
W E L S H S T A T U T O R Y
I N S T R U M E N T S

2024 No. 1248 (W. 208) (C. 79)

PUBLIC HEALTH, WALES

The Public Health (Wales) Act 2017
(Commencement No. 8 and
Transitional Provisions) Order 2024

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, made by the Welsh Ministers, brings into force specified provisions of the Public Health (Wales) Act 2017 (anaw 2) (“the Act”).

Article 2 brings into force certain provisions in Part 4 of the Act relating to special procedures on 29 November 2024, to the extent that those provisions have not already been commenced. This includes bringing into force Schedule 3 (further provision in connection with special procedure licences) to the Act. The coming into force of paragraphs 22 and 23 of Schedule 3 to the Act will—

- (a) repeal provisions in Part 8 of the Local Government (Miscellaneous Provisions) Act 1982 (c. 30) (“the 1982 Act”) in relation to Wales, and
- (b) omit the entries relating to section 14 and section 15 of the 1982 Act from each table in Schedule 1 (byelaw making powers) to the Local Government Byelaws (Wales) Act 2012 (anaw 2).

Article 3 brings into force further provisions in Part 4 of the Act relating to special procedures (including certain criminal offences) on 29 August 2025. Until the provisions in Part 4 of the Act come fully into force, local authorities can rely on the various health protection powers in, for example, the Health and Safety at Work etc. Act 1974 (c. 37) and Part 2A of the Public Health (Control of Disease) Act 1984 (c. 22).

Articles 4 and 5 make transitional provision relating to individuals and premises registered under the 1982 Act. These provisions will enable individuals and premises to benefit from a “transitional licence” and/or a “transitional approval certificate”. The purpose of

these provisions is to show consumers that individuals and premises had previously operated to a certain standard (as part of their registration under the 1982 Act) and to minimise the disruption to business while transitioning from the registration scheme under the 1982 Act to the new licensing scheme under Part 4 of the Act.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

The following provisions of the Act have been brought into force by Commencement Orders made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 2	4 October 2017	2017/949 (W. 237) (C. 85)
Section 3	4 October 2017	2017/949 (W. 237) (C. 85)
Section 4	1 March 2021	2021/202 (W. 49) (C. 5)
Section 5	1 March 2021	2021/202 (W. 49) (C. 5)
Section 6 (partially)	29 September 2020	2020/1048 (W. 234) (C. 30)
Section 6 (remainder)	1 March 2021	2021/202 (W. 49) (C. 5)
Section 7	1 March 2021	2021/202 (W. 49) (C. 5)
Section 8	1 March 2021	2021/202 (W. 49) (C. 5)
Section 9	1 March 2021	2021/202 (W. 49) (C. 5)
Section 10 (partially)	29 September 2020	2020/1048 (W. 234) (C. 30)
Section 10 (remainder)	1 March 2021	2021/202 (W. 49) (C. 5)
Section 11 (partially)	29 September 2020	2020/1048 (W. 234) (C. 30)
Section 11 (remainder)	1 March 2021	2021/202 (W. 49) (C. 5)
Section 12	1 March 2021	2021/202 (W. 49) (C. 5)
Section 13	1 March 2021	2021/202

		(W. 49) (C. 5)
Section 14	1 March 2021	2021/202 (W. 49) (C. 5)
Section 15	29 September 2020	2020/1048 (W. 234) (C. 30)
Section 16	29 September 2020	2020/1048 (W. 234) (C. 30)
Section 17 (partially)	29 September 2020	2020/1048 (W. 234) (C. 30)
Section 17 (remainder)	1 March 2021	2021/202 (W. 49) (C. 5)
Section 18 (partially)	29 September 2020	2020/1048 (W. 234) (C. 30)
Section 18 (remainder)	1 March 2021	2021/202 (W. 49) (C. 5)
Section 19	1 March 2021	2021/202 (W. 49) (C. 5)
Section 20	1 March 2021	2021/202 (W. 49) (C. 5)
Section 21	1 March 2021	2021/202 (W. 49) (C. 5)
Section 22	1 March 2021	2021/202 (W. 49) (C. 5)
Section 23	1 March 2021	2021/202 (W. 49) (C. 5)
Section 24	1 March 2021	2021/202 (W. 49) (C. 5)
Section 25	1 March 2021	2021/202 (W. 49) (C. 5)
Section 26	1 March 2021	2021/202 (W. 49) (C. 5)
Section 27 (partially)	29 September 2020	2020/1048 (W. 234) (C. 30)
Section 27 (remainder)	1 March 2021	2021/202 (W. 49) (C. 5)

