

## **The Public Health (Wales) Act 2017 - Part 4 (Special Procedures): Information on Implementation Progress**

**November 2024. This document is reviewed and updated when necessary.**

### **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).

### **Current activity and Proposed Licensing Scheme Commencement Date**

The final draft regulations have now entered the formal Senedd legislative process and are subject to scrutiny by the Legislation, Justice and Constitution Committee, and also to a formal vote in a plenary session of the Senedd, scheduled for 26 November 2024. Should the regulations be approved by the Senedd on that date, the scheme will come into force on 29 November 2024 and will be open to applications via local authorities from that date.

Sarah Jones is working alongside Welsh Government policy officials to assist the final stages before implementation of the licensing scheme at the end of November 2024.

### **Points to note**

- The Welsh Government continues to work with local authorities (LAs), practitioners and business operators to finalise systems and materials for the licencing scheme.
- The Qualifications Wales-regulated Level 2 Award in Infection Prevention and Control (IPC) for Special Procedures Practitioners is available in both face to face and online formats. All prospective applicants for the scheme (for a practitioner licence and/or premises/vehicle approval certificate) will be required to take and pass this course before they can submit an application. Once successfully completed and passed the course will not be required to be taken again. The list of approved course providers can be seen on the [Royal Society of Public Health website](#). You will need to have completed this course to be able to apply immediately on 29 November when the scheme comes into force.
- The fees for the scheme have been agreed by all 22 local authorities for the first year of operation 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 an up to date national 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 under the existing local authority operated registration scheme. These include 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.
- Guidance on how the scheme works, what you need to do to make an application, and what happens after that will be issued nearer to the start date of the scheme.

If you have any queries, please contact the Welsh Government by email:  
[SpecialProceduresMailbox@gov.wales](mailto: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, tattooing and semi-permanent makeup will remain in place until the mandatory licensing scheme comes into force. New registrations under the existing registration scheme must still be made to operate legally before the new scheme comes into operation.

The new scheme groups the procedures slightly differently in accordance with the definitions of the four procedures in the Public Health (Wales) Act 2017:

**Acupuncture** – includes traditional acupuncture and also dry-needling. It does not include any acupuncture-related discipline that does not involve inserting needles into the skin.

**Body piercing** – includes all areas of the body, including ear and nose piercings and intimate body piercings.

**Electrolysis** – applies only to the uses whereby a needle is inserted into the skin.

**Tattooing** – includes semi-permanent make-up (ie any beauty therapy that involves inserting colouring material into the skin) as well as traditional tattooing.

### **Who needs to get what?**

- The new scheme will apply to everyone who is currently registered with their local authority under the Local Government (Miscellaneous Provisions) Act 1982 to practise acupuncture (including dry needling), body piercing, electrolysis and tattooing (including semi-permanent makeup), and for the premises and vehicles where these procedures are performed. It will also apply to all new applicants seeking to become a special procedure practitioner and/or looking to manage a special procedure premises/vehicle for the very first time.
- Every **practitioner** must have their own **special procedure licence** which will confirm the procedure(s) they are personally licensed to practise.
- Every **special procedure business premises or vehicle** must have its own **premises/vehicle approval certificate**.
- All **practitioners in charge of their own premises/vehicle** will need to have a **special procedure licence** (for themselves) and a **premises/vehicle approval certificate** (for their premises/vehicle).
- All applicants for licences and/or approval certificates must be at least 18 and must have taken and passed the approved level 2 Infection Prevention and Control course to be eligible to apply.

## Why do I have to complete the Level 2 Infection Prevention and Control (IPC) Course?

All practitioners and premises/vehicle operators must take and pass a regulated Level 2 IPC course before they can apply for a licence and/or premises/vehicle approval certificate. Completion of the course is to ensure that all applicants operate to a consistent and measurable standard of infection prevention and control. Some practitioners may 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. The Royal Society of Public Health (RSPH) provides the details of all eleven training providers who are approved to deliver this course: [RSPH | Level 2 Award in IP&C](#). These are the only providers of this approved course, any other course offered by different companies will not provide the relevant qualification.

