. Ideally, it would simplify matters if the main Public Health (Wales) Act 2017 could be amended under the definition to avoid additional legislation.

**Question 2: Are the terms used at section 2(2) of the draft Regulations at Annex A to prescribe the types and range of “objects” used for intimate piercing procedures commonly used and fully understood within the piercing industry and by enforcement officers?**

Yes. For current trends, will it be intended to amend the list for future developments as they arise?

**Question 3: Do the broad definitions provided for the “objects” we have identified provide a sufficient element of future-proofing to capture new/different “objects” in the future?**

Yes. See response to Q1

**Question 4: Does the draft Regulatory Impact Assessment document at Annex B1 accurately reflect the impact on and benefits for the audiences identified?**

Unknown. Query regarding the cost table – refers to 6 SEHO but 22 LA’s and all usually have representative at each expert panel meetings. Also refers to 10 EHO per authority but unsure how many have 10 EHO for this purpose and how the £50 per hour rate was determined. No consideration given to technical officer or commercial safety officers. Very difficult to quantify due to the unknown.

**Question 5: Do the other associated impact assessment documents at Annex B2 to B4 accurately reflect the impact on, and benefits for, the audiences identified?**

Unknown.

**Question 6: We would like to know your views on the effects that the draft Regulations would have on the Welsh language, specifically on opportunities for people to use Welsh, and on treating the Welsh language no less favourably than English:**

**What effects do you think there would be?**

**How could positive effects be increased, or negative effects be mitigated?**

Assuming the draft Regulations are able to be accurately translated they should not have any effect on the Welsh language.

**Question 7: Please also explain how you believe the draft Regulations could be formulated or changed so as to have:**

- **positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and**
- **no adverse effects on opportunities for people to use the Welsh language and on**

**treating the Welsh language no less favourably than the English language.**

No comments made.

**Question 8: Any other general comments or observations?**

**We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.**

To avoid over complicating matters, it would be easier if the definition of object within the Act could be amended, rather than introducing a new set of Regulations for one definition.

Special procedures legislation was initially requested to deal with illegal tattooists, unregistered piercers and other unregulated beauty treatments. It remains that, with the exception for the age restriction for intimate piercings and the proposed infection control training, we still only have powers to deal with those existing registered businesses which were being regulated under LGMPA and HSWA. Beauty treatments regularly evolve and new procedures occur periodically e.g. vampire facials, microneedling, mesotherapy, cool sculpting etc.; a means to deal with these procedures remains outstanding due to the invasive nature and a clear definition as to whether or not they would constitute a medical treatment.

**Response 7 – Royal College of Physicians, Wales**

**Question 1: Do you think we have accurately defined the types and range of “objects” that are used in intimate piercing procedures (see section 2(2) of the draft Regulations at Annex A)?**

Yes.) 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.

**Question 2: Are the terms used at section 2(2) of the draft Regulations at Annex A to prescribe the types and range of “objects” used for intimate piercing procedures commonly used and fully understood within the piercing industry and by enforcement officers?**

Yes.

**Question 3: Do the broad definitions provided for the “objects” we have identified provide a sufficient element of future-proofing to capture new/different “objects” in the future?**

No.

**Question 4: Does the draft Regulatory Impact Assessment document at Annex B1 accurately reflect the impact on and benefits for the audiences identified?**



Yes.

[https://beta.gov.wales/sites/default/files/consultations/2018-07/Annexes%20B1-B4%20-%20Impact%20Assessments\\_0.pdf](https://beta.gov.wales/sites/default/files/consultations/2018-07/Annexes%20B1-B4%20-%20Impact%20Assessments_0.pdf)

**Question 5: Do the other associated impact assessment documents at Annex B2 to B4 accurately reflect the impact on, and benefits for, the audiences identified?**

Yes.

**Question 6: We would like to know your views on the effects that the draft Regulations would have on the Welsh language, specifically on opportunities for people to use Welsh, and on treating the Welsh language no less favourably than English: What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?**

No response.

