

SL(6)525 – The Prescribed Objects for Body Piercing (Special Procedures) (Wales) Regulations 2024

Background and Purpose

Part 4 of the Public Health (Wales) Act 2017 (“the Act”) establishes a mandatory licensing scheme for individuals who wish to perform special procedures in Wales. Section 57 of the Act provides that “body piercing” is a special procedure for the purposes of Part 4.

The definition of “body piercing” is provided in section 94(1) of the Act and means the perforation of an individual’s skin or mucous membrane, with a view to enabling jewellery, or an object of a description prescribed in or under regulations, to be attached to, implanted in, or removed from the individual’s body.

These Regulations prescribe that any object that is not jewellery (for example hooks, macro-dermals, micro-dermals, near-field communication chips, silicone beads) will fall within the definition of body piercing for the purposes of Part 4 of the Act.

This means that those individuals who perform body piercing with the view to enabling jewellery, or any object, to be attached to, implanted in, or removed from an individual’s body will be required to obtain a special procedure licence under Part 4 of the Act (unless they are exempt).

Procedure

Draft Affirmative

The Welsh Ministers have laid a draft of the Regulations before the Senedd. The Welsh Ministers cannot make the Regulations unless the Senedd approves the draft Regulations.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

The following point is identified for reporting under Standing Order 21.3 in respect of this instrument.

1. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

The Public Health (Wales) Act 2017 received Royal Assent on 3 July 2017. These Regulations will come into force on 29 November 2024. This means it will have taken over 7 years for the new rules on special procedures to be implemented.



In 2017, the Explanatory Memorandum that accompanied the Public Health (Wales) Bill specified the “known and well reported health risks connected to” special procedures and the “complications that can arise” with special procedures.¹

The Explanatory Memorandum to the Bill also referred to the current legislation being “inadequate to sufficiently protect the public”.² The Explanatory Memorandum also noted the costs to the NHS under the current regime: “The main benefit of the licensing system is savings to the NHS, in terms of treatment costs, and to individuals’ health”.³

Further, the Explanatory Memorandum to these Regulations says that enforcement of the current rules has been inconsistent. It adds that Welsh Government model byelaws intended to address historic inconsistencies in this area have not been adopted by a number of local authorities in Wales, and that local authorities are unlikely to do so because “since the Act was passed in 2017, they have been waiting for the creation of the mandatory licensing scheme for special procedures”.⁴

The Prescribed Objects for Intimate Piercing (Wales) Regulations 2019 (the 2019 Regulations) came into force on 1 August 2019. The 2019 Regulations prescribed “any object that is not jewellery” as an object for the purposes of the definition of “body piercing” in section 94(1) of the Act, but only insofar as that definition applies for the purposes of the offence in section 95 of the Act (performing or making arrangements to perform an intimate piercing on a child). The former Minister for Health and Social Services had stated “the health risks of piercing with non-jewellery objects could, depending on the object, be more severe than piercing with jewellery”.⁵

Given all of the above, it is unclear why it has taken over 7 years to implement the new rules on special procedures set out in the 2017 Act.

Welsh Government response

A Welsh Government response to the merits point is required.

Legal Advisers

Legislation, Justice and Constitution Committee

23 September 2024

¹ See paragraphs 116 and 117 of the [Explanatory Memorandum to the Public Health \(Wales\) Bill](#)

² See paragraph 616 of the [Explanatory Memorandum to the Public Health \(Wales\) Bill](#).

³ See paragraph 614 of the [Explanatory Memorandum to the Public Health \(Wales\) Bill](#).

⁴ See paragraph 4.7 of the [Explanatory Memorandum to these Regulations](#).

⁵ Paragraph 361 of the record of proceedings, [Plenary 9 July 2019](#).