## What do these licences/certificates cover?

- Both the special procedure 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.
- Practitioners who hold a 3 year licence can work out of any approved premises or approved vehicle in Wales, as long as that approved premises or approved vehicle is referenced on the practitioner's special procedure licence. There is no requirement for a practitioner to have a separate licence for each premises at which they work, their licence must simply specify **all** the approved premises/vehicles out of which they operate.
- Anyone in charge of or managing a special procedure premises/vehicle will be responsible for obtaining a premises/vehicle approval certificate before licenced practitioners can operate from within it. Those managing a premises/vehicle do not need to be performing the procedures themselves or employing the licenced practitioners operating from the premises/vehicle to require an approval certificate.
- When the scheme goes live it will be an offence to carry out any of the 4 special procedures in the following circumstances:
  - without a special procedure licence (as a practitioner) and/or
  - in a premises/vehicle that has not been granted a premises/vehicle approval certificate.
- It will be a requirement to display the licence in a prominent position in the approved premises/vehicle where the practitioner will be performing most of their special procedures work. A photo provided by the applicant with their application form for the practitioner licence will feature on the licence certificate and will be included on a separate photo ID card licence to provide easy recognition for clients that the person performing the procedure has a licence.

The licence is specific to the individual pictured on it, therefore it cannot be used by another person in any circumstances.

- It will also 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 and the approval certificate holder. These conditions will relate to the relevant procedure(s) performed by the individual licensed practitioner and the procedures performed within the approved premises/vehicle. The conditions will also relate to the application of robust infection prevention and control procedures; hygiene, safety and IPC conditions within the premises/vehicles where practitioners work; the equipment and practices used; advice given to clients before and after procedures, and record keeping, as examples.
- A 3-year approval certificate will be specific to the named premises or the specific vehicle which has been approved. These cannot be transferred to another premises or vehicle if the holder moves premises or changes vehicle. Approved vehicles can, however, be taken anywhere in Wales to provide special procedures.
- 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 as part of the licensing scheme in Wales 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.

### **Do I automatically get a licence/approval certificate because I am already registered?**

**No.** There are no transferrable rights because the two schemes are completely different. Up to this point, anyone can be 'registered' with their local authority as a practitioner and/or premises manager without having to meet basic standards of hygiene and safety, and there is no requirement for them to demonstrate they maintain those standards in their work or the premises. The new licensing scheme puts a standard in place and is more rigorous in the application and decision-making process for granting licences and approval certificates.

However, if an individual or a premises is currently registered, there will be a transitional arrangement under which the local authority will confirm by email that the person, premises or vehicle has a deemed licence/deemed approval certificate to keep practising the same procedure(s) or providing the same procedures from their premises providing they submit an application for the new scheme within 3 months of the start of the scheme on 29 November 2024. Anyone included in the transitional arrangements should submit their application(s) for the new licensing scheme before 28 February 2025 as the transitional arrangements will lapse on 1 March 2025.

Anyone granted a transitional licence and/or transitional approval certificate will therefore be able to continue with their special procedures activities until the LA has made a decision on their application(s). The decision may be issued by the LA within the 3-months transitional period, or if demand is high, it may be after that 3-month period. If this occurs the transitional arrangement will continue to apply to those practitioners and premises until the LA completes the processing of the applications and notifies the applicants of the outcome.

**These transitional licences/approval certificates are therefore NOT permanent.** They do not represent a transfer of rights from one scheme to the other, and they are time-limited to the time it takes the LA to process the application and advise the applicant of the decision. Those people who are notified that they are included in the transitional arrangements will still have to get through the new licensing process by submitting an application for a practitioner licence and/or a premises/vehicle approval certificate and be successful in those applications.

### **What if I don't apply?**

If practitioners or people in charge of premises included in the transitional arrangements do not apply for a licence or approval certificate by the end of the transitional period referred to above, they will lose this concession. Registered practitioners and businesses are therefore encouraged to submit their applications as soon as possible after the scheme opens.

