

# **Explanatory Memorandum to the Prescribed Objects for Intimate Piercing (Wales) Regulations 2019**

This Explanatory Memorandum has been prepared by the Public Health Division of the Health and Social Services Group, and is laid before the National Assembly for Wales in conjunction with the above related subordinate legislation in accordance with Standing Order 27.1.

## **Minister's Declaration**

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Prescribed Objects for Intimate Piercing (Wales) Regulations 2019. I am satisfied that the benefits outweigh any costs.

Vaughan Gething AM  
**Minister for Health and Social Services**  
18 June 2019

## **1. Description**

1. The Public Health (Wales) Act 2017 (“the Act”) seeks to improve and protect the health and well-being of the population of Wales, through provision, in discrete areas of public health policy. All of these provisions are intended to have a cumulative positive benefit for the population of Wales and seek to put in place conditions which are important to good health, where harms to health can be prevented.

2. This Explanatory Memorandum deals specifically with the provisions relating to intimate body piercing as contained in Part 5 of the Act. Part 5 came into force on 1 February 2018 and prohibits the intimate piercing of children and young people under the age of 18 in Wales. The prohibition currently applies to intimate piercings involving items of jewellery only. These Regulations will bring within the scope of the offence in Part 5, intimate piercings involving “any object that is not jewellery”. In doing so, this will ensure the complete prohibition with respect to the intimate body piercing of children under 18 in Wales by prohibiting intimate piercings involving any object, whether jewellery or otherwise.

## **2. Matters of Special Interest to the Constitutional and Legislative Affairs Committee**

1. Not applicable.

## **3. Legislative Background**

1. The National Assembly for Wales has the legislative competence to make these regulations under sections 94(1) and 123(1) of the Public Health (Wales) Act 2017. These Regulations are subject to approval of the National Assembly for Wales via the affirmative procedure.

## **4. Purpose & Intended Effect of the Legislation**

1. Part 5 of the Act came into force on 1 February 2018 prohibiting the intimate piercing, or making arrangements to perform an intimate piercing, in Wales, on children and young people under the age of 18.

An intimate piercing is a body piercing (as defined in section 94(1) of the Act) performed on an intimate body part where performed otherwise than in the course of a medical procedure. Currently, however, that prohibition only relates to intimate body piercings involving items of jewellery.

These Regulations prescribe “any object that is not jewellery” as an object for the purposes of paragraph (b) in the definition of “body piercing” in section 94(1) but only insofar as that definition applies for the purposes of the offence in section 95 of the Act. These regulations are made in exercise of the powers conferred by sections 94(1) and 123(1) of the Act. The Regulations will therefore bring within the scope of the offence in Part 5 of the Act an intimate piercing involving any object that is not jewellery. This will have the effect of prohibiting all intimate piercings involving any object, whether jewellery or otherwise.

Introduction of these Regulations will protect children under the age of 18 in Wales from the potential harm to health which can be caused by intimate piercings involving jewellery or non jewellery.

## 5. Consultation

1. A public consultation on the draft Regulations was conducted over the 12-week period from 30 July to 19 October 2018. 14 responses were received from piercing practitioners; local authorities; representative organisations and individuals and these have been analysed.

2. The consultation responses were largely in support of the proposals presented in the consultation document and proposed draft Regulations. A number of responses were concerned about whether the list of objects was sufficiently future proofed, and suggested that it would be preferable to remove the itemisation of different types of 'object' in section 2(2)(a-d) of the draft Regulations and retain only the overarching definition '*any [other] object which is not jewellery*' at section 2(2)(e)'.

3. The policy objective is to prohibit completely all intimate piercings in a person under 18 years of age, which includes making arrangements to perform an intimate piercing, save where the intimate piercing is performed in the course of a medical procedure. The prescription of "any object that is not jewellery" achieves this objective, takes into account the responses to the consultation and provides clarity and certainty for the purpose of enforcement.

The effect of the Regulations is that all intimate piercings on a minor involving any object, whether jewellery or otherwise, will be captured by the offence in Part 5 of the Act.

