

Eluned Morgan MS  
First Minister of Wales

11 November 2024

Dear Eluned

Regulations to implement Part 4 of and Schedule 3 to 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

The Legislation, Justice and Constitution Committee has recently scrutinised a suite of regulations<sup>1</sup> 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, we have raised concerns about the timeframe within which the licensing scheme associated with special procedures has been implemented. You will be aware that 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.

We wrote to the Cabinet Secretary for Health and Social Care on 17 October 2024 stating our view that the delay to the implementation of a key piece of public health legislation is not acceptable.

You may be aware that our report on a first version of the draft Special Procedure Licences (Wales) Regulations 2024 contained 16 technical points relating to potentially defective drafting,

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<sup>1</sup> These are: SL(6)524 - The Special Procedure Licences (Wales) Regulations 2024 (withdrawn following committee scrutiny); SL(6)527 - The Special Procedures Approved Premises and Vehicles (Wales) Regulations 2024; SL(6)526 - The Special Procedures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

inconsistencies between the English and Welsh texts, and matters that required further explanation. These draft Regulations were withdrawn and re-laid on 15 October 2024. At our meeting on 4 November 2024, we considered the replacement draft Regulations and have unfortunately had to again report on potential defective drafting and matters requiring further explanation.

The Committee agreed to write to you to highlight our concerns that errors and lack of clarity persist in the drafting of this important subordinate legislation even when we have, in our report on the first version, identified these issues.

Furthermore, given your overall responsibility for delivery of the programme for Government and for delivery of the legislative programme, we also wish to state our view that the Welsh Government should bring forward its subordinate legislation in a more timely way.

We are aware that the Welsh Government currently plans for the Senedd to debate the suite of regulations on 26 November. We have asked the Cabinet Secretary for Health and Social Care to provide additional clarity and explanation during the debate for this lengthy delay to implementing Part 4 of and Schedule 3 to the 2017 Act.

I am copying this letter to Jeremy Miles MS, the Cabinet Secretary for Health and Social Care, and to the Health and Social Care Committee.

Yours sincerely,

A handwritten signature in black ink that reads "Mike Hedges". The signature is written in a cursive style and is underlined with a single horizontal line.

Mike Hedges  
Chair

