



Public Health (Wales) Act 2017

2017 anaw 2

PART 5

INTIMATE PIERCING

Offences related to intimate piercing

95 Offence of performing or making arrangements to perform an intimate piercing on a child

- (1) It is an offence for a person in Wales to—
 - (a) perform an intimate piercing on a person who is under the age of 18, or
 - (b) make arrangements to perform an intimate piercing, in Wales, on a particular person who is under the age of 18.
- (2) A person guilty of an offence under this section is liable on summary conviction to a fine.
- (3) Where a person (“the accused”) is charged with an offence under this section by reason of the accused’s own conduct (and otherwise than by virtue of the application of section 44 of the [Magistrates’ Courts Act 1980 \(c.43\)](#) (aiders and abettors)) it is a defence for the accused to show—
 - (a) that the accused believed that the person on whom the piercing referred to in subsection (1)(a) was performed, or in respect of whom the arrangements referred to in subsection (1)(b) were made, was aged 18 or over, and
 - (b) either—
 - (i) that the accused had taken reasonable steps to establish the age of that person, or
 - (ii) that nobody could reasonably have suspected from that person’s appearance that the person was under the age of 18.
- (4) For the purposes of subsection (3)(b)(i), the accused (in the case of an offence under subsection (1)(a)) is to be treated as having taken reasonable steps to establish the age of another person if—

Status: This is the original version (as it was originally enacted).

- (a) the accused asked that person for evidence of that person's age, and
 - (b) the evidence would have convinced a reasonable person.
- (5) Where a person is charged with an offence under this section by reason of the act or default of another person, or by virtue of the application of section 44 of the [Magistrates' Courts Act 1980 \(c.43\)](#) (aiders and abettors), it is a defence to show that the person took reasonable precautions and exercised due diligence to avoid committing the offence.

96 What is an intimate piercing?

- (1) For the purposes of section 95, an intimate piercing is a body piercing performed on an intimate body part listed in subsection (2), where performed otherwise than in the course of a medical procedure.
- (2) The intimate body parts are the—
- (a) anus;
 - (b) breast (including the nipple and areola);
 - (c) buttock;
 - (d) natal cleft;
 - (e) penis (including the foreskin);
 - (f) perineum;
 - (g) pubic mound;
 - (h) scrotum;
 - (i) tongue;
 - (j) vulva.
- (3) In this section “body piercing” has the meaning given in section 94.
- (4) For the purposes of this section a medical procedure is a procedure carried out by a registered medical practitioner, registered nurse or registered midwife, for the purposes of, or in connection with—
- (a) the diagnosis, prevention, monitoring, treatment or alleviation of disease, ill-health, disability, or other physical or mental abnormality, or
 - (b) birth control.