Llywodraeth Cymru
Welsh Government

Public Health (Wales) Act 2017

Information for body piercing businesses and practitioners

Prohibition on the intimate piercing of persons under the age of 18 years in Wales

From 1 February 2018, it is an offence under the Public Health (Wales) Act 2017 to perform an intimate piercing on a child in Wales. It is also an offence to 'make arrangements' to perform an intimate piercing on a child in Wales. A child for the purposes of the prohibition is any person who is under the age of 18.

'Making arrangements' is when a person has indicated that they are prepared to undertake a piercing on a particular person under the age of 18 in Wales. It does not matter whether the arrangement is in return for payment, and could include making an appointment for an intimate piercing without checking the client's age first.

A person if found guilty of either offence is liable to an unlimited fine.

The prohibition aims to reinforce existing good practice within the piercing industry. Many practitioners choose not to perform intimate piercings on young people, but because the law does not expressly prohibit it, it was possible for a person under the age of 18 to undergo these procedures. This is no longer the case.

The new law applies to everybody in Wales, not just piercing businesses. The aim of this information sheet is to help body piercing businesses to comply with the new law when it comes into effect on **1 February 2018.** If you are in any doubt about your legal obligations, you should seek your own independent legal advice or consult your local authority.

Under the Act, you will be required to ensure:

- **you do not intimately pierce a child under the age of 18 and,**
- **you do not make arrangements to perform an intimate piercing on a child under the age of 18 in Wales.**

The requirements of the new law are in addition to your existing responsibilities under health and safety legislation, or any requirements under local registration.

An intimate piercing is a body piercing performed on an intimate body part where performed other than in the course of a medical procedure. "Body piercing" means the perforation (including puncture or incision) of an individual's 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. Removal relates to situations where the skin has to be perforated to enable the removal of jewellery or objects. Objects will be prescribed in regulations and may include, for example, a bead.

The intimate body parts include the:

- **anus**
- **breast (including the nipple and areola)**
- **buttock**
- **natal cleft (the cleft between the buttocks)**
- **penis (including the foreskin)**
- **perineum**
- **pubic mound**
- **scrotum**
- **tongue**
- **vulva**

The list captures intimate parts of all genders. Mucous membranes are included in the definition as the surface of intimate body parts, such as the vulva, may comprise skin or mucous membranes.

The purpose of the new law is to protect children and young people under the age of 18 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.

By setting the prohibition on intimate piercing at the age of 18, the Act's provisions are consistent with other public health age-related interventions, including the law relating to tattooing, the sale of alcohol, tobacco and nicotine inhaling products (such as electronic cigarettes).

Questions and Answers to assist businesses and piercers

What is an intimate piercing?

An intimate piercing is a body piercing performed on the anus, breast (including the nipple and areola), buttock, natal cleft (the cleft between the buttocks), penis (including the foreskin), perineum, pubic mound, scrotum, tongue or vulva, and applies to all genders.

What does the new law prohibit?

The new law prohibits the intimate piercing of a child under the age of 18. It also makes it an offence to **make arrangements** to perform an intimate piercing on a child under the age of 18 in Wales.

Can I remove an intimate piercing from a child under the age of 18?

Not if it involves perforating or breaching the integrity of the skin to do so. If a child is unable to remove the piercing safely themselves refer them to their GP.

Does the new law apply to everyone in Wales?

Yes, it applies to anyone performing or making arrangements to perform an intimate piercing on a person under 18 in Wales.

Do the regulations apply if an individual is not charged for an intimate piercing?

Yes, there is no requirement for payment to be made, either directly or indirectly, for the intimate piercing to fall within the scope of the new law.

What if a teenager, or a parent or guardian of that teenager, gives their consent to the teenager being pierced?

It is now an offence to pierce someone under 18 regardless of whether they give their consent, or have permission from a parent or guardian.

Does the new law apply to the whole of the UK?

No, the new law only applies in Wales. Other controls are in place in England, Scotland and Northern Ireland.