**Question 7: Please also explain how you believe the draft Regulations could be formulated or changed so as to have:**

- **positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and**
- **no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.**

No response.

**Question 8: Any other general comments or observations? We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.**

No response.

## **Response 8 – Anonymous**

**Question 1: Do you think we have accurately defined the types and range of “objects” that are used in intimate piercing procedures (see section 2(2) of the draft Regulations at Annex A)?**

Yes. 2(e) "any other object which is not jewellery" is a "catch all" for any other object such as dermal implant (balls etc).

**Question 2: Are the terms used at section 2(2) of the draft Regulations at Annex A to prescribe the types and range of “objects” used for intimate piercing procedures**

**commonly used and fully understood within the piercing industry and by enforcement officers?**

Yes. commonly understood with the piercing industry. Although, this LA understands the terms, unsure if other enforcement officers / LA would. We are unsure if others would understand we are involved with the industry as we operate a proactive inspection programme.

**Question 3: Do the broad definitions provided for the “objects” we have identified provide a sufficient element of future-proofing to capture new/different “objects” in the future?**

Yes. We think that 2 (e) would apply to anything “object”.

**Question 4: Does the draft Regulatory Impact Assessment document at Annex B1 accurately reflect the impact on and benefits for the audiences identified?**

We agree that option 2 is the preferred option.

**Question 5: Do the other associated impact assessment documents at Annex B2 to B4 accurately reflect the impact on, and benefits for, the audiences identified?**

Yes.

**Question 6: We would like to know your views on the effects that the draft Regulations would have on the Welsh language, specifically on opportunities for people to use Welsh, and on treating the Welsh language no less favourably than English: What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?**

No response.

**Q7. Question 7: Please also explain how you believe the draft Regulations could be formulated or changed so as to have:**

- **positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and**
- **no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.**

No response.

**Question 8: Any other general comments or observations? We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.**

None.

## **Response 9 – Director of Public Health, Aneurin Bevan University Health Board**

‘Thank you for the opportunity to respond to the consultation on the above draft regulations.

The intention to widen the scope of the legislation to include defined objects appears to be a sensible approach, and one which will better protect the health and wellbeing of our nation.’

## **Response 10 – Royal College of General Practitioners, Wales**

**Question 1: Do you think we have accurately defined the types and range of “objects” that are used in intimate piercing procedures (see section 2(2) of the draft Regulations at Annex A)?**

Yes. There may be a risk of newer procedures or objects being introduced which could be exempted. Would it be possible to simply state any object or piece of jewellery which could be used to pierce skin or mucus membrane?

**Question 2: Are the terms used at section 2(2) of the draft Regulations at Annex A to prescribe the types and range of “objects” used for intimate piercing procedures commonly used and fully understood within the piercing industry and by enforcement officers?**

We are unable to comment and there may be localised names so using some collective catch everything term would be better and prevent the need for repeat legislation.

**Question 3: Do the broad definitions provided for the “objects” we have identified provide a sufficient element of future-proofing to capture new/different “objects” in the future?**

No. Names change, and new objects and procedures will be devised.

**Question 4: Does the draft Regulatory Impact Assessment document at Annex B1 accurately reflect the impact on and benefits for the audiences identified?**

Yes.

**Question 5: Do the other associated impact assessment documents at Annex B2 to B4 accurately reflect the impact on, and benefits for, the audiences identified?**

Yes.

**Question 6: We would like to know your views on the effects that the draft Regulations would have on the Welsh language, specifically on opportunities for people to use Welsh, and on treating the Welsh language no less favourably than English:**

**What effects do you think there would be?**

**How could positive effects be increased, or negative effects be mitigated?**

Translation of specific terms must not lead to differences in the interpretation of the law.

**Question 7: Please also explain how you believe the draft Regulations could be formulated or changed so as to have:**

- **positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and**
- **no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.**

No response.

**Question 8: Any other general comments or observations?**

**We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.**

No response.