4. An analysis of the responses received, and the Welsh Government's response, is included in the Consultation Response document, which can be seen on the Welsh Government website:

<https://beta.gov.wales/draft-regulations-define-objects-used-intimate-piercing-procedures>

## PART 2 – REGULATORY IMPACT ASSESSMENT

### Regulatory Impact Assessment which relates to the Prescribed Objects for Intimate Piercing (Wales) Regulations 2019

#### Introduction

1. This draft Regulatory Impact Assessment (RIA) has been developed to consider the implications of introducing Regulations under sections 94(1) and 123(1) of the Public Health (Wales) Act 2017<sup>1</sup> (“the Act”). The Regulations will prescribe “any object that is not jewellery” as an object for the purposes of paragraph (b) in the definition of “body piercing” in section 94(1) but only insofar as that definition applies for the purposes of the offence in section 95 of the Act, namely the intimate piercings of a person under the age of 18. Part 5 of the Act (Offence of performing or making arrangements to perform an intimate piercing on a child) came into force on 1 February 2018. The Regulations will therefore bring within the scope of the offence in Part 5 of the Act an intimate piercing involving any object that is not jewellery which will have the effect of prohibiting all intimate piercings involving any object, whether jewellery or otherwise.

#### Current Position

2. The commencement of Part 5 of the Act in February 2018 made it an offence to perform, or make arrangements to perform, an intimate in Wales on a person who is under the age of 18. Section 96 of the Act defines an intimate piercing as a body piercing performed on an intimate body part where performed otherwise than in the course of a medical procedure. The definition of “body piercing” is the perforation (including puncture or incision) of an individuals’ skin, or mucous membrane, with a view to enabling jewellery or another “object” to be attached to, implanted in or removed from the individual’s body. There are ten “intimate areas” listed within section 96 of the Act, including the breast, genitalia, buttocks and tongue. The current prohibition captures all intimate piercing procedures involving jewellery only. However, the Act also provides for intimate piercings involving “an object of a description prescribed in or under regulations” to be captured within those prohibitions. These draft Regulations prescribe (for the purposes of Part 5 only) “any object that is not jewellery”. This brings within the scope of the offence in Part 5 of the Act the perforation of a child’s skin or mucous membrane in an intimate area, with a view to enabling any object that is not jewellery to be attached to, implanted in or removed from the child’s body. In other words, these draft Regulations will extend the prohibition to include all intimate piercing procedures involving , “an object that is not jewellery”. This means that when these Regulations come into force the prohibition in Part 5 will capture all intimate piercings involving **any** object, whether jewellery or otherwise.

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<sup>1</sup> <http://www.legislation.gov.uk/anaw/2017/2/contents/enacted>

## **Implications of intimate piercings on children and young people aged under 18 years old (minors).**

3. As young people continue to grow during their teenage years, an intimate piercing performed at a young age could result in further complications arising as their bodies develop. Young people may also be less likely to have the experience or knowledge of how to clean or maintain an intimate piercing, leading to an increased risk of infection. Complications following body piercing can include swelling, infection, bleeding, allergy and tear or physical injury. Nerve damage and scarring may occur if a body piercing is poorly performed. Complications can be particularly serious for those with underlying health conditions, and cases of individuals who have died following a piercing have been recorded. In addition, and although uncommon, unsafe or unhygienic practices can lead to the transmission of infectious diseases such as those caused by blood borne viruses<sup>2</sup>.

4. A survey<sup>3</sup> in relation to piercings carried out in England found that over a quarter of people who had a piercing procedure (other than of the earlobes) experienced complications, and around half of those who experienced complications considered them serious enough to seek further help. The prevalence was higher amongst those aged 16-24, with health problems and complications occurring with around a third of piercings. The same study found a higher incidence of complications in connection with certain types of body piercings, including intimate piercings - problems were most likely to be reported in the case of piercings of the genitals (45%) and the nipples (38%).

## **Purpose and Effects of the draft Regulations**

5. The primary purpose of these draft Regulations is to protect children and young people from the potential health harms which can be caused by an intimate piercing involving any “object” (whether it be attached to, implanted in or removed from an individual’s body). The potential health complications associated with intimate piercings which use “objects” include swelling, infection, bleeding, allergy, and tear or injury. Nerve damage and scarring may also occur if intimate piercing procedures are poorly performed. Whilst rare, complications from piercings can result in a hospital admission and may be particularly serious for those with underlying health conditions. Complications could arise from the use of “any object” in addition to those which use jewellery such as rings. Prohibiting “any object” will help to ensure that the Welsh Government’s aim of fully protecting children and young people from the potential harms that can be caused by an intimate piercing (as referenced above) is met. In addition to the potential health harms, Part 5 of the Act (and the regulations made under it) also aims to protect children and young persons by prohibiting circumstances where they are placed in a potentially vulnerable situation, such as exposing intimate body parts to a person who may be previously unknown to them.

