

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

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DRAFT WELSH STATUTORY  
INSTRUMENTS

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**202X No. (W.)**

**PUBLIC HEALTH, WALES**

**The Special Procedure Licences  
(Wales) Regulations 202X**

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

Part 4 of the Public Health (Wales) Act 2017 (“the Act”) establishes that certain individuals who perform special procedures (as listed in section 57 of the Act) in Wales are to be licensed by a local authority.

Section 59 of the Act requires that the performance of a special procedure, in the course of a business, must be performed under the authority of a special procedure licence (unless that individual is exempt).

Part 1 of these Regulations makes provision for applications for special procedure licences including the criteria that must be met in order for an application for a special procedure licence to be granted. Part 1 also makes provisions on the form and content of an application form.

Part 2 of these Regulations makes provision for the form and content of a special procedure licence (as set out in Schedule 2 and Schedule 3 to these Regulations).

Part 3 of these Regulations sets out the mandatory licensing conditions which apply to a special procedure licence. Various Schedules set out the mandatory licensing conditions that apply and the circumstances when they apply.

Part 4 of these Regulations makes provision for fees in relation to special procedure licences.

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. A copy can be obtained from Welsh Government, Cathays Park, Cardiff, CF10 3NQ and is published on [www.gov.wales](http://www.gov.wales).

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(Wales) Regulations 202X**

*Made* \*\*\*

*Coming into force* \*\*\*

The Welsh Ministers, in exercise of the powers conferred by sections 62(1), (4) and (5), 63(1) and (5), 76(4) and (5) of, and paragraphs 4(4) and 5(3) of Schedule 3 to the Public Health (Wales) Act 2017(1), make the following Regulations.

In accordance with section 123(2) of the Public Health (Wales) Act 2017, a draft of these Regulations was laid before, and approved by, resolution of Senedd Cymru(2).

There has been consultation as required by section 64 of the Public Health (Wales) Act 2017.

**Title and coming into force**

1.—(1) The title of these Regulations is the Special Procedure Licences (Wales) Regulations 202X.

(2) These Regulations come into force on XXX.

**Interpretation**

2. In these Regulations—

- 
- (1) 2017 anaw 2. *See* section 124(1) of that Act for the definition of “regulations”.
- (2) The reference in section 123 of the Public Health (Wales) Act 2017 to the National Assembly for Wales now has effect as a reference to Senedd Cymru by virtue of section 150A(2) of the Government of Wales Act 2006 (c. 32).

“the Act” (“*y Ddeddf*”) means the Public Health (Wales) Act 2017;

“applicable mandatory licensing conditions” (“*amodau trwyddedu mandadol cymwys*”) is to be read in accordance with section 63(6) and (7) of the Act;

“application” (“*cais*”) means an application for a special procedure licence;

“application fee” (“*ffi am gais*”) means the fee prescribed by the local authority to accompany an application;

“application for an approval certificate” (“*cais am dystysgrif gymeradwyo*”) means an application under section 70(1) of the Act and includes an application—

- (a) for an approval certificate,
- (b) to vary an approval certificate,
- (c) to renew an approval certificate, and
- (d) for a copy of an approval certificate;

“approval certificate” (“*tystysgrif gymeradwyo*”) has the meaning given in section 70(1) of the Act;

“compliance fee” (“*ffi gydymffurfio*”) means the fee that may be charged by the local authority under section 76(1) of the Act;

“compliance inspection” (“*arolygiad cydymffurfedd*”) has the meaning given in regulation 4(5) and is to be read accordingly unless these Regulations provide that one is not required;

“insurance cover” (“*sicrwydd yswiriant*”) means a valid policy of insurance which was issued by an authorised insurer to insure the applicant in respect of any liability which may be incurred by them, in respect of illness, infection, injury and/or non-infectious adverse health effects such as allergic reactions, arising from the performance of a special procedure;

“licence holder” (“*deiliad trwydded*”) has the meaning given in section 59(8)(b) of the Act;

“licence period” (“*cyfnod y drwydded*”) has the meaning given in section 59(8)(a) of the Act;

“local authority” (“*awdurdod lleol*”) means the local authority as defined by section 124(1) of the Act determining an application received in accordance with paragraph 2 of Schedule 3 to the Act for the granting of a special procedure licence;

“mandatory licensing conditions” (“*amodau trwyddedu mandadol*”) has the meaning given in section 63(1) of the Act;

“premises” (“*mangre*”) has the meaning given in section 94(1) of the Act;

“relevant offence” (“*trosedd berthnasol*”) means an offence listed in section 66(8) of the Act;

“special procedure” (“*triniaeth arbennig*”) has the meaning given in section 57 of the Act;

“special procedure licence” (“*trwydded triniaeth arbennig*”) has the same meaning as in section 59(1) of the Act;

“supervisor” (“*goruchwyliwr*”) means a person who is a licence holder and is responsible for—

- (a) overseeing and guiding the learning and job activities of a trainee,
- (b) planning and allocating the work of a trainee,
- (c) supervising the performance of a special procedure being performed by a trainee,
- (d) monitoring the performance of a trainee, and
- (e) deciding whether a trainee can perform a special procedure without supervision;

“temporary licence” (“*trwydded dros dro*”) has the meaning given in section 59(8)(c) of the Act;

“trainee” (“*hyfforddai*”) means an individual whose special procedure licence includes a condition that they may only perform a special procedure under the supervision of a supervisor;

“vehicle” (“*cerbyd*”) has the meaning given in section 94(1) of the Act.