## **Response 11 – Royal College of Nursing Wales**

**Question 1: Do you think we have accurately defined the types and range of “objects” that are used in intimate piercing procedures (see section 2(2) of the draft Regulations at Annex A)?**

No comment.

**Question 2: Are the terms used at section 2(2) of the draft Regulations at Annex A to prescribe the types and range of “objects” used for intimate piercing procedures commonly used and fully understood within the piercing industry and by enforcement officers?**

No comment.

**Question 3: Do the broad definitions provided for the “objects” we have identified provide a sufficient element of future-proofing to capture new/different “objects” in the future?**

Yes. The inclusion of ‘any other object which is not jewellery’ is a catch-all term which should future-proof the definitions and allow for new or different types of objects to be in scope of the regulations.

**Question 4: Does the draft Regulatory Impact Assessment document at Annex B1 accurately reflect the impact on and benefits for the audiences identified?**

No comment.

**Question 5: Do the other associated impact assessment documents at Annex B2 to B4 accurately reflect the impact on, and benefits for, the audiences identified?**

No comment.

**Question 6: We would like to know your views on the effects that the draft Regulations would have on the Welsh language, specifically on opportunities for people to use Welsh, and on treating the Welsh language no less favourably than English:**

**What effects do you think there would be?**

**How could positive effects be increased, or negative effects be mitigated?**

No comment.

**Question 7: Please also explain how you believe the draft Regulations could be formulated or changed so as to have:**

- **positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and**
- **no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.**

No comment.

**Question 8: Any other general comments or observations?**

**We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.**

The Royal College of Nursing Wales welcomes these regulations which aim to protect vulnerable children and young people. As noted in the consultation document, the complications associated with intimate piercings can be significant and it is important that, as far as possible, children and young people are protected from the potential health risks, and that the potential for children and young people to be in vulnerable situations be minimised. We also welcome that these regulations are underpinned by the United Nations Convention on the Rights of the Child (UNCRC).

## **Response 12 - Wales Health and Safety Expert Panel on behalf of Wales Heads of Environmental Health Group (WHOEHG)**

**Question 1: Do you think we have accurately defined the types and range of “objects” that are used in intimate piercing procedures (see section 2(2) of the draft Regulations at Annex A)?**

No. This is the list of currently described objects used in the skin piercing industry. Our concern however is that terms and names change over time and the use of the names without a description of the function of such an object may cause interpretation issues in the future. For example, the name “flesh tunnel” has a definition in the Cambridge English Dictionary and is defined as “a hollow piece of jewellery worn in a hole made in the ear or other part of the body”. Similarly, other terms such as “flesh plug” and “dermal anchors” are defined in the Urban Dictionary. Although Section 2 (2)(e) refers to “any other object that is not jewellery”, is the inclusion of any list of names sufficient to protect against future developments? Similarly, is it accurate to refer to “flesh tunnels” as objects when the dictionary definition describes it as jewellery?

In order to stay ahead of future developments within the industry we would ask whether there is a necessity to specifically list objects. It would suffice to state subparagraph (e) “Any other object which is not jewellery” alone as this would not be prescriptive, be future proof and act as a coverall. If the desire of Government however is to have a list, we would ask that the terms are followed by a short description to assist ongoing interpretation and be consistent with known and established definitions.

**Question 2: Are the terms used at section 2(2) of the draft Regulations at Annex A to prescribe the types and range of “objects” used for intimate piercing procedures commonly used and fully understood within the piercing industry and by enforcement officers?**

Yes. As stated in Question 1, they are current at this point in time, however, the industry is a fast developing area of activity and further additional descriptions will assist in ongoing interpretation and application.

