

**Y Pwyllgor Deddfwriaeth,
Cyfiawnder a'r Cyfansoddiad****Legislation, Justice and
Constitution Committee****Senedd Cymru**

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Jeremy Miles MS

Cabinet Secretary for Health and Social Care

17 October 2024

Dear Jeremy

Regulations to implement Part 4 and Schedule 3 of the Public Health (Wales) Act 2017 dealing with the creation of a mandatory licensing scheme for practitioners, premises and vehicles associated with the performance of special procedures

You will be aware that the Legislation, Justice and Constitution Committee has recently scrutinised a suite of regulations¹ laid before the Senedd by the Welsh Government which will implement Part 4 of, and Schedule 3 to, the *Public Health (Wales) Act 2017* (the 2017 Act) dealing with the creation of a mandatory licensing scheme for practitioners, premises and vehicles associated with the performance of special procedures.

As part of our scrutiny, you will also be aware that we have raised concerns about the timeframe within which the licensing scheme associated with special procedures has been implemented. The 2017 Act received Royal Assent on 3 July 2017. This suite of regulations is due to come into force on 29 November 2024. This means it will have taken over seven years for the new rules on special procedures to be implemented. When we asked why this was the case, the Welsh Government responses we received to our reports first note that priority was given to both bringing into force and extending the application of Part 5 of the 2017 Act which relates to intimate piercing. The response then goes on to state:

"In the autumn of 2019, the preparatory work for the formulation of proposals for the mandatory licensing scheme set out in Part 4 of and Schedule 3 to the 2017 Act

¹ These are: SL(6)524 - [The Special Procedure Licences \(Wales\) Regulations 2024](#) (withdrawn following committee scrutiny); SL(6)527 - [The Special Procedures Approved Premises and Vehicles \(Wales\) Regulations 2024](#); SL(6)526 - [The Special Procedures Exempted Individuals \(Wales\) Regulations 2024](#); SL(6)525 - [The Prescribed Objects for Body Piercing \(Special Procedures\) \(Wales\) Regulations 2024](#); SL(6)528 - [The Special Procedures Licensing Committees \(Wales\) Regulations 2024](#)



commenced. Due to the Covid pandemic response however, work on the proposals was paused, resuming in the summer of 2022. Since then, public consultation on the principles for the proposed licensing scheme has been undertaken yielding a significant number of informative responses from a range of individuals, businesses and representative bodies across all the special procedures. These informed the drafting of five complex inter-related regulations that were then consulted upon earlier this year.

Our approach has been to ensure there has been strong and effective engagement with stakeholders, including local authority officers, practitioners, businesses and industry stakeholders, about the scheme requirements. This has taken time but has ensured that the regulatory framework is understood and capable of effective implementation, providing the protections and safeguards intended by the 2017 Act.”²

We do not consider this to be a convincing response and, with the information provided to us, have reached a view that the delay to the implementation of a key piece of public health legislation is not acceptable. At our meeting on 14 October 2024 we agreed to write to you to express these concerns.

It is also noteworthy that our report on the draft Special Procedure Licences (Wales) Regulations 2024 contained 16 technical points, nine of which identified either potential defective drafting or inconsistencies between the English and Welsh texts. We note that these draft Regulations have since been withdrawn.

We believe the Welsh Government currently plans for the Senedd to debate the suite of regulations next month. The lengthy delay to implementing Part 4 of and Schedule 3 to the 2017 Act will likely be raised during the debate and we hope you will provide additional clarity and explanation on this matter.

I am copying this letter to the Health and Social Care Committee.

Yours sincerely,



Mike Hedges

Chair

² See, for example, the Welsh Government response to our report on The Special Procedures Licensing Committees (Wales) Regulations 2024.