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<sup>2</sup> Hayes, MO. Harkness, GA. (2001) Body piercing as a risk factor for viral hepatitis: an integrated research review. *American Journal of Infection Control*. 29, 271-274.

<sup>3</sup> Bone, A. Ncube, F. Nichols, T and Noah, ND. (2008) Body piercing in England: a survey of piercing at sites other than earlobe. *BMJ*, 336, 1426.

## Cost and Benefit Considerations

6. Detailed consideration of the costs and benefits of Part 5 of the Act are provided in the RIA for the Act which is available on the National Assembly for Wales' website<sup>4</sup>. Only those costs and benefits additional to those already considered as part of that detailed RIA are discussed in this document.

## Options

7. This RIA considers two options:

- **Option One** – Do nothing
- **Option Two (the preferred option)** – Use the power within the Act (sections 94(1) and 123(1)) to introduce regulations to prescribe “any object that is not jewellery” for the purposes of paragraph (b) in the definition of “body piercing” in section 94(1) but only insofar as that definition applies for the purposes of Part 5 of the Act (Intimate piercings).

### Option One – Do Nothing

#### Description

8. There would be no change to the current legislation under this option. This would mean that it would continue to be an offence to perform, or make arrangements to perform, an intimate piercing in Wales on, a child under the age of 18 in Wales involving jewellery, but it would not be an offence to do so using “any object that is not jewellery” such as dermal and micro-dermal anchors, ribs, rods, safety pins, skin divers, padlocks etc. This would leave children and young people in Wales at risk as it would still be legally possible for them to have an intimate piercing involving any other object that is not jewellery.

#### Costs

9. As this option proposes no change, there would be no additional costs to the Welsh Government, to local authority enforcement officers or body piercing businesses and practitioners as a result of doing nothing. However, there will continue to be some small costs to the NHS in Wales in relation to the treatment of complications associated with the continued practice of intimate piercing procedures performed on under 18 year olds, such as swelling, infection, bleeding, allergy, nerve damage, scarring and tear or injury. The detailed RIA for the Act provided confirmation of the financial impact on the NHS in Wales for the treatment of complications arising from the intimate piercing of under 18s in Wales. Those costs were assumptive calculations based on the limited data available around the numbers of intimate piercings of under 18s in Wales, and were based on the treatment of all types of intimate piercings of under 18s. No differentiation was therefore made between intimate piercings involving jewellery, or any other object that is not jewellery.

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<sup>4</sup> <http://www.assembly.wales/laid%20documents/pri-ld10796-em/pri-ld10796-em-e.pdf>

## Benefits

10. There are no additional benefits from this option. Body piercing practitioners and businesses could continue to perform intimate piercing procedures, on minors in Wales, involving any object that is not jewellery and there would be no restrictions on them doing so.

## Conclusion

11. The option to do nothing is not considered sufficient or appropriate as children and young people would remain at risk of harm.

**Option Two – Use the provisions at section 94(1) and 123(1) of the Act to introduce Regulations to extend the definition of “body piercing” so as to prescribe “any object that is not jewellery” but only insofar as that definition applies for the purposes of Part 5 of the Act (Intimate piercings).**

12. This option amends the definition of “body piercing” in section 94 of the Act. In doing so, it introduces a total prohibition in relation to the intimate piercing of children under the age of 18 in Wales. These draft Regulations will extend the existing prohibition so that it also include all intimate piercing procedures involving , “any object that is not jewellery”. This option would mean that when these Regulations come into force, the prohibition in Part 5 (performing (or making arrangements to perform) an intimate piercing in Wales on a child under the age of 18 in Wales) will capture all intimate piercings involving any object, whether jewellery or otherwise.

## Costs

13. All of the costs under this option are expected to be one-off, transition costs associated with informing local authorities and businesses about the new Regulations. These costs are expected to be incurred in 2019/2020 – 2020/2021.

## Welsh Government

14. The costs to the Welsh Government to announce the coming into force of the intimate piercing prohibition in February 2018, along with the production and cascading of guidance documents relating to that prohibition, were identified in the RIA for the Act, and were fully incurred when the new intimate piercing law came into force in February. A further, small scale communication exercise with key stakeholders will, however, need to be undertaken to introduce these Regulations. This exercise will notify those key stakeholders of the new Regulations and make them aware that the prohibition on intimately piercing under 18s in Wales will also capture intimate piercings involving “any object that is not jewellery” as well as jewellery and that therefore the prohibition will capture all intimate piercings involving any object. Communication will take place via a number of different bilingual modes, such as emails and letters etc. to respective stakeholders as appropriate.