## PART 1

### Application for a special procedure licence

#### **Application for a special procedure licence**

3.—(1) An application for a special procedure licence must be in the form specified in Schedule 1 to these Regulations.

(2) The text included in square brackets in the form at Schedule 1 to these Regulations is intended as guidance for completing the form.

(3) An application may be made either in paper form or by means of electronic submission.

(4) An application is not to be treated as having been made until the application fee has been received in cleared funds by the local authority.

#### **Applicable licensing criteria for a special procedure licence to be granted**

4.—(1) The licensing criteria that must be met by the applicant for a special procedure licence in order for the application to be granted are set out in paragraphs (2) to (6).

- (2) The applicant—
- (a) must be 18 years of age or over, and
  - (b) must submit an application in accordance with regulation 3.
- (3) The application referred to in paragraph (2)(b) must be accompanied by—
- (a) the application fee (if any),
  - (b) evidence of valid insurance cover held by the applicant in respect of the performance of a special procedure,
  - (c) evidence of a basic disclosure certificate, and
  - (d) evidence of the successful completion of a regulated Level 2 Award held by the applicant.
- (4) The applicant must undertake and pass a compliance inspection with the local authority regarding the matters specified in paragraph (5).
- (5) An applicant must demonstrate to the local authority their knowledge of the following matters—
- (a) infection control and first aid, in the context of the special procedure to which the application relates,
  - (b) duties imposed, under or by virtue of Part 4 of the Act, on a licence holder,
  - (c) the mandatory licensing conditions, and
  - (d) the implications of non-compliance with the mandatory licensing conditions.
- (6) The premises or vehicle identified in the application have been inspected in accordance with the Regulations for the purpose of determining compliance with the licensing criteria.
- (7) The licensing criteria set out in paragraphs (2) to (6) is subject to section 65 (mandatory grant or refusal of application for special procedure licence) and section 66 (discretion to grant application for special procedure licence) of the Act.

**Applicable licensing criteria for a temporary licence to be granted**

5. Where an applicant wishes to make an application for a temporary licence, the applicant must—
- (a) comply with the licensing criteria set out in regulation 4 (save for paragraphs (4) and (5)), and
  - (b) make an application at least 28 working days prior to the intended start date of the temporary licence.

## Renewal of special procedure licence

6. A local authority must not renew a special procedure licence unless the premises or vehicle identified in the application have been inspected in accordance with the regulations for the purpose of determining compliance with licensing criteria.

## Interpretation

7. In this Part—

“applicant” (*“ceisydd”*) has the same meaning as section 62(1) of the Act;

“approval certificate number” (*“rhif y dystysgrif gymeradwyo”*) means the reference number given by the local authority to the approval certificate which is unique to that certificate and which is specified in it;

“Disclosure and Barring Service” (*“y Gwasanaeth Datgelu a Gwahardd”*) means the Disclosure and Barring Service established by section 87(1) of the Protection of Freedoms Act 2012(1);

“licence number” (*“rhif y drwydded”*) means the number given by the local authority to the special procedure licence which is unique to that licence and which is specified in it;

“licensing criteria” (*“meini prawf trwyddedu”*) has the meaning given in section 62 of the Act;

“regulated Level 2 Award” (*“Dyfarniad Lefel 2 a reoleiddir”*) means a Level 2 Award in Infection Prevention and Control for Special Procedures Practitioners, a non-degree qualification regulated by Qualifications Wales(2).

## Part 2

### Form and content of special procedure licence

#### Form and content of special procedure licence

8.—(1) Subject to paragraphs (2) to (5), a special procedure licence must be in the form set out as follows—

- (a) Schedule 2 to these Regulations (photocard) (“Part 1 of the Special Procedure Licence”), and
- (b) Schedule 3 to these Regulations (A4 paper) (“Part 2 of the Special Procedure Licence”).

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(1) 2012 c. 9.

(2) Established under section 2 of the Qualifications Wales Act 2015 anaw 5.

(2) Part 1 of the Special Procedure Licence must be printed—

- (a) in colour,
- (b) bilingually.

(3) Part 2 of the Special Procedure Licence must be printed—

- (a) in colour,
- (b) bilingually,
- (c) on one sheet of A4 paper,
- (d) portrait orientation.

(4) The text included in square brackets in Part 1 and Part 2 of the Special Procedure Licence is intended as guidance.

(5) A copy of the applicable mandatory licensing conditions specified in regulation 8 must be annexed to Part 2 of the Special Procedure Licence.

### Part 3

#### Mandatory licensing conditions

##### **Mandatory licensing conditions**

9.—(1) This regulation makes provision about the applicable mandatory licensing conditions.

(2) A special procedure licence is subject to the mandatory licensing conditions set out in Schedule 4 to these Regulations.

(3) Subject to paragraphs (4) to (6), a special procedure licence for a special procedure set out in the second column of the Table at paragraph (7) is subject to the mandatory licensing conditions set out in the Schedule number to these Regulations in the corresponding first column of the Table.

(4) A special procedure licence which is a temporary licence and is for a special procedure set out in the second column of the Table at paragraph (7) is subject to the mandatory licensing conditions set out in the Schedule number to these Regulations in the corresponding first column of the Table.

(5) A special procedure licence issued to an individual who is also a supervisor is subject to the mandatory licensing conditions set out in Schedule 5 to these Regulations.

