# Annex B – Consultation Response Questionnaire

## Mandatory Licensing Scheme for Special Procedures in Wales

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| **Your name:** |  |
| **Organisation (if applicable):** |  |
| **Email:** |  |
| **Your address:** |  |

**Responses to consultations are likely to be made public, on the internet or in a report.  If you would prefer your response to remain anonymous, please tick here:**

Please return this form to reach the Welsh Government no later than **19 April 2023**. The email address for responses or queries is:

**SpecialProceduresMailbox@gov.wales**

This form can be downloaded or the online response questionnaire accessed from the Welsh Government website here:

<https://www.gov.wales/mandatory-licensing-special-procedures-wales>

**We welcome responses in Welsh or English.**

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|  | **Please give reasons for your answers when responding.** |
| **1.** | **Do you agree with our proposals to mandate the form and content of a special procedure licence and the premises/vehicle approval certificate within regulations? Is there anything else that should be included in the format of these documents?**  |
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| **2.** | **Do you agree with our proposal to make regulations about further provision (as set out in paragraph 4.13)?** |
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| **3.** | **Do you agree that nine months is a sufficient transition period? If not, what should it be?** |
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| **4.** | **Do you agree that the proposed minimum age for applicants for special procedure licences is appropriate?**  |
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| **5.** |  **Do you agree with the proposed licensing criteria for special procedure licences and the supporting documents listed? Are there other documents applicants should supply?** |
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| **6.** | **Do you agree with the proposal that applicants should evidence their competence in the special procedure(s) they wish to perform? If you agree, how should that be demonstrated, and what documentary evidence should be produced?**  |
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| **7.** | **Do you agree that the current descriptions of relevant offences are sufficient? If not, why?** |
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| **8.** | **Do you agree with the principle of this proposal that regulations should be made to limit the exemptions on members of the listed professional bodies in section 60?** |
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| **9.** | **Do you agree with the principle of this proposal that regulations should be made under section 69 to apply exemptions to premises at which exempt members of these professional bodies will practise?** |
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| **10.** | **Do these exemption principles for individuals and premises adequately protect the safety and health of the client?** |
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| **11.** | **Do you agree with the principle of this proposal that the statutory registered HCPC named professions of** **chiropodists/podiatrists;** **physiotherapists; prosthetists/orthotist**s **should be exempt? Are there other professions on this register that should have an exemption?** |
| **12.** | **Do you agree with the principle of the proposal that members of voluntary registers accredited by the PSA should not be exempt?** |
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| **13.** | **Do you have any comments on the example mandatory licensing conditions for all special procedures as set out in Annex D1?** |
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| **14.** | **Do you agree the specific mandatory licensing conditions at Annex D1 are proportionate to the risks presented by each type of special procedure?** |
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| **15.** | **Do you agree that the creation of a trainee licence is a proportionate way of dealing with trainees on regulated courses and apprentices following regulated and unregulated apprenticeships?** **If you don’t agree, how should they be dealt with?** |
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| **16.** | **Do you agree that the minimum age for a practitioner to perform any of the special procedures should be 18?** |
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| **17.** | **Do you agree that the minimum age for a client to obtain any of the special procedures (notwithstanding the proposed exceptions listed) should be 18?** |
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| **18.** | **Do you agree that the outlined obtaining of consent and accompaniment by a parent/guardian for procedures for people under 18 where not otherwise prohibited provides sufficient safeguards?** |
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| **19.** | **Do you agree that 16 is an appropriate age for a person to obtain a piercing of the eyebrow, lip, nose or ear cartilage without parental/guardian consent?** |
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| **20.** | **Should piercings to any other part of the face be permitted from the age of 16? If so, why?** |
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| **21.** | **Do you agree that prohibiting the tattooing of eyeballs in the tattooing licensing conditions is sufficient to prevent this from being performed** **by licensed practitioners?** |
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| **22.** | **Is the proposal to require in licensing conditions that practitioners discuss the impact of facial and other visible procedures with clients and record the discussion sufficient to address the concerns?**  |
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| **23.** | **Do you agree with the proposed definition for ‘object’ as it applies to body piercing?** |
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| **24.** | **Do you agree that prohibiting the use of a scalpel or similar bladed instrument in the body piercing licensing conditions is sufficient to prevent body modifications that extend beyond a body piercing procedure?** |
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| **25.** | **Do you agree with the proposed approval criteria for premises/vehicle approval applications and the supporting documents listed? Are there other documents applicants should supply?** |
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| **26.** | **Do you agree that holders of trainee special procedure licences should not be able to apply for a premises/vehicle approval certificate in their own right or be nominated as the person in charge of a premises on an application?**  |
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| **27.** | **Do you agree with the proposals about appealing against the refusal of an application for premises and vehicle approvals as set out in paragraph 11.19?** |
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| **28.** | **Do you agree that the approval certificate should also include the name of the responsible person and the maximum number of workstations in that premises/vehicle?**  |
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| **29.** | **Do you have any comments on the example mandatory premises/vehicle approval conditions set out in Annex D2?**  |
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| **30.** | **We propose that we make regulations under section 70 of the Act relating to the variation and renewal process for premises approval certificates to make them consistent with the variation and renewal process for special procedure licences. Do you agree?** |
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| **31.** | **Should temporary approvals for premises and vehicles be subject to the same mandatory approval conditions as all premises and vehicles? If not, what specific mandatory approval conditions (if any) should apply to temporary approvals for premises and vehicles?** |
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| **32.** | **Do you agree that requiring the same licensing criteria for a temporary special procedure licence as for a three-year licence is proportionate?**  |
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| **33.** | **Do you think that it is proportionate for an event organiser applying for a temporary premises approval certificate to meet the same approval criteria as for a three-year premises approval certificate?**  |
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| **34.** | **Do you agree that all premises/vehicles linked to temporary events/exhibitions must be approved by the local authority? If not, why not?** |
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| **35.** | **Should all premises/vehicles linked to temporary events/exhibitions be subject to mandatory approval conditions?** |
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| **36.** | **Do you agree further information should be set out within a temporary approval certificate (as suggested in paragraph 13.12)? What other information should be required (if any)?**  |
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| **37.** | **Do you agree that the fees in relation to licence application fees should be determined in the way outlined in paragraphs 15.3 and 15.4?**  |
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| **38.** | **Do you agree that the fees in relation to premises/vehicle approval application fees should be determined in the way outlined in paragraphs 15.5 and 15.6?**  |
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| **39.** | **Do you agree that the regulations should make provision on how local authorities should determine the amount of fee charged to a licence or premises/vehicle approval holder under section 76 in the way outlined in paragraphs 15.7 – 15.9?** |
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| **40.** | **Do you agree with our proposal regarding recovery of section 76 unpaid fees in the way outlined in paragraph 15.10?**  |
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| **41.** | **We would like to know your views on the effects that the mandatory licensing scheme for Special Procedures in Wales 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?** |
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| **42.** | **Please also explain how you believe the proposed mandatory licensing scheme for Special Procedures in Wales 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.** |
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| **43.** | **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.** |
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