15. As part of the communication exercise announcing the introduction of the intimate piercing prohibition in February 2018, the Welsh Government produced three bilingual guidance documents<sup>5</sup> which were disseminated to body piercing practitioners and businesses,

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<sup>5</sup> <https://gov.wales/topics/health/nhswales/act/piercing/?lang=en>

enforcement officers, and publicised to individuals under 18 and their parents/guardians. As part of the new communication exercise, minor amendments will need to be made to the guidance documents for body piercing practitioners and businesses, and enforcement officers. **This would amount to 0.5 hours of policy officials' time to amend/update the text of those two bilingual documents (including processing for translation etc.), equating to a total cost of £8.50 (see table below for full costs).**

16. Following revision of those bilingual guidance documents, they would need to be cascaded to the respective audiences across Wales. In respect of businesses and practitioners, when the new intimate piercing law was introduced in February 2018 the original bilingual guidance document for that sector was produced both electronically and in hard copy, and the hard copies were posted to them, along with a covering bilingual letter. It is not policy officials' intention to repeat the process of re-issuing hard copies of the revised guidance to body piercing businesses and practitioners in Wales. The intention is for those stakeholders to be notified of the updated guidance via a bilingual letter which will be posted to them. The text of that bilingual letter will be drafted by Welsh Government officials and will serve as formal notification of the introduction, and impact, of these Regulations. It will also alert practitioners and businesses to the fact that the bilingual guidance has been updated, and is available electronically to consult and download from the Welsh Government website. **Drafting the bilingual letter would incur 1 hour of officials' time at a total cost of £22.00 (see table below for full costs).** Officials will enlist the services of local authorities across Wales in producing and issuing the hard copy bilingual letters to all body piercing businesses and practitioners within their respective areas. **The full costs associated with the production of the letter, related materials and postage to businesses and practitioners (i.e. paper, printing, envelopes and postage) will fall to local authorities in Wales (see cost impacts for local authorities in the appropriate table below).**

18. Communication to police officers will be handled via a bilingual letter, drafted by policy officials and cascaded via email by colleagues in the Welsh Government's Police Liaison Unit. It will be issued in advance of the Regulations coming into force and will provide the necessary formal notification of the introduction and impact of those new Regulations on the key stakeholders. It will also alert Police Officers to the revised bilingual guidance documents and their availability on the Welsh Government website for reference and download. **This would amount to 1 hour of policy officials' time to draft the bilingual text of the letter and covering email and Police Liaison Unit colleagues to issue the email to the 4 Police Head Quarters across Wales at a total cost of £22.00 (see table below for full costs).**

19. Costs associated with Welsh Government's provision of training to local government Enforcement Officers, other relevant local government staff, and also Police Officers, in respect of the intimate piercing law that came into force in February 2018 were identified in the detailed RIA for the Act. Those costs were fully incurred through the delivery of three training courses across Wales in the run up to the introduction of the intimate piercing legislation in February. The training courses provided at that time were very comprehensive and covered in detail all aspects of the intimate piercing legislation. As the new draft Regulations simply prohibit the intimate piercing of minors, no further training will need to be provided by the Welsh Government for local authorities, their Enforcement Officers or Police Officers. As identified above however, officials will need to provide formal communication to Enforcement

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Officers and Police Officers about the new Regulations, their implications, and the communication plans being taken forward by the Welsh Government. Those costs are detailed at the relevant sections above and **the table below sets out the full costs attributed to the Welsh Government.**

<b>Costs to the Welsh Government</b>			
<b>Action</b>	<b>Staff Time, Hourly Rate and Total Cost</b>	<b>Materials</b>	<b>TOTAL Costs</b>
Officials' time to bilingually update the guidance for body piercing businesses and practitioners and also for enforcement officers and upload both to the Welsh Government's website.	1) 0.5 hours to update the text @ £17.00 an hour = £8.50		£8.50
Officials' time to draft the bilingual text of the letter to be issued by local authorities in Wales to all body piercing businesses and practitioners in Wales	1) 1 hours to draft the letter @ £22.00 an hour = £22.00		£22.00
Officials' time to draft the bilingual text for the email communication to local authorities and accompanying electronic letter	1) 1 hours to draft the email and letter @ £22.00 an hour = £22.00		£22.00
Officials' time to draft the bilingual text for the email communication to the 4 Police Forces in Wales and accompanying electronic letter	1) 1 hours to draft the email and letter @ £22.00 an hour = £22.00		£22.00
<b>TOTAL COST</b>			<b>£74.50</b>

## **Local Authorities**

20. There will be some additional costs to local authority Enforcement Officers as they will need to be aware of and familiarise themselves with the new Regulations, their impact and implications, and the revised bilingual guidance documents, particularly the one for enforcement officers (see costs set out in the table below for local authorities).

