

Government Response: The Special Procedures Exempted Individuals (Wales) Regulations 2024

Technical Scrutiny point 1:

The Welsh Government notes the point made but can confirm we consider the definition of “student pharmacist” to be correct.

A definition of student pharmacist has not been included that applies “in relation to Great Britain” as student pharmacists in Great Britain are not regulated by the General Pharmaceutical Council. This is in contrast to student pharmacists in Northern Ireland who are regulated by their regulator (the Pharmaceutical Society of Northern Ireland).

Student pharmacists in Great Britain will be required to obtain a licence to perform special procedures because they fall outside the scope of the Regulations, and student pharmacists in Northern Ireland will be required to obtain a licence to perform special procedures as they will not be exempt from obtaining a licence under the Regulations. The intention and legal effect is therefore the same for students in Northern Ireland and Great Britain.

Merit Scrutiny point 1:

Work on implementing the Public Health (Wales) Act 2017 (‘the 2017 Act’) started immediately after the passing of the Act in July 2017. Part 5 (intimate piercing) of the 2017 Act came into force in February 2018, making it an offence to intimately pierce, or arrange to intimately pierce, a child or young person under the age of 18 in Wales, if that piercing involves or uses jewellery. The 2017 Act allowed for the scope of the offence to be extended, by way of regulations made by the Welsh Ministers, to capture intimate piercings which involve or use ‘objects’. With this as a priority, the Government undertook a consultation on its proposals to extend the scope of the protections, prepared guidance for practitioners and regulators as well as for young people, and undertook a publicity campaign to inform practitioners, clients and regulators of the new prohibitions. Regulations were subsequently made in July 2019.

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 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.