



# A REGISTRATION GUIDE FOR

**Acupuncture,  
electrolysis, tattooing,  
semi-permanent skin  
colouring and  
cosmetic piercing  
activities**

This document has been compiled as guidance only, and the Local Authority cannot be held responsible for any actions made by the premises.

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**A copy of this guide can be obtained from the Council's website on [www.northlincs.gov.uk](http://www.northlincs.gov.uk)**

**For further information on this guide or on registration information, please contact the Licensing Department**

# 1 Background

Activities such as acupuncture, electrolysis, tattooing, semi-permanent skin colouring and cosmetic piercing are controlled and enforced under the Local Government (Miscellaneous Provisions) Act 1982. In order to control such activities a Local Authority must adopt the provisions contained in Part VIII of the Act.

The Act makes provisions under Section 13 for Local Authorities to make a resolution to adopt the provisions of this Act by way of implementing byelaws, which relate to hygiene aspects of these activities.

North Lincolnshire Council resolved that Sections 14 to 17 (inclusive) of the Act shall come into force from 1st September 2001 and the required byelaws were implemented for the activities of acupuncture, tattooing, ear-piercing and electrolysis, thus requiring “persons conducting the business of tattooing, ear-piercing and electrolysis, and persons conducting the practice of acupuncture”, to be registered.

In April 2004 the Local Government Act 2003 made regulations on cosmetic piercing and semi-permanent skin colouring, which amended Section 15 of the Local Government (Miscellaneous Provisions) Act 1982.

North Lincolnshire Council applied to the Secretary of State to adopt the provisions and byelaws in relation to these two new activities. The byelaws were approved in January 2006 and will be in force from the 1<sup>st</sup> March 2006. These amendments have changed the existing provisions in that ear piercing is no longer a separate activity, it is now within the definition of cosmetic piercing.

These activities are controlled by registration. North Lincolnshire Council registers both the premises and any individuals to carry out each activity. There is a one-off fee for for this process [see Section 3 – registration] and a certificate of registration is issued. It is an offence to carry out any of these activities without a registration certificate, which will only be issued subject to compliance with current health and safety legislation and Council byelaws concerning hygiene.

## 2 Definitions

The activities covered in this guide are not defined in the Local Government (Miscellaneous Provisions) Act 1982 but the Act does make reference to the activities but makes reference to the definitions of electrolysis and acupuncture from the Oxford English Dictionary; the definition of tattooing from the Tattooing of Minors Act 1969; the definition of semi-permanent skin colouring and cosmetic piercing from the Local Government Act 2003.

The definitions are:

### Electrolysis

*“the destruction of tumors by electric agency”[Oxford]*

*“the destruction of hair roots, warts, moles, etc by means of an electric current” [Longmans New Universal Dictionary]*

### Acupuncture

*“the insertion of needles into living tissue for remedial purposes”*

### Tattooing

*“the insertion into the skin of any colouring material designed to leave a permanent mark”*

### Semi-permanent skin colouring

*“the insertion of semi-permanent colouring into a person’s skin”*

[micropigmentation, semi-permanent make-up and temporary tattoos are covered by this activity – although tattoos that do not pierce/insert into the skin shall not require registration]

### Cosmetic Piercing

*“piercing of any part of the body for cosmetic purposes”[Greater London Council (General Powers) Act 1981]*

### 3 Registration

Both the person conducting the activity and the premises at which the activity is to take place are required to be registered with the Local Authority, for example

***Joe Bloggs Hairdressing, 1 High Street, Scunthorpe – conducts ear piercing and electrolysis. Joanne, Jayne and Helen do electrolysis, and Andy, Joe Bloggs, do both activities. The following applications and fees will be required:***

**Electrolysis**

***x1 Joe Bloggs, t/a Joe Bloggs Hairdressing, 1 High Street, Scunthorpe***

**Cosmetic Piercing**

***x1 Joe Bloggs, t/a Joe Bloggs Hairdressing, 1 High Street, Scunthorpe***

***(all persons actually conducting each activity must be listed on each application form and are included in the application fee – once registered, any additional persons will incur a fee per person per activity)***