21. The new Regulations will need to be considered by the local authorities' Communicable Disease Expert Panel and Health and Safety Expert Panel on an all Wales basis during one of their routine quarterly meetings as this will ensure consistency of interpretation of the new Regulations, and also clarity and consistency of enforcement of the new Regulations across all 22 local authorities in Wales. **This will entail a total of 10 minutes' time of 6 Senior Environmental Health Officers' time at each of the Expert Panels to consider the new Regulations at a total cost of £140.00. Additionally 15 minutes' time of 6 Senior Environmental Health Officers' time at each of the Expert Panels to disseminate information about the new Regulations and the discussions at Expert Panel to key members of their teams at a total cost of £210.00. These are set out in the table of costs for LAs below.**

22. Enforcement Officers will not be required to attend any training sessions in relation to the new Regulations. Costs associated with Welsh Government's provision of training to local authority Enforcement Officers etc. in respect of the introduction of the new intimate piercing law in February 2018 were identified in the detailed RIA for the Act. Those costs were fully incurred through the delivery of three training courses across Wales in the run up to the introduction of the intimate piercing legislation in February. The training courses provided at

that time were very comprehensive and covered in detail all aspects of the intimate piercing legislation. As the new Regulations deal with the prescription of “any object that is not jewellery” for the purpose of intimate piercing, thereby extending the offence in Part 5 to capture all intimate piercings involving any object, whether jewellery or otherwise, no further training is required for Enforcement Officers. There are therefore no further costs associated with the need for local authority officers to attend training on the new Regulations. As set out above however, officials will communicate and engage with Enforcement Officers on a number of issues around the introduction of the new Regulations, **but those costs fall to the Welsh Government and are set out in the Welsh Government’s table of costs above.**

23. Key Enforcement Officers across all 22 local authorities in Wales will receive feedback from their Senior Enforcement Officers on the discussions on the new Regulations at the two Expert Panel meetings. They will also then need to familiarise themselves with the new Regulations and the updated bilingual guidance documents for Enforcement Officers and body piercings businesses and practitioners. **Associated costs will amount to 15 minutes time commitment for 10 EHOs in each of the 22 local authorities in Wales at a total cost of £2,750.00. These are set out in the table of costs for LAs below.**

24. As set out above, local authorities will be asked to assist Welsh Government officials by issuing to all body piercing businesses and practitioners in their areas in advance of the Regulations coming into force, the formal bilingual notification letter (as drafted by the Welsh Government) about the new Regulations, their implications, and the availability of updated bilingual guidance documents on the Welsh Government’s website. **This will amount to 8 hours of local authorities’ time at £20.00 an hour (on an all Wales basis) to address, print, envelope and post 500 letters to businesses and practitioners across Wales at a cost of £160.00 for the whole of Wales. It will also cost £1 per letter for the: printing resource, paper, envelopes and postage stamps for the 500 letters at a cost of £500 for the whole of Wales (see costs set out in the table below for local authorities).**

25. Enforcement Officers will also possibly need to deal with ad-hoc queries from body piercing businesses and practitioners about these Regulations. This is difficult to quantify and cost. Based on the evidence of minimal queries generated for local authorities across the whole of Wales when the intimate piercing prohibition was introduced in February 2018 it is highly likely that queries generated in relation to the new Regulations will also be minimal in nature. **No costing is therefore attributed to this.**

26. In addition, the new Regulations will extend the powers of Enforcement Officers for the purpose of undertaking enforcement action against the intimate piercing of under 18s in Wales to those piercings involving “any object that is not jewellery” in addition to their current powers of enforcing intimate piercings of under 18s in Wales involving jewellery. The detailed RIA for the Act identified that there are 6 prosecutions per year relating to the intimate piercing of under 18s in Wales. It was not possible to identify in that RIA the proportion of those prosecutions involving intimate piercings involving “any object that is not jewellery” as opposed to jewellery so **on that basis the introduction of the new Regulations will not generate any additional costs in relation to prosecutions for local authorities in Wales.**