(6) A special procedure licence issued to an individual who is also a trainee is subject to the mandatory licensing conditions set out in Schedule 6 to these Regulations.

(7)

##### **Table 1**



<i>Schedule number to these Regulations</i>	<i>Special procedure</i>
4	Any special procedure
7	Acupuncture
8	Body piercing
9	Electrolysis
10	Tattooing

## Interpretation

### 10. In this Part—

“client” (“*cleient*”) means a person on whom the special procedure is performed;

“intimate body part” (“*rhan bersonol o’r corff*”) means a body part that is listed in section 96(2) of the Act;

“intimate piercing” (“*rhoi twll mewn rhan bersonol o’r corff*”) has the meaning given in section 96(1) of the Act;

“non-intimate body part” (“*rhan o’r corff nad yw’n rhan bersonol*”) means a body part that is not listed in section 96(2) of the Act;

“non-intimate piercing” (“*rhoi twll mewn rhan o’r corff nad yw’n rhan bersonol*”) means a body piercing that is performed on a non-intimate body part;

“special procedures work area” (“*man gwaith triniaethau arbennig*”) means an area or room where special procedures are performed and includes any—

- (a) wash hand basins,
- (b) waste bins,
- (c) workstations, and
- (d) other facilities and equipment to support the performance of the special procedure;

“workstation” (“*gweithfan*”) means the area, space or zone within the special procedures work area which contains—

- (a) a bed, chair or similar, on which a client sits or lies on to undergo a special procedure performed by a licence holder,
- (b) a chair or stool which the licence holder sits on to perform the special procedure,
- (c) a trolley that is used for the placement and storage of the instruments and products used by the licence holder to perform the special procedure, and
- (d) a sharps bin.

## Part 4

### Fees

#### Application fee

**11.**—(1) This regulation makes provision about the way in which a local authority determines the amount of the application fee for the purposes of paragraph 3(3) of Schedule 3 to the Act.

(2) All local authorities must work collaboratively, and take into account such collaboration, when considering the application fee that is to be set.

(3) Following such collaboration, each local authority is to determine—

- (a) the application fee, and
- (b) the circumstances, cases or descriptions of cases (if any) where no application fee or a reduced fee is required.

(4) All local authorities may collectively review the level of the fee—

- (a) at the end of the period of one year beginning with the date on which these Regulations come into force, and
- (b) at the end of each subsequent period of three years thereafter.

(5) When determining the application fee, local authorities must have regard to the costs incurred or expected to be incurred by it in connection with dealing with the application and the following activities (but not limited to)—

- (a) the receipt, recording and scrutiny of the application,
- (b) undertaking a compliance inspection (where appropriate),
- (c) follow up actions associated with the compliance inspection,
- (d) approving or refusing the application, and
- (e) specifying the officer grade associated with each of these functions.

(6) The application fee may not be paid in instalments.

(7) A local authority may refund the whole or part of the application fee already paid.

(8) If after the application fee is paid it becomes apparent that a lesser fee should have been paid, the excess must be refunded.

## **Compliance fee**

12.—(1) The licence holder must pay the compliance fee in the amount and in the manner determined by the local authority under these Regulations.

(2) All local authorities must work collaboratively, and take into account such collaboration, when considering the compliance fee that is to be set.

(3) Following such collaboration, each local authority is to determine—

- (a) the compliance fee, and
- (b) the circumstances, cases or descriptions of cases (if any) where a reduced compliance fee is required.

(4) All local authorities may collectively review the level of the fee—

- (a) at the end of the period of one year beginning with the date on which these Regulations come into force, and
- (b) at the end of each subsequent period of three years thereafter.

(5) When determining the compliance fee, local authorities must have regard to the costs incurred or expected to be incurred by it in connection with dealing with section 76(1) of the Act and the following activities (but not limited to)—

- (a) maintaining accurate records on the local authority database and the register established under section 75 of the Act,
- (b) undertaking unannounced visits,
- (c) taking informal or formal action as a result of a visit or a client request, and
- (d) specifying the officer grade associated with each of these functions.

(6) The compliance fee may not be paid in instalments.

(7) A local authority may refund the whole or part of the compliance fee already paid.

(8) If after the compliance fee is paid it becomes apparent that a lesser fee should have been paid, the excess must be refunded.

(9) Unless the compliance fee has been paid, a licence holder is not permitted to progress an application or an application for an approval certificate.

(10) Any compliance fee that is due to a local authority and remains unpaid may be recoverable by that local authority by way of a civil debt.

*Name*

*Date*

Schedule 1 Regulation 3(1)  
Form of application for a special  
procedure licence

*[Insert name and address of relevant local authority and its logo (optional)]*

**Application for a special procedure licence under section 59(1) of the Public Health (Wales)  
Act 2017**

**PLEASE READ THE FOLLOWING INSTRUCTIONS AND ACCOMPANYING  
GUIDANCE NOTES FIRST**

**If you are completing this form by hand, please write legibly in block capitals using ink. Use additional sheets if necessary (marked with the heading “Continuation sheet – application for special procedure licence” and include the number of the relevant question and the applicant’s name and address). You may wish to keep a copy of the completed form for your records.**

**Part 1 – Application details**

*Please tick where appropriate*

**1.1. What type of special procedure licence does your application relate to?**

Temporary (no more than 7 days)       3 years

*If you are applying for a temporary licence, please indicate why a special procedure licence is required (for example give details about an exhibition, entertainment or event):*

.....  
.....  
.....