Registration requires a one-off fee. The list of fees is available on the council's website, details of which is listed at the end of this guide. *Please note that the fees are liable to change.*

Each person is registered at this address only. Should they conduct any activities at other premises, then they will need to register themselves at these other premises and pay the required user fee. [Where a person sometimes visits people to give treatment, the premises where the treatment takes place is not required to be registered]

Applications are to be accompanied by such particulars as the Local Authority may reasonably require and these include details of:

- (a) the premises where the applicant desires to practice; and
- (b) any convictions for non-compliance with the bylaws.

A copy of the application form is attached to this guide at Appendix 1. The application must be completed by:

- The occupier of the premises; and/or
- Each individual who conducts the activity

and must be accompanied by the relevant fee.

Before the application can be determined, a visit will be made to the premises by an Inspector of Health & Safety, in relation to the health and safety of the business. The premises may also be visited by a Licensing Officer, in relation

to the registration of the business. Joint visits are usually made, but this cannot always be guaranteed.

Once the officers are satisfied that the business is satisfactory for conducting the activity/ies, a registration certificate will be issued. You must then display the certificate in a prominent position on the premises where the activities take place. [See Section 5 – Offences]

The relevant byelaws apply once the application is registered. These byelaws are attached at Appendix 2 at the end of this guide.

## 4 Policies and Procedures

This document is a guide to the activities that you currently conduct in your business, in that it points out the legal requirements that you must adhere to, to ensure that your business does not fall foul of the law.

What you may want to put into place are your own policies and/or procedures that cover exactly how you want your staff to conduct themselves when taking part in these activities. You may have your own ideas how you want these activities to be undertaken, for example:

- Age restrictions - minimum/maximum
- Numbers of activities taking place at any one time
- Who conducts which activities
- Internal training
  - first aid
  - emergency procedures
  - dealing with customers
  - dealing with complaints
- Consent forms
  - what type of ID is acceptable
  - signatures
- Record keeping
  - incident/complaint log book
  - general log – either hard copies or computer files
- Aftercare
  - leaflets/general informative guidance (hygiene/medical)

You may ask yourself, ‘why do I need to have such policies in place, when there is no legal requirement to do so?’ In answer to this, having such a policies in place, may be advantageous to your business, ie should a complaint be made against your business, you not only have all the information to hand and may be able to use the defence clause within the Act [see Section 6]; also it makes good business sense to have records of all transactions/activities made for your own benefit.

You should seek the advice of the Local Environmental Health Department (Food & Safety). [See Section 6]

*There is a document available, which offers guidance on such activities, and includes useful information and drafts consent forms, which you could adapt for your own needs. The document is called ‘Body art, cosmetic therapies and other special treatments’ written by the Chartered Institute of Environmental Health.*

## 5 Complaints or Enquiries

There is no statutory age consent for cosmetic piercing. Cosmetic piercing of a minor is lawful provided a valid consent is given. Furthermore, the courts have held that a parent's right to decide on behalf of his or her child yields to the child's competence to make a decision (ie if he or she is capable of understanding the nature of the act to be done).

Body piercing for sexual gratification is unlawful. Children under the age of 16 are not able to consent lawfully to a piercing that would be regarded as indecent assault. Genital or nipple piercing performed on someone under the age of 16 might be regarded as indecent assault under sexual offences legislation, depending on the facts of the case.

Genital or nipple piercing performed on someone under the age of 16 might be regarded as indecent assault under sexual offences legislation, depending on the facts of the case.

A statutory minimum age of consent for tattooing (18 years of age) is specified in the Tattooing of Minors Act 1969.

*[This information has been taken from the Department of Health's Guidance on the regulation of cosmetic piercing and skin colouring businesses]*

Appendix 4 shows a draft consent form. A consent form showing signatures of persons to be pierced, tattooed, etc, and parental consent (if necessary), along with forms of identification, details of equipment used, location of activity on the body, etc, can not only help you to keep records of the activities for your own benefit, but may help you should a complaint be made against you. [see Section 5 – Offences (due diligence)].