27. Similarly to the intimate piercing legislation that was introduced in February 2018, there is no regular timetable of inspections of premises specifically required in relation to and as a result of these new Regulations. Enforcement Officers were already required to undertake

enforcement duties in respect of persons<sup>6</sup> who perform intimate piercing procedures prior to the introduction of the intimate piercing legislation in February 2018, and it was recognised within the detailed RIA for the Act that there would be some additional local government staff costs following the introduction of the intimate piercing legislation in February. Whilst the introduction of these new Regulations to include “any object that is not jewellery” within the ambit of intimate piercing prohibition of under 18s in Wales adds slightly to the enforcement powers of Enforcement Officers, they do not add a significant burden in respect of their actual, current enforcement duties relating to the intimate piercing legislation. **On that basis the introduction of the new Regulations will not generate any additional costs in relation to enforcement duties for local authorities in Wales.**

## **Police**

28. Police Officers in Wales will need to be aware of the new Regulations and their implications, and also the updated bilingual guidance documents for enforcement officers (specifically), and the guidance for body piercing practitioners and businesses. As the new Regulations extend the scope of the intimate piercing legislation already in place in Wales, and the amendments to the guidance documents are anticipated to be minor, **the costs associated with noting the changes are likely to be negligible and are therefore not costed.**

29. Police Officers will not be required to attend any training sessions in relation to the new Regulations. Costs associated with Welsh Government’s provision of training to Police Officers etc. in respect of the new intimate piercing law introduced in February 2018 were identified in the RIA for the Act. Those costs were fully incurred through the delivery of three training courses across Wales in the run up to the introduction of the intimate piercing legislation in February. The training courses provided at that time were very comprehensive and covered in detail all aspects of the intimate piercing legislation. As the new Regulations prescribe “any object that is not jewellery” for the purpose of intimate piercing thereby extending the scope of the intimate piercing prohibition to capture all intimate piercings involving any object, whether jewellery or otherwise, no further training is required for Police Officers etc. **There are therefore no further associated training costs for Police Officers in that regard.**

30. As set out within the Welsh Government costs’ section above however, officials within the Welsh Government’s Police Liaison Unit will communicate with Police Officers by issuing a formal bilingual letter by email to the Headquarters of the 4 Police Forces in Wales making them aware that through the introduction of the new Regulations any object, whether jewellery or otherwise, will be captured within the prohibition of the intimate piercing of under 18s in Wales. The letter will also reference the updated guidance documents and their availability on the Welsh Government’s website. **The costs to the Police Liaison Unit to issue the email and for Police Officers across Wales to take account of the Welsh Government’s letter, note the extended scope of the intimate piercing prohibition as a result of the new Regulations, and to be aware of the revisions to the guidance documents, are negligible and will be absorbed in operational budgets. They are therefore not costed.**

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<sup>6</sup> ‘Persons’ means registered and unregistered businesses, and individuals who operate outside of a business.

<b>Costs to Local Authorities</b>			
<b>Action</b>	<b>Staff Time, Hourly Rate and Total Cost</b>	<b>Materials</b>	<b>TOTAL Costs</b>
6 Senior Environmental Health Officers' time (6 x 10 minutes) to discuss the Regulations at a Communicable Disease Expert Panel Meeting and 6 Senior Environmental Health Officers' time (6 x 10 minutes) to discuss the Regulations at a Health and Safety Expert Panel Meeting.	1) 10 minutes discussion of the Regulations at 2 Expert Panel meetings by 6 SEOs = 2hrs @ £70.00 per hour = <b>£140.00</b>		£140.00
12 Senior Environmental Health Officers' time to disseminate information about the discussions held at the Expert Panel meetings amongst key members of their teams (12 x 15 minutes).	2) 12 SEOs x 15 minutes = 3 hours @ £70.00 an hour to disseminate information about the Regulations to key staff = <b>£210.00</b>		£210.00
Time in all 22 LAs for SEO and EHOs to discuss Expert Panel meetings and then familiarise themselves with the implications of the new Regulations and the updated bilingual guidance documents for enforcement officers and body piercing businesses and practitioners.	3) 10 EHOs per LA x 22 = 220 in total (management time included in rate). 220 EHOs x 15 minutes @ £50.00 per hour = £2,750.00 to familiarise themselves with the Regulations		£2750.00
LA admin staff time to address, print and issue the WG drafted notification letters to businesses and practitioners alerting them to the new Regulations and the updated bilingual guidance document	1) 8 hours to process 500 letters @ £20.00 an hour = <b>£160.00</b> (these costs are on an all-Wales basis)	£1.00 per letter allowed (to include postage, paper, printing and envelopes) x 500 letters (on all Wales basis) = <b>£500.00</b>	£660.00
Enforcement Officers' time to handle ad hoc queries from businesses and practitioners	NOT quantifiable		£N/A
<b>TOTAL COSTS</b>			<b>£3760.00</b>