Section 28 (partially)	29 September 2020	2020/1048 (W. 234) (C. 30)
Section 28 (remainder)	1 March 2021	2021/202 (W. 49) (C. 5)
Section 29	1 March 2021	2021/202 (W. 49) (C. 5)
Section 59 (partially)	13 September 2024	2024/938 (W. 157) (C. 59)
Section 60 (partially)	13 September 2024	2024/938 (W. 157) (C. 59)
Section 62 (partially)	13 September 2024	2024/938 (W. 157) (C. 59)
Section 63 (partially)	13 September 2024	2024/938 (W. 157) (C. 59)
Section 64	13 September 2024	2024/938 (W. 157) (C. 59)
Section 69 (partially)	13 September 2024	2024/938 (W. 157) (C. 59)
Section 70 (partially)	13 September 2024	2024/938 (W. 157) (C. 59)
Section 71 (partially)	13 September 2024	2024/938 (W. 157) (C. 59)
Section 72 (partially)	13 September 2024	2024/938 (W. 157) (C. 59)
Section 76 (partially)	13 September 2024	2024/938 (W. 157) (C. 59)
Section 94 (partially)	1 February 2018	2018/1 (W. 1) ⁽¹⁾
Section 94 (partially)	13 September 2024	2024/938 (W. 157) (C. 59)
Part 5	1 February 2018	2018/1 (W. 1)
Part 7	1 April 2019	2019/829 (W. 152) ⁽²⁾
Part 8	31 May 2018	2018/605 (W. 116) (C. 48)
Section 119	4 October 2017	2017/949 (W. 237)

Schedule 1 (partially)	29 September 2020	(C. 85) 2020/1048 (W. 234) (C. 30)
Schedule 1 (remainder)	1 March 2021	2021/202 (W. 49) (C. 5)
Schedule 2	1 March 2021	2021/202 (W. 49) (C. 5)
Schedule 3 (partially)	13 September 2024	2024/938 (W. 157) (C. 59)
Schedule 4	31 May 2018	2018/605 (W. 116) (C. 48)

⁽¹⁾ Instrument not allocated number in the Commencement Instruments series.

⁽²⁾ Instrument not allocated number in the Commencement Instruments series.

See also section 126(1) of the Act for the provisions that came into force on 3 July 2017 (the date of Royal Assent).

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I N S T R U M E N T S

2024 No. 1248 (W. 208) (C. 79)

PUBLIC HEALTH, WALES

**The Public Health (Wales) Act 2017
(Commencement No. 8 and
Transitional Provisions) Order 2024**

Made

27 November 2024

The Welsh Ministers, in exercise of the powers conferred by section 126(2) and (3) of the Public Health (Wales) Act 2017(1), make the following Order:

Title and interpretation

1.—(1) The title of this Order is the Public Health (Wales) Act 2017 (Commencement No. 8 and Transitional Provisions) Order 2024.

(2) In this Order—

“the 1982 Act” (“*Deddf 1982*”) means the Local Government (Miscellaneous Provisions) Act 1982(2);

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

“the Special Procedures Approval Regulations” (“*Rheoliadau Cymeradwyaeth o ran Triniaethau Arbennig*”) means the Special Procedures Approved Premises and Vehicles (Wales) Regulations 2024(3);

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

“special procedure licence” (“*trwydded triniaeth arbennig*”) has the meaning given in section 59 of the Act.

(1) 2017 anaw 2.

(2) 1982 c. 30 (“the 1982 Act”).

(3) S.I. 2024/1229 (W. 199).

Provisions coming into force on 29 November 2024

2. The following provisions of the Act come into force on 29 November 2024, so far as not already in force—

- (a) section 56 (overview of this Part);
- (b) section 57 (what is a special procedure?);
- (c) section 58 (requirement for individual performing special procedure to be licensed);
- (d) section 59 (general provision about special procedure licences);
- (e) section 60 (exempted individuals);
- (f) section 62 (licensing criteria);
- (g) section 63 (mandatory licensing conditions);
- (h) section 65 (mandatory grant or refusal of application for special procedure licence);
- (i) section 66 (discretion to grant application for special procedure licence);
- (j) section 67 (grant or refusal of application for renewal);
- (k) section 68 (revocation of special procedure licence);
- (l) section 69 (performance of special procedure in course of business: approval requirement);
- (m) section 70 (approval of premises and vehicles in respect of performance of special procedure);
- (n) section 71 (approval certificates);
- (o) section 72 (voluntary termination of approval);
- (p) section 73 (revocation of approval);
- (q) section 74 (revocation of approval: notification requirements);
- (r) section 75 (duty to maintain register of special procedure licences and approved premises and vehicles);
- (s) section 76 (fees);
- (t) section 78 (special procedure licences: licence holder remedial action notices);
- (u) section 79 (approved premises and vehicles: premises remedial action notices);
- (v) section 80 (completion certificate);
- (w) section 81 (appeals);
- (x) section 82(5) to (9) (offences);
- (y) section 83 (authorised officers);
- (z) section 84 (powers of entry etc);
- (aa) section 86 (warrant to enter other premises);