Should you receive any complaints regarding alleged sexual assault or tattooing of a minor, you should seek legal advice.

## 6 Offences

### Failure to Register

It is an offence under Section 16(1)(a) and (b) of the Act for any person who contravenes Sections 14(1) or (2) and Section 15(1) or (2), ie to conduct these activities without being registered by North Lincolnshire Council.

### Breach/contravening Byelaws

It is also an offence under Section 16(2)(a) and (b) for any person who contravenes a byelaw under Sections 14 and 15. It is also possible that the court, instead of or in addition to imposing a fine under this Section, may order the suspension or cancellation of his registration.

For the above two offences, persons shall be guilty and liable on summary conviction to fines not exceeding £1,000 for either offences.

### Failure to display registration

It is also an offence under Section 16(9) for a registered person not to display the certificate of registration and the byelaws in a prominent position on the premises where the activities take place. This person shall be guilty of an offence and liable on summary conviction to a fine not exceeding £300.

### Statutory Defence

There is a defence, under Section 16(11), for a person charged with the following offences, to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence:

- not being registered;
- contravening a byelaw;
- cancellation of registration by order of a court;
- not prominently displaying registration or byelaws at the place where the practice/business is carried on.

## 7 Legislation

The following are the governing legislation that covers these activities:

### Local Authority/Health & Safety Executive

Local Government (Miscellaneous Provisions) Act 1982  
Health and Safety at Work Act 1974, and legislation made there under

### Police

Tattooing of Minors Act 1969

*[Further information on any of these Acts or the control and enforcement of the activities can be obtained from the contacts at Section 6, or from related websites]*

## 8 Contacts

<p><b>For Registration Purposes:</b>          North Lincolnshire Council          Licensing Department          Church Square House          PO Box 42          Scunthorpe          North Lincolnshire</p> <p>Tel: 01724 297750          email: <a href="mailto:licensing@northlincs.gov.uk">licensing@northlincs.gov.uk</a></p>	<p><b>Humberside Police</b>          Corporation Road          Scunthorpe          North Lincolnshire          DN15 6QB</p> <p>Tel: 0845 60 60 222 (call centre)</p>
<p><b>Health &amp; Safety</b>          Martin Allcock          Environmental Health Manager (Food &amp; Safety)          Church Square House          Scunthorpe          North Lincolnshire          DN15 6XQ</p> <p>Tel: 01724 297589          Email: <a href="mailto:food.safety@northlincs.gov.uk">food.safety@northlincs.gov.uk</a></p>	<p><b>Planning and Regeneration</b>          Development Control Manager          Planning &amp; Regeneration Service          Civic Centre          Scunthorpe          North Lincolnshire          DN16 1AB</p> <p>Tel: 01724 297494          Email: <a href="mailto:planning@northlincs.gov.uk">planning@northlincs.gov.uk</a></p>
<p><b>Health &amp; Safety Executive address</b>          Health &amp; Safety Executive          Edgar Allen House          241 Glossop Road          Sheffield          S10 2GW</p> <p>Tel: 0014 2912300</p>	<p><b>Environmental Health</b>          Kath Jickells          Church Square House          PO Box42          Scunthorpe          North Lincolnshire DN15 6XQ          Email: <a href="mailto:Environmental.health@northlincs.gov.uk">Environmental.health@northlincs.gov.uk</a></p> <p>Tel: 01724 297890</p>

A copy of this guide can be obtained from the Council's website on [www.northlincs.gov.uk](http://www.northlincs.gov.uk)

For further information on this guide or on registration information, please contact the Licensing Division

### The Licensing Department

For advice on registration issues. Process and issue registrations. Notify relevant department/bodies of applications received. Enforce unregistered premises.

### Humberside Police

Enforce underage tattooing, including awareness and advice with regard to issues such as indecent assault, giving false statements.

### Environmental Health (Health & Safety)

Advice regarding health and safety issues and awareness, for example, employing persons, qualifications, experience, staff and public welfare and hygiene issues. Each applicant has to show them the premises, training records, procedures, etc, only at this stage can they decide on what advice to provide.