### **Body Piercing Businesses and Practitioners**

31. Body piercing businesses and practitioners will incur some minimal familiarisation costs for the time that will be required of them to: familiarise themselves with the new Regulations and the implications for them; take account of the communication letter issued to them by their local authority which will set out key information about the new Regulations; familiarise themselves with the revised bilingual guidance documents available on the Welsh Government's website; ensure they and their staff fully understand the implications of new Regulations and are able to convey to their customers those implications; and implement any changes within their businesses and to their processes to ensure they, and their staff, do not intimately pierce anyone under 18 in Wales using an "object" as prescribed in the new Regulations. Taking account of the fact that the main intimate piercing ban came into force on 1 February 2018, and these new Regulations are extending the scope of that ban to include "any object that is not jewellery" thereby having the effect of prohibiting intimate piercings involving any object, whether jewellery or otherwise, officials consider this is unlikely to be significantly onerous for body piercing practitioners and businesses across Wales to comprehend and adapt to the changes introduced by these Regulations, and **therefore any related costs will be minimal and hence are not quantified.**

32. The detailed RIA to the Act identified that there may be some loss of income for the piercing industry in Wales when the intimate piercing legislation was introduced in February 2018. Through the application of a number of assumptions (page 197 of the RIA to the Act), those costs had been calculated to be between £2,500 and £495,000 per annum. **Further, the discussions held with practitioners suggested that the ban on intimate piercing of under 18s would involve little or no financial cost for them, therefore the lower end of the above cost range was considered to appear more likely.**

33. As identified in the RIA to the Act, the expected high compliance rate with the legislation, and the low number of breaches likely to be identified through complaints or test purchasing exercises, indicated that few fines would be levied on piercing practitioners as a result of the intimate piercing ban, and it was estimated that there would be no more than six prosecutions by Enforcement Officers across Wales each year. It was not considered possible to provide a definitive figure about the fines that would be given because Magistrates' Courts have a wide discretion, and hence for the purpose of the earlier RIA, a £5,000 fine was used for the basis of the calculations. The total cost of fines to practitioners was therefore estimated to be approximately £30,000 per year. In addition, it was anticipated that prosecuted practitioners/businesses may be subject to legal fees, recovery of costs by local authorities and victim compensation and that those costs would be highly variable and consequently could not be accurately assessed. Given that the new Regulations extends the scope of the intimate piercing ban already in place regarding jewellery so as to include "any object that is not jewellery", the effect of which is to prohibit intimate piercings involving any object (whether jewellery or otherwise) **officials do not consider that any of the previously estimated costs would change as a result of the introduction of the new Regulations.**

### **Impact upon manufacturers of any "Object"**

34. It is not considered that there will be any significant loss of revenue for manufacturers who produce the types of "object" that will be proscribed in the Regulations. As outlined in the paragraphs above, the previous market of under 18 year olds who sought intimate piercings was not accurately quantifiable, but is thought to be such a small proportion of the overall market that the prohibition on this age group is considered negligible in respect of sales of any object that is not jewellery (being introduced as part of these new Regulations), and also jewellery (which was introduced when the intimate piercing ban was commenced on 1 February 2018).

### Courts

35. As set out in the RIA to the Act, the intimate piercing legislation introduced in February 2018 was not expected to result in more than six prosecutions per annum in Wales, which concluded that this would have limited impact on the courts in Wales. In identifying a maximum of 6 prosecutions for Wales, there was no further analysis of the proportion of those 6 prosecutions that related to intimate piercings involving jewellery, or the proportion that related to intimate piercings using "any object that is not jewellery". The intended introduction of the new Regulations will therefore have no significant impact on increasing the number of prosecutions beyond the expected annual total of 6 in Wales. **Consequently there will be no further costs on the Courts associated from the introduction of the "objects" Regulations.**

## Overall Costs

36. The total cost of the new Regulations for the Welsh Government and all key stakeholders is expected to be £3,834.50, and this cost will be incurred towards the end of 2019/2020 financial year into 2020/2021.