**1.3 When do you want the special procedure licence to start?**

As soon as possible

Or

Specific dates  (state the dates you wish the special procedure licence to cover)

..... to .....

Or

Estimated dates  (state the approximate dates you wish the special procedure licence to cover)

..... to .....

**1.4 Are you a trainee applying for a special procedure licence?**

Yes  No

If yes, please provide the details of your proposed supervisor below

Full name of supervisor: .....

Supervisor licence number: .....

If the supervisor's application for a special procedure licence is pending, please provide the date on which the application was made and to which local authority:

.....  
.....

1.5 Do you supervise a trainee/trainees?

Yes  No

## Part 2 - Applicant details (fill in as applicable)

Please tick where appropriate

2.1 Title: Mr  Mrs  Miss  Ms  Dr  Other  (please specify) .....

2.2 Surname: .....

2.3 First name(s): .....

2.4 Other known names: .....  
(For example a trading name, alias or pseudonym)

2.5 Applicant's proposed trading name: .....

2.6 Contact telephone number: .....

2.7 Alternative contact telephone number (optional): .....

2.8 E-mail address (if applicable): .....

2.9 Date of Birth: .....

2.10 Applicant's usual residential address:

.....  
..... Postcode: .....

2.11 Applicant's business address (if different):

.....  
..... Postcode: .....

2.12 Please tick the following statement that applies (*see Guidance Note 1*):

I am eligible for a basic disclosure certificate issued by the Disclosure and Barring Service

I am not eligible for a basic disclosure certificate and therefore have obtained an overseas criminal record certificate

**Part 3 – Nature of special procedure(s) to be performed**

*Please tick where appropriate*

**3.1 Please list the special procedures that you will be performing:**

.....  
.....  
.....

**3.2 If a special procedure is to be performed on an intimate body part, please provide further details:**

.....  
.....  
.....

**3.3 Do you perform any other activities in the course of a business (for example activities that are not a special procedure)?**

Yes  No

**If yes, please list those other activities:**

.....

**3.4 Please indicate your work status in respect of performing special procedures (tick all that apply):**

- I work on a peripatetic basis
- I own a business and work within that business
- I am an employee of a business
- I am self-employed
- I am a manager of a business
- I rent a room/chair from an approved premises or vehicle but I am not an employee of that business
- I supervise a trainee
- I am a trainee
- Other (please specify)  .....

**3.5 Website address of business (if applicable):**

.....

**3.6 Please provide the details (including the address(es) if applicable) of any approved premises and/or vehicles at which a special procedure is to be performed and will be identified on your special procedure licence. Where possible please provide the approval certificate number for that approved premises or vehicle) [If you are a trainee applying for a special procedure licence this must be limited to one approved premises or vehicle]:**

.....  
.....  
.....  
.....

**Part 4 – Convictions for relevant offences**

*Please tick where appropriate*

**4.1 Do you have an unspent conviction for a relevant offence? (see Guidance Note 2)**

Yes  No

**4.2 If yes, please provide the following information:**

**Offence:** .....

**Date of conviction:** .....

**Court:** .....

**Penalty/sentence:** .....

**Duration of sentence (if applicable):** .....

*[Where there is more than one conviction, please use an additional sheet clearly marked “Convictions for relevant offences”. The sheet should include all the information requested in 4.2.]*

**Part 5 – Miscellaneous (fill in as applicable)**

*Please tick where appropriate*

**5.1 Have you been served with a section 61(1) notice (designation of person to obtain a special procedure licence)?**

Yes  No

**If yes, please provide details (including the local authority issuing the designation, the date of issue and the local authority’s reasons for the designation):**

.....  
.....

**5.2 Have you previously applied for a special procedure licence? (Tick all that apply)**

No  Yes – application for licence granted  Yes – application to vary licence granted

Yes – application to renew licence granted

Yes – application (for a licence, to vary and/or to renew) granted and licence revoked

Yes – application (for a licence, to vary and/or to renew) refused

**If yes to any of the above, please provide further details (including the licence number):**

.....  
.....

**5.3 Do you hold a certificate for an approved premises and/or vehicle for the performance of a special**

procedure?

Yes  No  Application pending

If yes, please provide the approval certificate number: .....

If an application is pending, please provide the date on which the application was made:

.....

**5.4 Please confirm which language you wish to use in your dealings with the local authority about your application:**

Welsh  English

**5.5 Please set out any other information you consider to be relevant to your application (see Guidance Note 2):**

.....  
.....  
.....  
.....

## **Part 6 - Declaration and Checklist (please complete/tick)**

### Applicable for all applicants

I confirm that, to the best of my knowledge, the information contained in this application is true. I understand that it is an offence under section 82(7) of the Public Health (Wales) Act 2017 to give information which I know is false or misleading in, or in relation to, this application or I am reckless as to whether it is false or misleading.

I understand that giving false or misleading information (whether knowingly or recklessly) may result in my special procedure licence being revoked.

I understand that if I fail to disclose a relevant offence, or a material particular in relation to it, this may result in my special procedure licence being revoked.

I also confirm that:

I have read and understood the mandatory licensing conditions that will be attached to my licence, and

I understand the implications of non-compliance of those mandatory licensing conditions.

### Applicable for a supervisor countersigning a trainee's application form

I confirm that, to the best of my knowledge, the information contained in this application is true. I understand that it is an offence under section 82(7) of the Public Health (Wales) Act 2017 to give information which is false or misleading in, or in relation to, this application or I am reckless as to whether it is false or misleading.