New businesses will be inspected. Existing businesses will be dealt with as per their risk assessments.

### Development Control

Advice and enforce issues such as planning permission. Once planning permission is granted, further permission is not usually required to change ownership/tenant of the property, unless there is a condition stipulated on the original planning permission which limits this.

Planning permission is required for the use of premises as a tattooist studio.

### Health & Safety Executive

Deal with businesses from domestic premises with same issues as Health and Safety above.

### Environmental Health (Waste)

Advice and enforcement of duty of care of premises in relation to waste management.

## 9 Fees

	£
Application for registration (for grant applications this will include all persons who conduct the activity)	95.50
Application for individuals (per activity)	25.00
Duplicate Registration (in case of loss or damage)	15.75

*(Please note that these fees may change and an up-to-date copy is available on our website – [northlincs.gov.uk](http://northlincs.gov.uk))*

[To see how these fees apply to you go to Page 5 (Section 3) for more details]



LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) Act 1982

**Application for Registration**

**Acupuncture/Tattooing/Ear-Piercing/Electrolysis/Semi-Permanent Skin Colouring**  
(Please delete as appropriate. A separate application form and fee is required for each activity)

***“This Authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form within this authority for the prevention and detection of fraud. It may also share this information with other bodies administering public funds solely for these purposes.”***

Title:  Forename(s):

Surname:

Home Address:

Post Code:  Tel No:

Title:  Forename(s):

Surname:

Home Address:

Post Code:  Tel No:

Premises Name:

Premises Address:

Post Code:  Tel No:

Give the details of any persons who will be engaged in the practice or business (continue on a separate sheet if necessary)

Title:	<input type="text"/>	Forename(s):	<input type="text"/>
Surname:	<input type="text"/>		
Address:	<input type="text"/>		
Post Code:	<input type="text"/>	Occupation:	<input type="text"/>

Title:	<input type="text"/>	Forename(s):	<input type="text"/>
Surname:	<input type="text"/>		
Address:	<input type="text"/>		
Post Code:	<input type="text"/>	Occupation:	<input type="text"/>
Name:	<input type="text"/>		
Address:	<input type="text"/>		
Post Code:	<input type="text"/>	Occupation:	<input type="text"/>

Give a description of the premises, including number of rooms and particulars of arrangements for cleansing of premises, fittings and equipment and sterilisation of instruments. (Continue on a separate sheet if necessary)

Please attach a copy of the floor plan showing the layout of rooms and location of facilities

Have you previously been registered in this respect in any other authority? Yes  No

If so, state which

Have you or, to the best of your knowledge, any person who will be engaged in your practice or business:

a) been convicted within the previous five years of carrying on the practice or business which is the subject of your application without being registered by a local authority under this Act

Yes  No

b) been convicted within the previous five years of carrying on the practice or business which is the subject of your application in premises which were not registered by a local authority under this Act;

Yes  No

c) had a registration under this Act suspended or cancelled by order of a court.

Yes  No

I hereby certify that to the best of my knowledge and belief the above particulars are true.

Applicant  
Signature:

Date:

OFFICE USE ONLY

Cost Centre NEL001 Fee £

Income Code 9002 Receipt No

## APPENDIX 2

### ACUPUNCTURE

Byelaws for the purposes of securing the cleanliness of registered premises and fittings therein and registered persons and persons assisting them and the cleansing and so far as appropriate sterilisation of instruments, materials and equipment used in connection with the practice of acupuncture made by North Lincolnshire Council in pursuance of section 14(7) of the Local Government (Miscellaneous Provisions) Act 1982.