If you don't intend to apply because you are going to close your business; or stop performing any of the four special procedures; or stop using your premises for any of the four procedures, you should notify the local authority as soon as possible so they can update their records. Any other procedures that do not come under the definitions of acupuncture, body piercing, electrolysis or tattooing are not affected by this scheme.

### **What about people, premises or vehicles which have never been registered?**

Anyone who has never been registered (because, for example, they have never previously been in business) will need to apply for a licence (for themselves) and/or an approval certificate (for their premises/vehicle) as appropriate and cannot begin to practise or use the premises/vehicle to provide special procedures until the local authority has completed processing their application(s), undertaken the appropriate visits and assessments and communicated their decision to the applicants. These individuals **cannot be included in the transitional arrangements** as they have never been registered under the existing scheme managed by local authorities.

## **Are there any individuals who are exempt from needing to obtain a special procedure licence to practise?**

Yes, although this is strictly limited to specific legally-defined professions and guidance will be provided on this nearer to the commencement of the licensing scheme.

## **What about practitioners visiting from outside Wales?**

- Any practitioner visiting Wales to perform special procedures in a premises that has already been approved or bringing a purposely equipped vehicle 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 procedure licence (for themselves) to practise from an existing approved premises or vehicle, but if they are bringing their own vehicle to Wales, this will need to have an approval certificate as appropriate. Whether this is a temporary (no more than 7 days) licence and/or vehicle approval certificate or a 3 year one will be a business decision for that person based on how often they intend to come into Wales to work.
- Temporary special procedure licences will be available for practitioners visiting Wales to perform procedures for less than 7 days as a guest in an existing approved premises or vehicle, or at a temporary event/convention being held in Wales.
- Any premises to be used for a temporary event that does not have its own approval certificate will require the event organiser to obtain a temporary (no more than 7 days) premises approval certificate beforehand.
- Temporary vehicle approval certificates will be available to enable purpose-equipped vehicles from outside Wales to be used in Wales for the performance of special procedures at temporary events/conventions etc of less than 7 days.
- Practitioners based in Wales who hold their own 3-year special procedure licence will not have to obtain temporary licences to undertake guest spots at other approved premises across Wales, or perform procedures at temporary events within Wales, but they will only be able to work from premises/vehicles that have been approved and which are named on their licence.

## **What about short-term conferences and other events?**

Temporary premises approval certificates will be available for premises that will be used as the venue to host time-limited temporary events at which special procedures will be performed. These temporary certificates will be specific to the venue and event 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 obtain the temporary approval certificate for the venue and ensure that any practitioners performing procedures at the event have their own valid special procedure licences, either their own 3-year licence or (in the case of visiting practitioners) a temporary no more than 7 days special procedure 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 from within their approved premises have their own valid special procedure licences.

## Fees

All fees relating to the mandatory licensing scheme have been agreed by all 22 LAs in Wales for at least the first year of operation of the scheme, and will be the same in every LA:

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

<b>Renewal Applications* (due 3 years after date of grant of first licence)</b>	
<b>For a special procedure licence renewing for the following 3 years:</b>	
application fee payable at the time the renewal application is submitted.	<b>£147*</b>
compliance fee, payable after a renewed licence has been granted.	<b>£41*</b>
<b>For a premises/vehicle approval certificate renewing for the following 3 years:</b>	
application fee payable at the time the renewal application is submitted.	<b>£204*</b>
compliance fee, payable after a renewed approval certificate has been granted.	<b>£141*</b>



\* Indicative fees only – these are subject to review and may change before a practitioner reaches the end of their existing 3-year licence period which is when they will then need to submit a renewal application for a further 3-year period.

### **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. It also includes a local authority officer visiting the applicant at their premises to undertake an application visit to the practitioner or visiting the premises/vehicle to carry out an approval assessment with the applicant and issuing the relevant paperwork.

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

The licensing scheme is 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 for processing applications and running 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 licensing scheme.

### **How often are these fees payable?**

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

### **Why do licences and approval certificates need to be renewed?**

A lot can change in three years, and not everyone will notify the LA about those changes. Renewal of licences/approval certificates every three years ensures that the IPC standards, compliance with applicable licence and approval conditions and other requirements are continuing to be maintained and that nothing has changed to affect the safe provision of the licensed special procedures or the safe operation of the approved premises/vehicles. It also ensures that LAs maintain contact with practitioners and premises/vehicles.