- (bb) section 87 (supplementary provision about powers of entry);
- (cc) section 88 (powers of inspection etc);
- (dd) section 89 (obstruction etc. of officers);
- (ee) section 90 (power to make test purchases);
- (ff) section 91 (retained property: appeals);
- (gg) section 92 (appropriated property: compensation);
- (hh) section 93 (power to add or remove special procedures);
- (ii) section 94 (interpretation of this Part);
- (jj) Schedule 3 (further provision in connection with special procedure licences).

Provisions coming into force on 29 August 2025

3. The following provisions of the Act come into force on 29 August 2025—

- (a) section 61 (designation of individual for the purposes of section 58(3));
- (b) section 77 (stop notices);
- (c) section 82(1) to (4) (offences);
- (d) section 85 (warrant to enter dwelling).

Transitional provisions

Special procedure licence

4.—(1) This article applies to a person (P) who, immediately before 29 November 2024, is registered to carry on the—

- (a) practice of acupuncture⁽¹⁾;
- (b) business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis⁽²⁾.

(2) With effect from 29 November 2024, P is deemed to be performing a special procedure under the authority of a special procedure licence (referred to in this article as a “transitional licence”).

(3) A transitional licence is to be treated for the purposes of this article as expiring on—

- (a) 1 March 2025 if P fails to apply for a special procedure licence on or before 28 February 2025, or
- (b) if P applies for a special procedure licence on or before 28 February 2025—

(1) See section 14(1) of the 1982 Act for the meaning of a person registered to carry on the practice of acupuncture.

(2) See section 15(1) of the 1982 Act for the meaning of a person registered to carry on the business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis.

- (i) the date on which the special procedure licence is granted, or
- (ii) the date on which the notice of decision to refuse the application for a special procedure licence is issued (save that the transitional licence will continue to have effect, where representations are made or an appeal is lodged in relation to the decision to refuse in accordance with the relevant provisions of the Act, until such time as an appeal is fully determined, withdrawn or abandoned).

(4) For the avoidance of doubt, the lapsing of a transitional licence under paragraph (3)(a) of this article is not to be treated as a revocation of the transitional licence and does not give rise to a right of appeal under Schedule 3 to the Act.

(5) The obligation on a local authority to maintain and publish a register as set out in section 75 of the Act (duty to maintain register of special procedure licences and approved premises and vehicles) does not apply in relation to transitional licences.

Approval certificate

5.—(1) This article applies to a premises (A) which, immediately before 29 November 2024, is registered to carry on the—

- (a) practice of acupuncture⁽¹⁾;
- (b) business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis⁽²⁾.

(2) With effect from 29 November 2024, A is deemed to be approved by a local authority as premises at which a special procedure is performed and an approval certificate (referred to in this article as a “transitional approval certificate”) is issued to that premises.

(3) A transitional approval certificate is to be treated for the purposes of this article as expiring on—

- (a) 1 March 2025 if an applicant fails to apply for an approval certificate in respect of A on or before 28 February 2025, or
- (b) if an applicant does apply for an approval certificate in respect of A on or before 28 February 2025—
 - (i) the date on which an approval certificate is granted, or

(1) See section 14(2) of the 1982 Act for the meaning of a premises registered to carry on the practice of acupuncture.

(2) See section 15(2) of the 1982 Act for the meaning of a premises registered to carry on the business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis.

- (ii) the date on which the notice of decision to refuse an application for an approval certificate is issued (save that the transitional approval certificate will continue to have effect, where representations are made or an appeal is lodged in relation to the decision to refuse in accordance with the relevant provisions of the Special Procedures Approval Regulations, until such time as an appeal is fully determined, withdrawn or abandoned).

(4) For the avoidance of doubt, the lapsing of a transitional approval certificate under paragraph (3)(a) is not to be treated as a revocation of the transitional licence and does not give rise to a right of appeal under Part 12 or 13 the Special Procedures Approval Regulations.

(5) The obligation on a local authority to maintain and publish a register as set out in section 75 of the Act (duty to maintain register of special procedure licences and approved premises and vehicles) does not apply in relation to transitional approval certificates.

Jeremy Miles

Cabinet Secretary for Health and Social Care, one of
the Welsh Ministers
27 November 2024