1. Interpretation:
  - a. In these byelaws, unless the context otherwise requires -
    - "The Act" means the Local Government (Miscellaneous Provisions) Act 1982;
    - "Client" means any person undergoing treatment;
    - "Operator" means any person giving treatment;
    - "Premises" means any premises registered under Part VIII of the Act;
    - "Proprietor" means any person registered under Part VIII of the Act;
    - "Treatment" means any operation in the practice of acupuncture;
    - "The treatment area" means any part of premises where treatment is given to clients.
  - b. The Interpretation Act 1978 shall apply for the interpretation of these byelaws as it applies for the interpretation of an Act of Parliament.
2. For the purpose of securing the cleanliness of premises and fittings therein a proprietor shall ensure that -
  - a. All internal walls, doors, windows, partitions, floors and floor coverings, and ceilings are kept clean and in such good repair as to enable them to be cleaned effectively;
  - b. The treatment area is used solely for giving treatment;
  - c. All waste materials, and other litter, arising from the treatment, is placed in suitable covered receptacles, which are washable and leak-proof, or use a leak-proof liner bag. The receptacles shall be emptied, or the bags changed, at least once every working day, or more frequently as necessary, and the material disposed of safely. Where liners are not used, the receptacles shall then be cleaned;
  - d. All needles used in treatment are placed after use in separate covered and leak-proof re-usable boxes, or disposable needle boxes designed for the purpose. When re-usable boxes are used they shall be emptied at least once every working day or more frequently as necessary, and the contents disposed of safely or sterilised for re-use, as appropriate.

The box shall then be sterilised. Where needle boxes are used they shall be disposed of safely at suitable intervals;

- e. All furniture and fittings in the premises are kept clean and in such good repair as to enable them to be cleaned effectively;
  - f. All tables, couches and seats used by clients in the treatment area, and any surface on which the items specified in 3b below are placed immediately prior to treatment, have a smooth impervious surface which is wiped down at least daily with a suitable disinfectant;
  - g. Where tables and couches are used, they shall be covered by a disposable paper sheet which shall be changed for each client;
  - h. A notice or notices reading "No Smoking" are prominently displayed within the treatment area.
3. For the purpose of securing the cleansing and, so far as is appropriate, the sterilisation of instruments, materials and equipment used in connection with the treatment -
- a. An operator shall ensure that, before use in connection with treatment, any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such articles used in the treatment -
    - i. is clean and in good repair, and so far as is appropriate, is sterile;
    - ii. has not previously been used in connection with any other client unless it consists of a material which can be and has been adequately cleaned and, so far as is appropriate, sterilised;
  - b. An operator shall ensure that any needle, metal instrument, or other item of equipment, used in treatment or for handling instruments and needles used in treatment, is in a sterile condition and kept sterile until it is used;
  - c. A proprietor shall provide -
    - i. adequate facilities and equipment for the purpose of sterilisation (unless pre-sterilised items are used) and of cleansing, as required in pursuance of these byelaws;
    - ii. sufficient and safe gas points and/or electrical socket outlets to enable compliance with these byelaws;
    - iii. an adequate constant supply of clean hot and cold water readily available at all times on the premises;

- iv. adequate storage for items mentioned in byelaw 3 a and b above, so that those items shall be properly stored in a clean and suitable place so as to avoid, as far as possible, the risk of contamination.
- 4. For the purpose of securing the cleanliness of operators -
  - a. An operator whilst giving treatment shall ensure that -
    - i. his hands and nails are clean and nails kept short;
    - ii. he is wearing clean and washable clothing, or alternatively a disposable covering that has not previously been used in connection with any other client;
    - iii. he keeps any open boil, sore, cut or open wound on an exposed part of his body effectively covered by an impermeable dressing;
    - iv. he does not smoke or consume food or drink;
  - b. A proprietor shall provide;
    - i. suitable and sufficient washing facilities for the sole use of operators, such facilities to have hot and cold water, sanitising soap or detergent, and a nail brush;
    - ii. suitable and sufficient sanitary accommodation for operators.