**Question 3: Do the broad definitions provided for the “objects” we have identified provide a sufficient element of future-proofing to capture new/different “objects” in the future?**

Yes. See response to Question 1. We would further suggest that a general term be used alongside the description in 2(2)(e) to further reference the ‘Any other object that is not

jewellery that is capable of being attached to, implanted in or removed from an individual's body”

**Question 4: Does the draft Regulatory Impact Assessment document at Annex B1 accurately reflect the impact on and benefits for the audiences identified?**

Yes. Our interest is in the impact of the regulations on Local Authorities in particular. There are a variety of ways of interpreting the regulatory and financial impact on the work of Environmental Health Departments and we broadly agree with the manner in which the costs have been estimated. We believe the Assessment should acknowledge further the cuts faced by Local Authorities and the fact that many tasks previously regarded as “administrative” are now falling to professional officers as local authorities have become leaner in terms of workforce composition.

We would however highlight that the Wales Health and Safety Expert Panel and other Expert Panels (Licensing and Communicable Disease) that are tasked with implementing these new requirements are supported by all 22 Local Authorities in Wales, not just 6 as referenced in the Assessment. Discussions over the development of the Legislation are also much wider than just the Panels with a number of Local Authorities releasing expert practitioners to assist Welsh Government in specific working groups. We believe this additional work and burden should be recognised if not costed.

**Question 5: Do the other associated impact assessment documents at Annex B2 to B4 accurately reflect the impact on, and benefits for, the audiences identified?**

Yes. No further comments.

**Question 6: We would like to know your views on the effects that the draft Regulations would have on the Welsh language, specifically on opportunities for people to use Welsh, and on treating the Welsh language no less favourably than English:**

**What effects do you think there would be?**

**How could positive effects be increased, or negative effects be mitigated?**

No further comments.

**Question 7: Please also explain how you believe the draft Regulations could be formulated or changed so as to have:**

- **positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and**
- **no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.**

No further comments.

**Question 8: Any other general comments or observations?**

**We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.**

Special procedures legislation was initially requested by Local Government to deal with illegal tattooists, unregistered piercers and other unregulated beauty treatments. It remains that, with the exception for the age restriction for intimate piercings and the proposed infection control training, we still only have powers to deal with those existing registered businesses which were being regulated under Local Government Miscellaneous Provisions Act and Health and Safety and Work etc Act 1974. Beauty treatments regularly evolve and new procedures occur periodically e.g. vampire facials, microneedling, mesotherapy, cool sculpting etc.; a means to deal with these procedures remains outstanding but necessary in our view due to the invasive nature and the lack of a clear definition as to whether or not they would constitute a medical treatment.

We would also ask if WG has done any further investigation into piercing of the eyeball (where objects are inserted into the sclera)? While this is not an intimate piercing area, there has been debate over whether this constitutes a mucous membrane and it is an ever increasing treatment and of significant concern.

**Response 13 - All Wales Communicable Disease Expert Panel on behalf of Wales Heads of Environmental Health Group (WHOEHG)**

**Question 1: Do you think we have accurately defined the types and range of “objects” that are used in intimate piercing procedures (see section 2(2) of the draft Regulations at Annex A)?**

No. In order to stay ahead of future developments within the industry we would question whether there is a necessity to specifically list objects. It would suffice to state subparagraph (e) “Any other object which is not jewellery” alone as this would not be prescriptive, be future proof and act as a coverall.

Additionally, we are concerned that terms and names change over time and the use of the names without a description of the function of such an object may cause interpretation issues in the future.

If Welsh Government would prefer to have objects listed, we would ask that the terms are followed by a short description to assist ongoing interpretation and be consistent with known and established definitions.

**Question 2: Are the terms used at section 2(2) of the draft Regulations at Annex A to prescribe the types and range of “objects” used for intimate piercing procedures commonly used and fully understood within the piercing industry and by enforcement officers?**



Yes. Whilst the terms are current at this point in time, the industry is a fast developing area of activity and further additional descriptions will assist in ongoing interpretation and application.

**Question 3: Do the broad definitions provided for the “objects” we have identified provide a sufficient element of future-proofing to capture new/different “objects” in the future?**

Yes. See response to Question 1. We would further suggest that a general term be used alongside the description in 2(2)(e) to further reference the ‘Any other object that is not jewellery that is capable of being attached to, implanted in or removed from an individual’s body’.