### **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 and/or approval certificates are granted

and the fees will be used by LAs for their ongoing support and enforcement of the scheme as a whole.

The specifications within the Act are that practitioners need to be licensed and premises/vehicles need to be approved separately as they relate to different things, although there are clear links between the work of practitioners and the place in which they work.

The **special procedure licence fee** is to licence the individual practitioner and how they apply good IPC, hygiene and safety practise to what they do, and they are then able to work from any approved premises in Wales, whereas the **premises/vehicle approval certificate fee** is for approval of the workplace set-up and how it is arranged to comply with and facilitate good IPC hygiene and safety practise from which licensed practitioners are permitted to work.

To group the practitioner and premises/vehicle under one licence would 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 and practise from a number of different premises.

### **What if I don't pay?**

If the application fee is not submitted along with the application form for either a special procedure licence or a premises/vehicle approval certificate, the application will not be processed by the local authority.

If the application fees are paid and licences and approval certificates subsequently granted, these cannot be withheld from issue by the LA until the compliance fee is paid as the cost of the licence/approval certificate is included in the relevant application fee. In the case of a local authority refusing an application, there will be no refund of fees as the application fee covers all the processing of the application and issue of the decision notification paperwork, regardless of what the decision is.

However, failure to pay the compliance fee after the licence or approval certificate has been issued will mean that the LA could take action to recover the amount owed, and it may mean that any applications made by that applicant in future (such as for renewals) will not be processed until any outstanding fees are paid.

### **What if I want to change or vary something after I am licensed or my premises/vehicle is approved, or I need a replacement licence/approval certificate?**

The scheme makes provision for anyone holding a licence or an approval certificate to apply to make certain changes (called **variations**) to their licence/approval certificate within the 3-year period of their licence/approval certificate if applicable. The application form they will need to complete will depend on what they want to change. A fee will be payable for each type of variation application, depending on

what the licence holder/approval certificate holder wishes to change and this will cover the cost of administration. The local authorities have agreed these fees for the first year of operation.

All fees will be subject to review by all 22 local authorities, so may change in future. However, once fees have been revised they will not be backdated and only new applications from the date of the announcement of changes in fees will be required to pay according to the changed fee structure. The agreed fees as they currently stand are as follows:

<b>Variation to a Licence and Replacement Licence</b>	
Special Procedure Licence - Variation (Add new procedure)	<b>£131</b>
Special Procedure Licence - Variation (Change of detail)	<b>£26</b>
Special Procedure Licence - Replacement Licence	<b>£13</b>

<b>Variation to an Approval Certificate and Replacement Approval Certificate</b>	
Approved premises / vehicle - Variation (Add new procedure)	<b>£189</b>
Approved premises / vehicle - Variation (Structural change)	<b>£189</b>
Approved premises / vehicle – Variation (Change of detail)	<b>£26</b>
Approved premises / vehicle - Replacement Certificate	<b>£13</b>

### **What are the fees for Temporary Events?**

<b>Temporary Special Procedure Licence and Temporary Approval Certificate</b>	
Temporary Special Procedure Licence (per individual)	<b>£92</b>
Approved premises / vehicle -Temporary Approval (Convention / main purpose)	<b>£680</b>
Approved premises / vehicle - Temporary Approval (Ancillary event)	<b>£385</b>

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

The one-off registration with LAs and the 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 premises manager to maintain standards of infection prevention and 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 3-year renewal of licences and approval certificates. The overall intention is for practitioners and premises/vehicle operators to demonstrate and maintain standards of infection prevention and control. and for LAs to have better legal tools to tackle practitioners and premises/vehicle operators who have poor practice or operate illegally.

The fees specified in the tables above relating to variations/changes that may need to be made to an existing licence/approval certificate are again calculated on a cost recovery basis so are based solely on reimbursement of the work that needs to be undertaken by LAs to make the change(s) applied for.

### **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 that will be issued nearer to the start date for the scheme.