I understand that giving false or misleading information (whether knowingly or recklessly) may result in my special procedure licence being revoked.

Checklist:

- Payment of the application fee has been made/is enclosed
- Application form fully completed and signed



- Evidence of regulated Level 2 Award is enclosed
- Evidence of valid insurance cover is enclosed
- Evidence of basic disclosure certificate/overseas criminal record certificate is enclosed (*see Guidance Note 1*)
- Copy of documents to verify identity of proposed licence holder are enclosed (*see Guidance Note 4*)
- Recent colour photograph is enclosed (*see Guidance Note 5*)
- I understand if the above requirements are not complied with the application may be rejected

## Part 7 – Signature

### 7.1 Signature of applicant (proposed special procedure licence holder)

Signature: .....

Print name: .....

Date: .....

### 7.2 Signature of supervisor (if applicable)

Signature: .....

Print name: .....

Date: .....

*[Where the application is to be submitted in an electronic form, the signature should be generated electronically and should be a copy of the person's written signature.]*

## Guidance Notes

### Note 1: Eligibility for a basic disclosure certificate or an overseas criminal record certificate

An applicant must submit with this application form either:

- (a) a basic disclosure certificate issued by the Disclosure and Barring Service, or
- (b) an overseas criminal record certificate.

Any certificate must not be older than three months (from date of issue).

Where possible please provide an electronic copy of your basic disclosure certificate. In doing so you are providing permission to share the result electronically with the local authority you are applying to.

A basic disclosure certificate will not cover the time an applicant has lived outside the UK. An applicant who is not eligible for a basic disclosure certificate or who has spent more than 6 months living outside of the UK, must obtain an overseas criminal record certificate. The application process for criminal record checks for an applicant from overseas varies from country to country. An applicant may need to apply in the country or to the relevant embassy in the UK.

### Note 2: Convictions for relevant offences

A basic disclosure certificate will show an applicant's unspent convictions and conditional cautions.

### Note 3: Providing relevant information to accompany application form

An applicant may give any information that they consider relevant to their application. For example this could be further information (including any mitigating factors) in relation to any unspent conviction for a relevant offence that they have declared on this application form.

### Note 4: Identity documents

All applicants must provide proof of their full name and date of birth. The following forms of photographic identification are permitted:

- Valid passport or driving licence,
- If the applicant has neither of the above then the following photographic ID cards are considered suitable; a Biometric residence permit; HM Forces ID card; EEA National ID card; Irish Passport Card; Visa or Work permit.

**Note 5: Recent colour photograph**

All applicants must submit a recent colour photograph of themselves. The photograph must:

- be a UK passport style and size photograph,
- be taken on a light background so the applicant's features are distinguishable and contrast against the background,
- clearly show the applicant's face, who must have a neutral expression and not be wearing anything which covers their head or hair (other than for religious or medical reasons),
- be a true likeness of the applicant.

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Schedule 2 Regulation 8(1)(a)  
Form and content of special procedure  
licence – Part 1 photocard

Front of photocard

[Name of issuing local authority and (optional) logo] <b>SPECIAL PROCEDURE LICENCE</b>
<b>TEMPORARY LICENCE</b> [ <i>Delete if not applicable</i> ]
<b>TRAINEE LICENCE HOLDER</b> [ <i>Delete if not applicable</i> ]
<b>Date of Issue:</b>
<b>Date of Expiry:</b>
<b>Licence number:</b>
<b>Issuing local authority:</b>
<b>Name of licence holder:</b>
<b>Photograph of licence holder:</b>

Back of photocard

[Name of issuing local authority and (optional) logo]
<b>Residential or business address of licence holder:</b>
<b>Special procedures authorised by this licence:</b>
[ <i>List special procedures</i> ]
<b>Approved premises and/or vehicles:</b>
[ <i>Specify the address of the premises</i> ] [ <i>In the case of a vehicle, the registration number</i> ] [ <i>In the case of a vehicle without a registration number, identify the vehicle in whatever way the issuing local authority considers appropriate</i> ]
<b>This licence must be read together with Part 2 of the licence issued at the same time.</b>
<b>THIS LICENCE IS NON TRANSFERABLE</b>

Schedule 3 Regulation 8(1)(b)  
Form and content of special procedure  
licence – Part 2 A4 paper

*[Name of issuing local authority and (optional) Logo]*

**SPECIAL PROCEDURE LICENCE**

**TEMPORARY LICENCE** *[Delete if not applicable]*

**TRAINEE LICENCE HOLDER** *[Delete if not applicable]*

**Date of Issue:**

**Date of Expiry:**

**Licence number:**

**Issuing local authority:**

**Name of licence holder:**

**Photograph of licence holder:**

**Residential or business address of licence holder:**

**Special procedures authorised by this licence:**

*[List special procedures]*

**Approved premises and/or vehicles:**

*[Specify the address of the premises]*

*[In the case of a vehicle, the registration number]*

*[In the case of a vehicle without a registration number, identify the vehicle in whatever way the issuing local authority considers appropriate]*

**This licence is subject to the mandatory licensing conditions attached to this licence.**

**THIS LICENCE IS NON TRANSFERABLE**

## Schedule 4 Regulation 9(7)

### Applicable mandatory licensing conditions for a special procedure licence

#### General

1. The licence holder must operate in accordance with the issued licence and mandatory licensing conditions.
2. The licence holder may only perform a special procedure that they are licensed to perform in the approved premises or vehicle specified on their licence (unless exceptions apply).
3. The licence holder may not perform the special procedure in an approved premises or vehicle, or any part thereof, where circumstances present or are likely to present a risk of harm to human health.
4. The licence holder must only perform the special procedure in such a way that minimises the risk of harm to human health.
5. In the case of a temporary licence, the licence holder must operate in a way that does not contradict the temporary approval conditions attached to that approval certificate.