If you are in any doubt about the law check with the local authority in whose area you intend to undertake an intimate piercing before performing, or making arrangements to perform, the piercing.

Does the new law apply retrospectively?

No, the new law applies to intimate piercings performed after **1 February 2018.**

What happens if someone fails to comply with the requirements and intimately pierces a child or young person under the age of 18?

In most cases, failure to comply with the Act is a criminal offence. There is an unlimited penalty fine if found guilty.

How does a piercer verify someone's age?

This is not set out in the new law. A piercer could request the following documents to verify the age of the user:

- a passport;
- a European Union photo card driving licence;
- a photographic identity card bearing the national Proof of Age Standards Scheme (PASS) hologram; or
- any other appropriate document.

It is not enough for the piercer to conclude that the young person looks to be over 18. All reasonable precautions must be taken to avoid committing an offence.

How can I avoid breaking the law?

The way in which you comply with the law will be for you to decide but introducing the following procedures may assist you in this process:

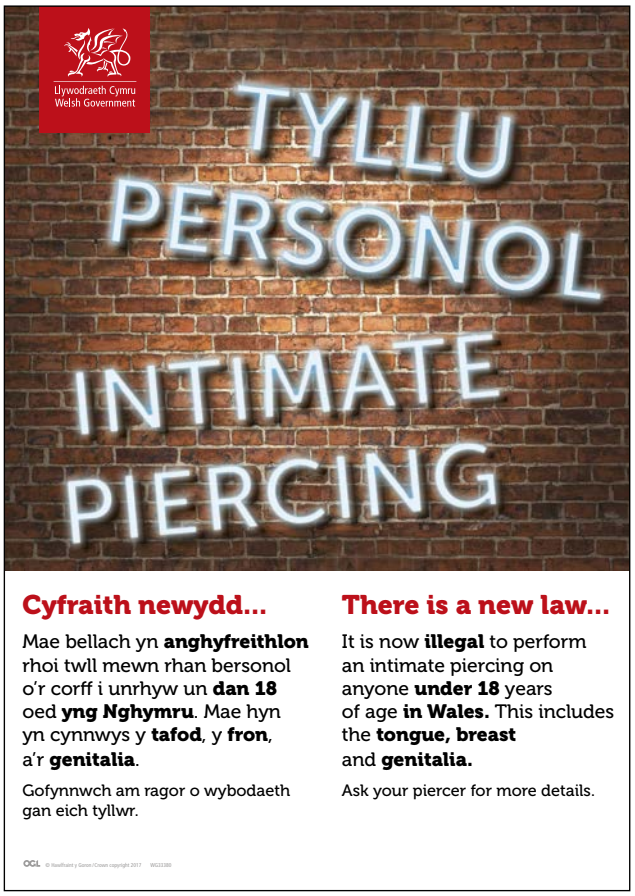
- Train and advise staff on how to check the age of clients before they make appointments, including the types of document that can be used to prove age;
- (with the permission of the customer) photocopy any documents they provide to prove their age;
- Introduce a dual checking process. Always ask the age of the client when taking a booking (whether face-to-face or over the phone) for an intimate piercing, and record their age alongside the booking entry. Then verify the age of that customer again on the appointment date before carrying out the intimate piercing procedure;
- Have written procedures for staff for dealing with people who may be under 18, train staff in these procedures and keep records of this training;
- Keep a written record of any incident (and outcome) where a member of staff challenges a potential user about their age;
- Maintain written records for each client;
- Use till prompts for piercing transactions, if the facility is available;
- Display prominent and clear notices that no under-18s are permitted to have an intimate piercing – these are available for you to download and print off free of charge: **www.gov.wales/publichealthact**

Who is responsible for enforcing the new law?

Local authorities enforce the new law in their respective areas. They can also call upon the police to assist them.

Where can I get more information?

Advice can be obtained from your local authority, and information, and a downloadable poster (shown below), are also available on the Welsh Government website **www.gov.wales/publichealthact**



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