**NOTE - THE FOLLOWING DOES NOT FORM PART OF THE BYELAWS**

- A. Proprietors shall take all reasonable steps to ensure compliance with these byelaws by persons working on the premises. Section 16(9) of the Act lays down that a registered person shall cause to be prominently displayed on the premises a copy of these byelaws and a copy of any certificate of registration issued to him under Part VIII of the Act.
- B. “Section 16 of the Local Government (Miscellaneous Provisions) Act 1982 provides that any person who contravenes any of these byelaws shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale. If a person registered under Part VIII of the Act is found guilty of contravening these byelaws the Court may instead of or in addition to imposing the fine, order the suspension or cancellation of his registration and of the registration of the premises in which the offence was committed if such premises are occupied by the person found guilty of the offence. It shall be a defence for the person charged under sub-sections (1), (2), (8) or (10) of Section 16 to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence”.

- C. Nothing in these byelaws shall extend to the practice of acupuncture by or under the supervision of a person who is registered as a medical practitioner or a dentist or to premises on which the practice of acupuncture is carried on by or under the supervision of such a person.

## ELECTROLYSIS

Byelaws for the purposes of securing the cleanliness of registered premises and fittings therein and registered persons and persons assisting them and the cleansing and so far as appropriate sterilisation of instruments, materials and equipment used in connection with the business of electrolysis made by North Lincolnshire Council in pursuance of Section 15(7) of the Local Government (Miscellaneous Provisions) Act 1982.

1. Interpretation:
  - a. In these byelaws, unless the context otherwise requires -  
  
"The Act" means the Local Government (Miscellaneous Provisions) Act 1982;  
"Client" means any person undergoing treatment;  
"Operator" means any person giving treatment;  
"Premises" means any premises registered under Part VIII of the Act;  
"Proprietor" means any person registered under Part VIII of the Act;  
"Treatment" means any operation in effecting electrolysis;  
" The treatment area" means any part of the premises where treatment is given to clients.
  - b. The Interpretation Act 1978 shall apply for the interpretation of these byelaws as it applies for the interpretation of an Act of Parliament.
2. For the purpose of securing the cleanliness of premises and fittings therein a proprietor shall ensure that -
  - a. All internal walls, doors, windows, partitions, floors and floor coverings, and ceilings are kept clean and in such good repair as to enable them to be cleaned effectively;
  - b. All waste materials, and other litters, arising from the treatment, is placed in suitable cover receptacles, which are washable and leak-proof, or use a leak-proof liner bag. The receptacles shall be emptied, or the bags changed, at least once every working day, or more frequently as necessary, and the material disposed of safely. Where liners are not used, the receptacles shall then be cleaned;
  - c. All needles used in treatment are placed after use in separate covered and leak-proof re-usable boxes, or disposable needle boxes designed for the purpose. When re-usable boxes are used they shall be emptied at least once every working day or more frequently as necessary, and the contents disposed of safely or sterilised for re-use, as appropriate. The boxes shall then be sterilised. Where needle boxes are used they shall be disposed of safely at suitable intervals;
  - d. All furniture and fittings in the premises are kept clean and in such good repair as to enable them to be cleaned effectively;

- e. All tables, couches and seats used by clients in the treatment area, and any surface on which the items specified in 3b below are placed immediately prior to treatment, shall have a smooth impervious surface which is wiped down at least daily with a suitable disinfectant;
  - f. Where tables and couches are used, they shall be covered by a disposable paper sheet, which shall be changed for each client;
  - g. A notice or notices reading "No Smoking" shall be prominently displayed within the treatment area.
3. For the purpose of securing the cleansing and so far as is appropriate, the sterilisation of instruments, materials and equipment used in connection with the treatment -
- a. An operator shall ensure that, before use in connection with treatment, any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such articles used in the treatment -
    - i. is clean and in good repair, and so far as is appropriate sterile;
    - ii. has not previously been used in connection with any other client unless it consists of a material which can be and has been adequately cleaned and, so far as is appropriate, sterilised;
  - b. An operator shall ensure that any needle, metal instrument, or other item of equipment, used in treatment or for handling instruments and needles used in the treatment, is in a sterile condition and kept sterile until it is used;
  - c. A proprietor shall provide -
    - i. adequate facilities and equipment for the purpose of sterilisation (unless pre-sterilised items are used) and of cleansing, as required in pursuance of these byelaws;
    - ii. sufficient and safe gas points and/or electrical socket outlets to enable compliance with these byelaws;
    - iii. an adequate constant supply of clean hot and cold water readily available at all times on the premises;
    - iv. adequate storage for all items mentioned in byelaw 3 a and b above, so that those items shall be properly stored in a clean and suitable place so as to avoid, as far as possible, the risk of contamination.
4. For the purpose of securing the cleanliness of operators -