#### Matters relating to the licence

6. The licence holder must ensure that their licence is displayed in a position that enables it to be easily read by clients and members of the public at their place of work and that a copy of the mandatory licensing conditions is readily available upon request by an authorised officer or client.
7. The licence is non-transferable and must not be used by any other person. It must not be altered in any way and must remain legible.
8. In the event of the special procedure licence becoming mislaid, stolen or damaged, the licence holder must obtain a replacement from the issuing authority as soon as reasonably practicable on payment of the application fee.
9. The licence holder must inform the issuing local authority of any conviction(s) of a relevant offence obtained during the period of their licence within 5 working days of being convicted. This information must include the

date of the conviction, details of the relevant offence, sentence/penalty imposed (including the duration of any sentence) and any other information that the issuing local authority may reasonably require.

10. An application to vary a special procedure licence may only be considered by the issuing local authority after an application to vary has been provided to that local authority and any fee paid. A special procedure licence can only be varied after the application has been approved by that local authority.
11. This paragraph applies to a licence holder who wishes to perform a special procedure at an entertainment exhibition or event lasting no longer than seven days. The licence would authorise this without requiring the licence holder to make an application to vary their licence to identify the temporary approved premises or vehicle on their special procedure licence.
12. An application to renew a special procedure licence must be made at least 28 working days prior to the expiry of the licence period listed on the special procedure licence.
13. An application to renew a special procedure licence may only be considered by the issuing local authority after an application to renew has been provided to that local authority and any fee paid. A special procedure licence can only be renewed after the application has been approved by that local authority.
14. The expired licence must be returned to the issuing local authority in accordance with the instructions provided by that authority.

#### **The client and client consultation**

15. The licence holder must not undertake a special procedure on a client if they suspect the client is not fit and well.
16. The licence holder must not perform a special procedure on an individual who is, or appears to be intoxicated, whether by virtue of drink, drugs or by any other means.
17. The licence holder must complete a pre-treatment consultation with the client and, where appropriate, with the parent or legal guardian of the client, prior to undertaking the special procedure. This consultation must be

by way of a pre-treatment consultation form which must include:

- a) name of client,
  - b) verification of the age of the client,
  - c) contact details of the client,
  - d) a full explanation of the process, risks and contraindications of the special procedure,
  - e) an explanation of the social impacts of a special procedure performed on the client's face or neck (if applicable), and
  - f) a relevant medical history to include significant or relevant health conditions such as heart disease, epilepsy, diabetes, conditions that compromise immunity, allergies, pregnancy and details of prescribed medication including anticoagulants.
18. The completed pre-treatment consultation form must be signed by the licence holder and countersigned by the client and, where appropriate, the parent or legal guardian of the client.
  19. Where any contraindications are identified during the pre-treatment consultation the licence holder must assure themselves that the special procedure can still be performed safely. If the licence holder has any concerns regarding the health of the client, the licence holder should not proceed until they are in receipt of medical advice or approval from the client's GP or medical consultant. A copy of this information must be included in the licence holder's written records for the client.
  20. The licence holder must complete a post-treatment consultation with the client, and where appropriate with the parent or legal guardian of the client, after the special procedure is performed.
  21. The post-treatment consultation must include an explanation of the aftercare requirements of the special procedure performed.
  22. The licence holder must ensure that aftercare advice is provided to the client in an easy-to-understand format. It must be given verbally and in written form to the client, and must include the contact details of the licence holder who performed the special procedure. A copy of the advice must be included in the licence holder's written records for the client.

### **Record keeping**

23. The licence holder must ensure that written client records are retained for a period of 3 years. These records must include a copy of the completed and signed pre-treatment consultation form.
24. The licence holder must record, respond to and maintain an incident register. This register must include details of any incident such as:
  - a) the date of the incident,
  - b) the name and contact details of the individual who raised the incident, and
  - c) the actions taken by the licence holder.
25. Where the licence holder is made aware of an incident associated with a special procedure that they have performed, they must complete the incident register and take any remedial action necessary to prevent a recurrence.
26. Licence holders must ensure that their insurance cover remains valid for the duration of their licence period. Insurance certificates must be readily available for inspection by any authorised officers from the local authority.

### **Safety and hygiene practices of the licence holder**

27. The licence holder is prohibited from inserting ink or pigment into the eyeball of any individual.
28. The licence holder must continue to develop, update and maintain their knowledge of infection prevention and control and their skills for the special procedure that they are licensed to perform. The licence holder must maintain a written record of how they have met this requirement.
29. The licence holder must not perform a special procedure on an individual where the performance is or is likely to be compromised due to their own intoxication by virtue of drink, drugs or any other means.
30. The licence holder must not smoke, vape, consume food or drink in the special procedures work area.
31. The licence holder must practise regular and thorough hand hygiene.



