

Vaughan Gething AC/AM
Ysgrifennydd y Cabinet dros Iechyd a Gwasanaethau
Cymdeithasol
Cabinet Secretary for Health and Social Services



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref MA-L-VG-0019-18

Dai Lloyd AM
Chair of the Health, Social Care and Sport Committee

[REDACTED]

30 January 2018

Dear Dai,

Given the Committee's interest during the Public Health (Wales) Bill process, and in particular around setting an appropriate age for the restriction of intimate piercing, I thought I would write to you to let you know that Part 5 (Intimate Piercing) of the Public Health (Wales) Act 2017 will come into force on 1 February.

The commencement will prohibit the intimate piercing of children and young people under the age of 18 in Wales. It will also now be an offence to **make arrangements** to perform such a procedure on a person under the age of 18 in Wales. A person under the age of 18 will not be able to give their consent to an intimate piercing, nor will a parent or guardian be able to give consent to an intimate piercing on behalf of a young person.

I intend to issue a Written Statement on 1 February to mark the commencement of these provisions, and I attach a copy of the Statement at **Annex 1** for your reference.

My officials are taking forward an awareness raising campaign to inform key stakeholders that the Intimate Piercing provisions will be coming into force on 1 February 2018. The key stakeholders are body piercing practitioners, young people and parents, local authorities, the police, Courts, Chartered Institute of Environmental Health, law schools, the Public Health Wales NHS Trust and Local Health Boards (including School Nurses and Health Visitors).

The campaign will raise awareness amongst piercing practitioners/businesses to inform them of the legislation's content and will utilise stakeholder networks and social media, with direct contact (via local authorities) for those known to offer piercings.

Bae Caerdydd • Cardiff Bay
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CF99 1NA

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:

[REDACTED]

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

The campaign will also alert young people and parents to the new legislation and the possible health and child protection issues surrounding intimate piercing. This is likely to include public relations, social media and working with schools/youth organisations.

Targeted guidance has been developed and made available to practitioners and local authorities to facilitate compliance and enforcement of the intimate piercing provisions.

Yours sincerely,

A handwritten signature in black ink that reads "Vaughan Gething". The signature is written in a cursive style with a large initial 'V'.

Vaughan Gething AC/AM

Ysgrifennydd y Cabinet dros Iechyd a Gwasanaethau Cymdeithasol
Cabinet Secretary for Health and Social Services

**WRITTEN STATEMENT
BY
THE WELSH GOVERNMENT**

TITLE	Coming into Force of the Intimate Piercing provisions within the Public Health (Wales) Act 2017
DATE	1 February 2018
BY	Vaughan Gething, Cabinet Secretary for Health and Social Services

Part 5 (Intimate Piercing) of the Public Health (Wales) Act 2017 comes into force today.

The commencement of these provisions prohibits the intimate piercing of children and young people under the age of 18 in Wales. It is also now an offence to make arrangements to perform such a procedure on a person under the age of 18 in Wales. There are ten “intimate areas” specified within the Act including the nipples, breast, genitalia, buttocks and tongue, and these apply to all genders.

A person under the age of 18 will not be able to give their consent to an intimate piercing, nor will a parent or guardian be able to give consent to an intimate piercing on behalf of a young person.

The aim is to protect children and young people from the potential health harms which can be caused by an intimate piercing, and to avoid circumstances where children and young people are placed in a potentially vulnerable situation. These provisions seek to reduce the incidence of body piercing-related complications (including infections and injuries) amongst young people whose bodies are still maturing, and who may be less adept at keeping up with aftercare requirements.

Part 5 provides for the following:

- it is an offence for a person in Wales to perform or make arrangements to perform an intimate piercing on a person who is under the age of 18. This means that making arrangements to carry out the piercing on a particular person without any piercing taking place is sufficient for an offence to be committed.
- it is a defence that the practitioner believed the person was aged 18 or over and either they had taken reasonable steps to establish their age or that nobody could reasonably have suspected from the person’s appearance that they were under 18. There is also a ‘due diligence’ defence for a person who is accused of an offence by virtue of the actions of another.
- it is a defence for the person accused of these offences to demonstrate that they took reasonable precautions and exercised due diligence to avoid committing the offence,

for example providing training to their staff or putting systems in place to avoid committing the offence.

- local authorities have a duty to undertake enforcement action in relation to the provisions, including bringing forward prosecutions, investigating complaints and taking other steps.
- local authorities must consider, at least once every 12 months, the extent to which it is appropriate for them to carry out a programme of enforcement action within their area to prevent the intimate piercing of persons under 18 years, and local authorities must appoint 'authorised officers' for these purposes.
- in undertaking a programme of enforcement action, local authorities must consult with the Chief Officer of Police who may assist local authorities with the enforcement of the provisions.
- powers of entry are provided to local authority authorised officers and the Police, although access to premises used as a dwelling without consent will require a warrant by a Justice of the Peace. Once the officer or the constable has gained entry, they may undertake an inspection of the premises and obtain copies of, for example, CCTV records or consent documents.
- the power of entry is accompanied by an associated offence of obstructing an officer from exercising their powers and safeguards in relation to the use of the powers of entry and inspection by providing a mechanism to appeal against the removal of property, and to apply for compensation in certain circumstances.

The full provisions of the Public Health (Wales) Act 2017 can be found here:

(Welsh Version) <http://www.legislation.gov.uk/anaw/2017/2/contents/enacted/welsh>

(English Version) <http://www.legislation.gov.uk/anaw/2017/2/contents>