

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

Information on Implementation Progress

March 2024. This document is reviewed and updated (if required) regularly.

Welsh Government Position Statement

Part 4 of the Public Health (Wales) Act 2017 creates a mandatory licensing scheme for practitioners and businesses carrying out 'Special Procedures' in Wales. The four specified Special Procedures in the Act are acupuncture (including dry needling), body piercing, electrolysis and tattooing (including semi-permanent makeup). A legislative programme is underway to introduce regulations that will establish the scheme, which will require the remainder of 2024 to achieve.

Current activity

We consulted on the policy principles of the scheme early in 2023. The consultation document, related impact assessments and our response to this consultation can be seen here: [Mandatory licensing of special procedures in Wales | GOV.WALES](#)

The responses we received have informed the content of draft regulations to govern the licensing scheme. A [consultation on those draft regulations](#) and related statutory guidance opened on 12 February 2024 and will run for 8 weeks until **8 April**. This will be the final stage before the regulations enter the formal Senedd legislative process.

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

- Delivery of a regulated Level 2 Qualification on Infection Prevention and Control for Special Procedures Practitioners is ongoing and is available both face to face and online. All training centres have access through the Royal Society of Public Health (RSPH) to training materials. The [practitioner newsletter](#) provides an update on locations and providers of this course. All prospective applicants for the scheme (for a practitioner licence and/or premises/vehicle approval certificate) will be required to undertake and pass this course before making an application.
- The IT work to design and build a single online register to be used by all LAs in Wales has been completed and is now in a testing phase.
- All 22 Welsh LAs continue to make arrangements for the introduction of the regulations and have been reviewing the procedures and resources they have available to support the introduction of the mandatory licensing scheme.
- The fees for the scheme have been agreed by all 22 local authorities and have been published on an all-Wales basis, ensuring that they will be the same in every LA (see section on fees below).

- LAs will be responsible for enforcing the licensing requirements and for keeping up to date a public register of valid licences and approval certificates that have been issued.
- There will be greater powers to enforce this legislation than those currently in place, including taking action against those practising illegally; the ability to revoke a licence; immediately stop unsafe practices; and levy fines for licence holders and approval certificate holders where appropriate.
- In order to ensure the legislation remains up to date as new special procedures evolve in the future, the Act includes a provision to consider making further legislation to amend/add to the list of special procedures.

If you have any queries, please contact the Welsh Government by email:
SpecialProceduresMailbox@gov.wales

A summary of the main requirements of the licensing scheme for practitioners and premises/vehicle operators

The current legal requirements regarding registration and enforcement for acupuncture, body piercing, electrolysis and tattooing will remain in place until the mandatory licensing scheme is introduced. New registrations under the existing registration scheme must still be made to operate legally before the new scheme comes into operation.

Who needs to get what?

- The new scheme will apply to everyone who has previously made a one-off registration with their local authority under the Local Government (Miscellaneous Provisions) Act 1982 to practise acupuncture, dry needling, body piercing, electrolysis, semi-permanent makeup and tattooing, and for the premises and vehicles where these procedures are performed, as well as new entrants.
- Every practitioner must have their own **special procedures licence** which will confirm the procedure(s) they are personally licensed to practise.
- Every special procedures business premises or vehicle must have its own **premises/vehicle approval certificate**.
- Any practitioner in charge of their own premises will need to have a **special procedures licence** (for themselves) **and** a **premises approval certificate** (for their premises).

Why do I have to do the IPC Course?

All practitioners and business premises operators have to have passed a regulated Level 2 IPC course before they apply. This will ensure that all applicants operate to a consistent and measurable standard of infection prevention and control. Some practitioners have been trained to higher levels of IPC, but it is not possible to make general exceptions for existing qualifications without making the licensing scheme complex to administer. It would not be possible to identify and list all equivalent qualifications both past and present and any such list would rapidly become out of date.

What do these licences/certificates cover?