32. The licence holder's nails must be clean and free of nail decoration or covering.
33. The licence holder must cover any open wounds, cuts, or boils on an exposed part of their body with an impermeable dressing.
34. Any single use, disposable personal protective equipment must be changed in between each client or when there is a break in the special procedure.
35. The licence holder must ensure that only single use disposable razors are used to assist with the special procedure being undertaken.
36. The licence holder must carry out a visual assessment of the condition of the client's skin where the special procedure is to be performed and decontaminate the skin before performing the special procedure.
37. The licence holder must not perform a special procedure on skin that is not intact.
38. The licence holder must not prescribe or use any topical anaesthetic unless it is used in accordance with the licence conditions approved by the Medicines and Healthcare Products Regulatory Agency.
39. The licence holder must ensure that their workstation is effectively cleaned and disinfected in between each client.
40. All special procedures must be undertaken in conditions of privacy appropriate to the special procedure being performed.
41. The licence holder must only permit clients to be accompanied by their assistance dog if their presence during the special procedure does not present an increased risk of infection.

#### **Fixtures and fittings**

42. Any fixture or item of furniture used by the client during the special procedure is to be covered by a disposable paper sheet, towel, or equivalent and changed between each client.
43. The licence holder must ensure that all fixtures, fittings and items of furniture associated with their workstation are of a non-porous material and in good order and repair to enable effective cleaning and disinfection.

### **Equipment and instruments**

44. All equipment, instruments and products used by the licence holder must be used, maintained and where appropriate serviced and validated in accordance with the manufacturer's instructions. Service and validation records must be maintained.
45. All instruments and equipment used by the licence holder must be of a non-porous material that can be easily cleaned, disinfected and, where appropriate, sterilised.
46. Instruments and equipment must be maintained in good order and repair to enable effective cleaning and must be used and stored in a way that minimises the risk of contamination.
47. The licence holder must never reuse or reprocess single use items.
48. The licence holder must ensure that any equipment which is not disposable, cannot be sterilised and is likely to come into contact with bodily fluids or the site of the special procedure, is protected from such contact. Such equipment must be thoroughly cleaned and disinfected after each use.
49. If non-disposable instruments are used in the performance of a special procedure the licence holder must, after using them, clean and treat with fit for purpose cleaning, disinfection and sterilisation equipment such as ultrasonic cleaners, instrument baths and autoclaves and autoclave pouches. This does not apply to needles (see paragraph 50).
50. Any instrument, equipment, jewellery, or object that is attached to, implanted or inserted in, or removed from the client's skin or mucous membrane must be sterile at the point of use.
51. The licence holder must only use sterile, single use, disposable needles.
52. The licence holder must have access to a suitably stocked, readily accessible first aid kit which has a minimum stock of items to meet the first aid needs of the special procedure performed.

### **Waste**

53. If applicable, the licence holder must have and use a sharps bin which conforms to the current

requirements set by the British Standards Institution. The sharps bin must be kept and used within the special procedures work area.

54. The licence holder is to ensure that domestic and clinical, non-hazardous waste is appropriately segregated into the correct coloured bags. If applicable, the licence holder must also dispose of those coloured bags.

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## Schedule 5 Regulation 9(5)

### Applicable mandatory licensing conditions for supervisors

1. The supervisor must be a licence holder.
2. The supervisor must supervise the trainee whilst the trainee performs the special procedure on a client.
3. The supervisor may apply to the issuing local authority to vary their special procedure licence to remove the mandatory licensing conditions for supervisors.

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## Schedule 6 Regulation 9(6)

### Applicable mandatory licensing conditions for trainees

1. During the pre-treatment consultation the trainee must inform the client of their trainee status and the additional mandatory licensing conditions that are attached to their licence.
2. The trainee must only perform the special procedure under the supervision of their supervisor.
3. The trainee must only perform the special procedure from the approved premises or vehicle identified on their licence.
4. An application to vary a special procedure licence must be made to the local authority which issued the special procedure licence.
5. The trainee may only apply to the issuing local authority to vary their special procedure licence to remove the mandatory licensing conditions for trainees, if their supervisor is satisfied that the trainee can perform the special procedure without supervision.
6. If the trainee makes an application to vary in accordance with condition 5 (above), the special procedure licence must be sent back to the issuing local authority in order that the special procedure licence can be reissued.
7. The trainee must apply for a new special procedure licence if they wish to transfer their supervision to another licence holder or change the approved premises or vehicle identified on their licence.

## Schedule 7 Regulation 9(7)

### Applicable mandatory licensing conditions in relation to acupuncture

1. A licence holder must not perform acupuncture on an intimate body part of a client under the age of 18. The only exception would be if acupuncture was being performed in the course of a medical procedure.
2. A licence holder must not perform acupuncture on a non-intimate body part of a client under the age of 16 without the written consent of the client's parent or legal guardian. The parent or legal guardian must be present for the duration of the special procedure.
3. A licence holder must thoroughly wash and dry their hands immediately before and after performing acupuncture on each client.
4. A licence holder must wear single use, well fitting, surgical gloves where—
  - a) the client is bleeding or has an open lesion on an exposed part of their body,
  - b) the client is known to be infected with a blood-borne virus,
  - c) the licence holder has an open lesion, broken skin or a skin infection on their hand, and
  - d) the licence holder is handling items that may be contaminated with blood or other body fluids.
5. Where the licence holder is asked to perform acupuncture on a client for the purposes of providing palliative care, they must include the following steps during the pre-treatment consultation—
  - a) undertake and record an assessment of the area where acupuncture is to be performed having due regard to any risks that can cause harm to human health,
  - b) where the assessment identifies any risk that could cause harm to human health, take appropriate action to mitigate the harm before undertaking the special procedure or cease from

- undertaking the special procedure until the harm has been removed, and
- c) include a copy of the assessment within the licence holder's written records of the client.

