

The Public Health (Wales) Act 2017 - Part 4 (Special Procedures):

Information on Implementation Progress

March 2023. This document is reviewed and updated (if required) monthly.

Welsh Government Position Statement

The Welsh Government has resumed work on the implementation of Part 4: Special Procedures of the Public Health (Wales) Act 2017..

Part 4 of the Act requires a legislative programme to create the mandatory licensing regime for the four specified Special Procedures i.e. Acupuncture, Body Piercing, Electrolysis and Tattooing. This programme will require the remainder of 2023 and part of 2024 to achieve.

Key points

The current legal requirements regarding registration and enforcement for acupuncture, body piercing, electrolysis and tattooing remain in place.

The official consultation paper on our proposals for the mandatory licensing scheme has been published. The public, industry and other stakeholders are invited to take the opportunity to comment on our proposals. We are then required to review all comments and make appropriate amendments. The consultation document, related impact assessments and response forms can be seen here: [Mandatory licensing of special procedures in Wales | GOV.WALES](#) The consultation period runs until 19 April 2023.

The responses we receive will be used to inform what goes into the regulations to govern the licencing scheme and how it will work in practice.

The Welsh Government has resumed work with local authorities (LAs) and practitioners to develop systems and materials that will be required for delivery of the future new licencing scheme. This includes:

- Working closely with specialist Environmental Health Officers in Wales to prepare draft regulations and guidance for special procedures;
- Delivery of the regulated Level 2 Qualification on Infection Prevention and Control for Special Procedures Practitioners. This qualification is being delivered both face to face and online.
- Local authorities are working with the approved training centres to support practitioners in accessing this qualification. All centres have access through the Royal Society of Public Health (RSPH) to new revised training materials. This will help with providing consistent delivery of the RSPH Level 2 Award in Infection Prevention and Control.

All 22 Welsh LAs are starting to make arrangements for the future introduction of the regulations:

- IT works to design and build a single online register to be used by all LAs in Wales have commenced.
- LAs have been reviewing the procedures and resources they have available to support the introduction and implementation of the regulations.
- Through regional and national networks across Wales nominated specialist officers have been involved in developing proposed licencing fees, procedures and documentation, consulting with local practitioners as appropriate etc. Some of this work has informed the current consultation document and draft regulatory impact assessment.

- The EHO network extends outside Wales and the Welsh Government has been working with colleagues from London and the Midlands who have introduced local licencing schemes to learn from their experiences.

A summary of the main requirements of the licensing scheme for practitioners

The Public Health (Wales) Act received Royal Assent in July 2017. Part 4 of the Act requires a mandatory licensing scheme for practitioners and businesses carrying out 'Special Procedures' in Wales. 'Special Procedures' include those practices currently requiring registration under the Local Government (Miscellaneous Provisions) Act 1982, namely tattooing (including semi-permanent make up), body piercing, acupuncture and electrolysis.

The main requirements of the mandatory licensing scheme include:

- Practitioners must be licensed to carry out special procedures (it will be an offence to carry out special procedures without a licence);
- Business premises and vehicles must be approved (it will be an offence for a practitioner to perform any procedures from premises and vehicles that are not approved);
- A full licence for practitioners will last for 3 years, and a temporary licence will last for 7 days (this is to accommodate events and conferences). It will be a requirement to display the licence in a prominent position in the premises/vehicle where the special procedure is undertaken;
- An approval certificate for business premises or vehicles will last for either 3 years, or, if granted on a temporary basis, it will last for no more than 7 days. It will be a requirement to display the approval certificate in a prominent position in the premises/vehicle where special procedures are undertaken.
- Licence conditions will relate to the competence of practitioners, the premises where practitioners work, the equipment and practices used, advice given before and after the special procedure and the records kept by practitioners;
- Competence will relate to infection control and first aid in context of the special procedure practised. The level of competence will relate to the level of risk linked to the special procedure, for example ear lobe piercing would not require the same level of competence as body piercing. Knowledge of the requirements of the Act will also be required;
- Currently registered practitioners will need to transition to the new mandatory system and time will be allowed for those practitioners (and their premises) to be assessed by LAs and moved on to the new licensing system;
- LAs will be responsible for enforcing the licensing requirements and for keeping up to date a public register. There will be greater powers to enforce this legislation than those currently in place, as well as the ability to revoke a licence and immediately stop unsafe practices. Fines will also be unlimited upon successful prosecution;
- In order to ensure the legislation remains up to date as new special procedures evolve in the future, the Act includes a provision to make further legislation to amend/add to the list of special procedures.

The Welsh Government will continue to liaise with practitioners, professional associations and interested stakeholders to develop up to date bespoke industry guides, as well as considering the development of a more bespoke structured career path for practitioners of special procedures in Wales. If you have any queries please contact the Welsh Government by email: SpecialProceduresMailbox@gov.wales