- Practitioners who hold a licence can work out of any premises in Wales, as long as it has been granted a premises approval certificate by the LA it is in and is referenced on the practitioner's special procedures licence.
- Anyone in charge of or managing a special procedures premises/vehicle will be responsible for obtaining a premises/vehicle approval certificate before licenced

practitioners can operate from within it. Business managers do not need to be performing the procedures themselves or directly employing practitioners to require a certificate.

- When the scheme goes live it will be an offence to carry out any of the 4 special procedures without a special procedures licence (as a practitioner) or in a premises/vehicle that has not been granted a premises/vehicle approval certificate.
- Both the special procedures licence for practitioners and the premises/vehicle approval certificate will last for 3 years, after which time they have to be renewed via application to the LA.
- It will be a requirement to display the licence in a prominent position in the approved premises/vehicle where the special procedures are undertaken.
- It will be a requirement to display the premises/vehicle approval certificate in a prominent position in the approved premises/vehicle where the special procedures are undertaken.
- Licence conditions will apply to practitioners, and approval conditions will apply to premises/vehicles. These conditions will relate to the relevant procedure(s) and will include the application of robust infection prevention and control procedures; condition of the premises/vehicles where practitioners work; the equipment and practices used; advice given to clients before and after procedures, and record keeping.
- Apprentices and trainees who are being trained within a workplace on any of the special procedures will also have to get a special procedures licence if they are performing the procedures on other people as part of that workplace's business. They will be subject to specific licence conditions about supervision to take account of their trainee status. There will be a way of removing these specific conditions from their licence when they have been fully trained and are ready to work unsupervised.
- A 3-year premises approval certificate will be specific to the named premises which has been approved, and a 3-year vehicle approval certificate will be specific to the vehicle that has been approved. These cannot be transferred to another premises or vehicle if the holder moves premises or changes vehicle. Vehicles can, however, be taken anywhere in Wales.
- Licences and approval certificates will only apply in Wales and will not be valid elsewhere in the UK. People holding licences and/or approval certificates will not be exempt from having to comply with any other schemes or make other payments for schemes that may be in place outside Wales.

What about practitioners visiting from outside Wales?

- Any practitioner visiting Wales to perform special procedures, or bringing a vehicle equipped as a mobile treatment room into Wales to perform special procedures will also have to comply with the licensing scheme requirements. They will need to obtain a special procedures licence (for themselves) and a vehicle approval certificate (for the vehicle) as appropriate. Whether this is a **temporary licence/vehicle approval certificate** or a 3 year one will be a business decision for that person.
- **Temporary special procedures licences** will be available for practitioners visiting Wales to perform procedures for less than 7 days as a guest in an existing business, or at a temporary event being held in Wales; **temporary vehicle approval certificates** will be available to enable purpose-equipped vehicles from outside Wales to be used for special procedures at temporary events of less than 7 days in Wales.
- Practitioners based in Wales who hold their own 3-year special procedures licence will not have to obtain temporary licences to do guest spots or perform procedures at events within Wales, but they will only be able to work from approved premises that are identified on their licence.

What about conferences and other events?

Temporary premises approval certificates will be available for premises that will be used to host time-limited temporary events at which special procedures will be performed. These temporary certificates will be for specific time-limited events but will last for no longer than 7 days. The premises that will be most likely to require temporary approval certificates for this purpose will be conference centres, hotels and other similar premises not normally used for performing special procedures.

The organisers of such events will be required to ensure that any practitioners performing procedures at the event have special procedures licences, either their own 3-year licence or (in the case of visiting practitioners) a temporary special procedures licence to cover the time period of the event.

Where events take place in a premises in Wales that already has its own premises approval certificate, the organiser **will not** have to obtain a temporary premises approval certificate, although they will still have to ensure that any visiting practitioners who intend to perform procedures have special procedures licences.