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## Schedule 8 Regulation 9(7)

### Applicable mandatory licensing conditions in relation to body piercing

1. The licence holder must not perform, or make arrangements to perform, an intimate piercing on a client who is under the age of 18. The only exception would be if body piercing was being performed in the course of a medical procedure.
2. The licence holder must not perform a non-intimate piercing on a client under the age of 16 without the written consent of the parent or legal guardian of the client, and the parent or legal guardian must be present for the duration of the special procedure.
3. The licence holder must wear gloves when performing the special procedure. Where latex gloves can be worn, they must be low-protein and powder free. If the client has a known allergy to latex, the licence holder must wear gloves that are a suitable latex free alternative.
4. Gloves that provide the best fit, dexterity and comfort as well as afford good barrier protection must be worn by the licence holder while performing a special procedure.
5. Gloves should be removed and disposed of immediately after the special procedure is finished or when there is a break in performing the special procedure.
6. All jewellery, objects or instruments which may come into contact with skin or mucous membrane when piercing is undertaken, or are in close contact with the client's pierced skin or mucous membrane, must be purchased from reputable suppliers and must be single-use and pre-sterilised.
7. Any needle, cannula, biopsy punch, taper, connection pin/rod, needle receiving tube, needle blank, or any other instrument used for the purpose of perforating the client's skin or mucous membrane with the view to enabling jewellery or any object to be attached to, implanted in or removed from the client's body must be purchased from a reputable supplier, be single use and be pre sterilised.



8. All jewellery or objects used for the body piercing must be of a suitable grade, including surgical stainless steel, solid 9, 14 or 18 carat gold, niobium, titanium, platinum, or dense low porosity plastic.
9. If the area to be pierced requires marking, a single use water-based marker pen or single use markers must be used. This implement or pen should then be disposed of immediately after use.
10. If using a cartridge system for body piercing, the licence holder must—
  - a) use a sterile cartridge and pre sterilised jewellery or objects supplied in sealed packaging which indicates the part of the body for which it is intended,
  - b) maintain records to validate the integrity of the sterile cartridge and pre sterilised jewellery or object,
  - c) in relation to ear and nose piercing, use cartridges that are sealed, within the expiry date and in good condition prior to use,
  - d) not use any cartridges from damaged or blistered packs and these must be discarded,
  - e) never reload a disposable cartridge and use for multiple piercings, even on the same client, and
  - f) ensure a re-usable piercing instrument is firstly cleaned and then disinfected and sterilised prior to and following each use, and must be used in accordance with the manufacturer's instructions (including the loading and unloading of the cartridge).

## Schedule 9 Regulation 9(7)

### Applicable mandatory licensing conditions in relation to electrolysis

1. A licence holder must not perform electrolysis on an intimate body part of a client under the age of 18. The only exception would be if electrolysis was being performed in the course of a medical procedure.
2. A licence holder must not perform electrolysis on a non-intimate body part of a client under the age of 16 without the written consent of the client's parent or legal guardian, and the parent or legal guardian must be present for the duration of the special procedure.
3. The licence holder must wear gloves when performing the special procedure. Where latex gloves can be worn, they must be low-protein and powder free. If the client has a known allergy to latex, the licence holder must wear gloves that are a suitable latex free alternative.
4. Gloves that provide the best fit, dexterity and comfort as well as afford good barrier protection must be worn by the licence holder while performing a special procedure.
5. Gloves should be removed and disposed of immediately after the special procedure is finished or when there is a break in performing the special procedure.

## Schedule 10 Regulation 9(7)

### Applicable mandatory licensing conditions in relation to tattooing

1. The licence holder must not perform tattooing on any client under the age of 18 unless an exemption applies under the Tattooing of Minors Act 1969(1).
2. The licence holder must wear gloves when performing the special procedure. Where latex gloves can be worn, they must be low-protein and powder free. If the client has a known allergy to latex, the licence holder must wear gloves that are a suitable latex free alternative.
3. Gloves that provide the best fit, dexterity and comfort as well as afford good barrier protection must be worn by the licence holder while performing a special procedure.
4. Gloves should be removed and disposed of immediately after the special procedure is finished or when there is a break in performing the special procedure.
5. The licence holder must wear a single use disposable apron when performing the special procedure. The apron is to be removed and disposed of immediately after the special procedure is finished, or when there is a break in performing the special procedure.
6. All products such as antiseptic creams, petroleum jelly, lubricating gel, tattoo stencils must be single use or dispensed using a clean, single use instrument to a clean, single use receptacle.
7. Products must be labelled with the date of opening and disposed of in accordance with the manufacturer's instructions.
8. Inks/pigments must be dispensed into clean, single-use receptacles or pre-packed in single use vials and must be used and disposed of in accordance with the manufacturer's instructions.

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(1) 1969 c. 24.

9. Only sterile water must be used to dilute inks and pigments and to rinse instruments and equipment while tattooing is being performed.
10. The licence holder must ensure that equipment with hollow cavities, equipment wrapped or enclosed in pouches, or porous loads are sterilised using an appropriate vacuum autoclave that is deemed appropriate for that purpose by the manufacturer.
11. The brand, colour and batch code of each pigment/ink used on a client must be recorded within the licence holder's written records of the client at the time the special procedure is being performed.

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