## **BENEFITS**

37. The introduction of the Regulations will prohibit performing, or making arrangements to perform, an intimate piercing in Wales of all persons under the age of 18 involving any object that is not jewellery. This therefore extends the scope of the intimate piercing prohibition to capture intimate piercings involving any object, whether jewellery or otherwise. As set out in the detailed RIA for the Act however, there is a lack of data about the number of minors who had previously had an intimate piercing (involving either an item of jewellery or an object that is not jewellery) before the introduction of the age prohibition on 1 February 2018. It was estimated, however, that there were between 1,067 and 8,672 under 18s having an intimate piercing of any kind (involving any object whether jewellery or otherwise) in Wales each year. **How many of those involved an intimate piercing with “any object that is not jewellery” as prescribed in the new Regulations (as opposed to jewellery) is not known, and therefore not quantifiable.**

## **NHS Savings**

38. The main quantifiable benefits identified under the previous RIA for all types of intimate piercings were savings to the NHS in terms of avoidable treatment costs. Costs to the NHS in Wales for treating health complications amongst minors, as a result of intimate piercings, were estimated as being between £17,929 and £146,402 per year. It was further assumed that if the intimate piercing ban had a 95% compliance rate, the annual savings to the NHS were estimated at between £17,032 and £139,082. Part of these estimated costs would include the unquantifiable element of intimate piercings using any object other than jewellery.

39. It was acknowledged in the previous RIA that these potential savings for the NHS might not fully materialise, as young people under 18 who are intent on having an intimate piercing could seek out a disreputable practitioner or business willing to ignore the law and provide the intimate piercing, or even perform the piercing themselves. It was acknowledged that such practices might take place in unhygienic conditions, which in turn may increase the risk of complications and the need for NHS treatment. Mitigation for this was proposed as a communications package to make young people aware of the dangers of using practitioners and businesses which are not registered to perform body piercing procedures. A “Question and Answer” leaflet was produced for young people under 18 and their parents/guardians as part of the information materials produced for the commencement of the intimate piercing ban on 1 February 2018.

## **Other savings**

40. Beyond the potential savings for the NHS identified above, there are a number of other benefits from the proposed legislation which are more difficult to quantify. The effect of these Regulations will be to extend the prohibition on the intimate piercing of under 18s to include

any object, whether jewellery or otherwise, and would bring clarity to the situation for practitioners and potential clients. Many practitioners who contacted the Welsh Government during the passage of the Act indicated that they do not perform intimate piercings on young people. The Regulations seek to reinforce the good practice of practitioners and raise awareness amongst young people of the potential seriousness of the health harms and dangers that intimate piercings present.

41. It is not considered that there will be any significant benefit to the police, but by extending the provisions for intimate piercing so that it includes any “object” will give clarity for local authority enforcement officers in respect of interpretation of the intimate piercing part of the Act for enforcement and/or prosecution in cases of non-compliance.

42. Extending the provisions so that it includes any “object” will further benefit young people. Previous estimations were that there were between 51 and 416 under 18s a year experiencing health complications following an intimate piercing, and requiring help from a GP. It was also estimated there may have been between 82 and 668 under 18s undergoing an intimate piercing who sought help with health complications from pharmacists, or from an A&E department (between 24 and 199), or from inpatient care (between 34 and 277), while others with health complications may have sought help from body piercing practitioners, or no help at all. As health complications such as pain, discomfort and anxiety have costs to individuals as well as the NHS, reducing the risk of these complications by prohibiting the intimate piercing of under 18s using any “object” is beneficial, even though they cannot be quantified.

43. The benefits delivered by the intimate piercing ban introduced on 1 February 2018 in terms of safeguarding children and young people who may be placed in a vulnerable position when having an intimate piercing performed, will be further enhanced by these regulations, which will have the effect of extending the prohibition on the intimate piercing of under 18s to include any object, whether jewellery or otherwise.

## Summary and Preferred Option

44. **Option One** would maintain the existing situation where the prohibition relating to the intimate piercing of under 18s in Wales would capture only those intimate piercings involving jewellery, and would not therefore contribute to the further protection of children and young people in Wales from the equal health harms that can be caused by intimate piercings using “any object”. Additionally it would not contribute to the desired eradication of circumstances where children and young people who might seek to undergo an intimate piercing are placed in vulnerable positions.

45. **Option Two** is the preferred option and through the introduction of the “Regulations it would contribute to the further protection of children and young people in Wales from the health harms that can be caused by an intimate piercing involving “any object other than jewellery” as prescribed in the Regulations. Additionally, it would contribute to the eradication of circumstances where children and young people who might seek to undergo an intimate piercing using any “object” are placed in vulnerable positions. Introduction of the Regulations will also serve to help reduce the incidence of body piercing-related complications, including infections and injuries.