**Question 4: Does the draft Regulatory Impact Assessment document at Annex B1 accurately reflect the impact on and benefits for the audiences identified?**

Yes. We broadly agree with the manner in which the costs have been estimated for Local Authorities. However, tasks previously regarded as “administrative” are now falling to professional officers as local authorities have become leaner in terms of workforce composition.

Additionally, the All Wales Expert Groups are supported by all 22 Local Authorities in Wales, not just 6 as referenced in the Assessment.

A number of Local Authorities have released practitioners to assist Welsh Government in specific working groups. We believe this additional work and burden should be recognised if not costed.

**Question 5: Do the other associated impact assessment documents at Annex B2 to B4 accurately reflect the impact on, and benefits for, the audiences identified?**

Yes. No comments.

**Question 6: We would like to know your views on the effects that the draft Regulations would have on the Welsh language, specifically on opportunities for people to use Welsh, and on treating the Welsh language no less favourably than English:**

**What effects do you think there would be?**

**How could positive effects be increased, or negative effects be mitigated?**

No comments.

**Question 7: Please also explain how you believe the draft Regulations could be formulated or changed so as to have:**

- **positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and**
- **no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.**

No comments.

#### **Question 8: Any other general comments or observations?**

**We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.**

We agree with the observations made by the All Wales Health & Safety Expert Group that Special procedures legislation was initially requested by Local Government to deal with illegal tattooists, unregistered piercers and other unregulated beauty treatments. It remains that, with the exception for the age restriction for intimate piercings and the proposed infection control training, we still only have powers to deal with those existing registered businesses which were being regulated under Local Government Miscellaneous Provisions Act and Health and Safety and Work etc Act 1974.

Beauty treatments regularly evolve and new procedures occur periodically and a means to deal with these procedures is necessary due to the invasive nature and the lack of a clear definition as to whether or not they would constitute a medical treatment.

Consideration should also be given to the common practice of jewellery / objects being changed post-piercing by practitioners for the age restricted individuals the regulations seek to protect.

#### **Response 14 - Professional Lead Consultant for Health Protection – Public Health Wales**

**Question 1: Do you think we have accurately defined the types and range of “objects” that are used in intimate piercing procedures (see section 2(2) of the draft Regulations at Annex A)?**

We agree with the inclusion of the said objects but [response to this question ends here].

**Question 2: Are the terms used at section 2(2) of the draft Regulations at Annex A to prescribe the types and range of “objects” used for intimate piercing procedures commonly used and fully understood within the piercing industry and by enforcement officers?**

Not answered.

**Question 3: Do the broad definitions provided for the “objects” identified provide a sufficient element of future-proofing to capture new/different “objects” in the future?**

We are concerned that the inclusion only relates to intimate piercing of under 18 years age group and given the potential for long term damage from objects causing disfigurement to ears and scarring to other areas like the forehead shouldn't these objects be subject to control for any piercing in the under 18's? So not future proofing for under 18's on other piercing/tattooing.

**Question 4: Does the draft Regulatory Impact Assessment document at Annex B1 accurately reflect the impact on and benefits for the audiences identified?**

We think it reflects adequately.

**Question 5: Do the other associated impact assessment documents at Annex B2 to B4 accurately reflect the impact on and benefits for the audiences identified?**

The impact assessments appear appropriate but wondering how this may link into PHW long term strategy 'working to achieve a healthier future' and 'Protecting the public from infection and environmental threats to health'.

**Question 6: We would like to know your views on the effects that the draft Regulations would have on the Welsh language, specifically on opportunities for people to use Welsh, and on treating the Welsh language no less favourably than English:**

**What effects do you think there would be?**

**How could positive effects be increased, or negative effects be mitigated?**

We do not believe that the draft regulations will specifically affect opportunities for Welsh language speakers less.

**Question 7: Please also explain how you believe the draft Regulations could be formulated or changed so as to have:**

- **positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and**
- **no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.**

Not answered.

**Question 8: Any other general comments or observations?**

**We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.**

Not answered.