Fees

The fees have been agreed by all 22 LAs in Wales so will be the same in every LA:

All first applications

- **For a 3-year special procedure licence (for individual practitioners)**
 - £159 application fee payable at the time the application is submitted.
 - £44 compliance fee, payable after a licence has been granted.
- **For a 3-year premises/vehicle approval certificate**
 - £244 application fee payable at the time the application is submitted.
 - £141 compliance fee, payable after an approval certificate has been granted.

Renewal (due 3 years after date of first licence/approval certificate)

- **For a special procedure licence renewing for the next 3 years:**
 - £147 application fee payable at the time the renewal application is submitted.
 - £41 compliance fee, payable after a renewed licence has been granted.
- **For a premises/vehicle approval certificate renewing for the next 3 years:**
 - £204 application fee payable at the time the renewal application is submitted.
 - £141 compliance fee, payable after a renewed approval certificate has been granted.

What do these fees cover?

The application fee: this covers the cost of processing the application up to the point where the LA decides whether to grant or refuse the licence or premises/vehicle approval certificate, visiting the applicant at their premises and issuing the relevant paperwork.

The compliance fee: this covers the cost of the day-to-day running of the scheme, including support and advice to licence/approval certificate holders, enforcement, and monitoring compliance during the 3-year licence/premises/vehicle approval certificate period.

The licensing scheme is designed as a cost-recovery scheme. This means that LAs are able to charge an appropriate fee to cover their costs, but they are not permitted to make a profit from operating the scheme. The fees for the scheme are therefore intended to cover the cost to the LA to process applications and run the scheme as a whole. It is not a way for LAs to make money, and the Welsh Government will not receive any money from this scheme.

How often are these fees payable?

These fees are payable once in every three-year licence/approval certificate period, they are not annual fees.

Why two different fees – and why isn't the practitioner and premises all part of the same licence?

The application fees and compliance fees cannot legally be charged together up front, they have to be charged separately. The compliance elements of the fees will only be payable by those to whom licences or approvals are granted and will be used for ongoing support and enforcement.

The way the Act is structured, the practitioner and the premises/vehicle have to be licenced/approved separately as they are doing different things, although there is some crossover between the two. The special procedures licence is to licence the individual practitioner and how they apply good IPC practise to what they do, and they are then able to work from any approved premises in Wales, whereas the premises/approval certificate approves the workplace set-up and how it is arranged to facilitate good IPC practise.

To group the practitioner and premises/vehicle on the same licence would be to limit the practitioner to that premises/vehicle only and assumes that all practitioners also run their own premises – whereas many practitioners are not in charge of premises and want the freedom to move between a number of different premises.

What if I don't pay?

If the application fee is not paid, the application will not be processed. If licences and approval certificates are granted, they cannot be withheld until the compliance fee is paid as their cost is included in the application fee. Failure to pay the compliance fee may mean that the LA takes action to recover the amount owed, and it may mean that any future applications will not be processed until any outstanding fees are paid.

I didn't have to pay these fees before, why now?

The one-off registration and fee payable under the Local Government (Miscellaneous Provisions) Act 1982 is no longer fit for purpose given the expansion of the special procedures sector since it became law. That particular Act provides limited powers for LAs to take action against practitioners who are non-compliant, and apart from the initial registration, there is little requirement for a practitioner or business to maintain standards of infection control. For this reason, the Public Health (Wales) Act 2017 sets out a robust regulatory framework of licensing, which includes a more rigorous application procedure and regular renewal of licences. The overall intention is for practitioners and business operators to demonstrate and

maintain a high standard of infection prevention and control and for LAs to have better legal tools to tackle practitioners and businesses who have poor practise or operate illegally.

When is this starting?

The Welsh Government is currently considering the timetable in relation to the legal process to be followed and when this will be completed to allow the scheme to go live. It is most likely that this will be during the Senedd's Autumn 2024 sessions. We will be able to be more definite once the consultation on the draft regulations has closed in April.

I want more information on how this scheme will work

Guidance on how the scheme works, what you need to do to make an application, and what happens after will be issued nearer to the start date for the scheme.