- a. An operator whilst giving treatment shall ensure that -
  - i. his hands and nails are clean;
  - ii. he is wearing clean clothing;
  - iii. he keeps any open boil, sore, cut or open wound on an exposed part of his body effectively covered by an impermeable dressing;
  - iv. he does not smoke or consume food or drink;
- b. A proprietor shall provide;
  - i. suitable and sufficient washing facilities for the sole use of operators, such facilities to have hot and cold water, sanitising soap or detergent, and a nail brush;
  - ii. suitable and sufficient sanitary accommodation for operators.

**NOTE - THE FOLLOWING DOES NOT FORM PART OF THE BYELAWS**

- A. Proprietors shall take all reasonable steps to ensure compliance with these byelaws by persons working on the premises. Section 16(9) of the Act lays down that a registered person shall cause to be prominently displayed on the premises a copy of these byelaws and a copy of any certificate of registration issued to him under Part VIII of the Act.
- B. "Section 16 of the Local Government (Miscellaneous Provisions) Act 1982 provides that any person who contravenes any of these byelaws shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale. If a person registered under part viii of the Act is found guilty of contravening these byelaws the Court may instead of or in addition to imposing the fine, order the suspension or cancellation of his registration and of the registration of the premises in which the offence was committed if such premises are occupied by the person found guilty of the offence. It shall be a defence for the person charged under sub-sections (1), (2), (8) or (10) of Section 16 to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence".
- C. Nothing in these byelaws shall extend to the practice of electrolysis by or under the supervision of a person who is registered as a medical practitioner or a dentist or to premises on which the practice of electrolysis is carried on by or under the supervision of such a person.

## TATTOOING

Byelaws for the purposes of securing the cleanliness of registered premises and fittings therein and registered persons and persons assisting them and the cleansing and so far as appropriate sterilisation of instruments, materials and equipment used in connection with the business of tattooing, made by North Lincolnshire Council in pursuance of section 15(7) of the Local Government (Miscellaneous Provisions) Act 1982.

1. Interpretation:
  - a. In these byelaws, unless the context otherwise requires -  
  
"The Act" means the Local Government (Miscellaneous Provisions) Act 1982;  
"Client" means any person undergoing treatment;  
"Operator" means any person giving treatment;  
"Premises" means any premises registered under Part VIII of the Act;  
"Proprietor" means any person registered under Part VIII of the Act;  
"Treatment" means any operation in effecting tattooing;  
"The treatment area" means any part of the premises where treatment is given to clients.
  - b. The Interpretation Act 1978 shall apply for the interpretation of these byelaws as it applies for the interpretation of an Act of Parliament.
2. For the purpose of securing the cleanliness of premises and fittings therein a proprietor shall ensure that -
  - a. All internal walls, doors, windows, partitions, floors and floor coverings, and ceilings are kept clean and in such good repair as to enable them to be cleaned effectively;
  - b. The treatment area is used solely for giving treatment;
  - c. The floor of the treatment area is provided with a smooth impervious surface;
  - d. All waste materials, and other litters, arising from the treatment, is placed in suitable covered receptacles, which are washable and leak-proof, or use a leak-proof liner bag. The receptacles shall be emptied, or the bags changed, at least once every working day, or more frequently as necessary, and the material disposed of safely. Where liners are not used, the receptacles shall then be cleaned;
  - e. All needles used in treatment are placed after use in separate covered and leak-proof re-usable boxes, or disposable needle boxes designed for the purpose. When re-usable boxes are used they shall be emptied at least once every working day or more frequently as necessary, and the contents disposed of safely or sterilised for re-use, as appropriate. The boxes shall then be sterilised. Where needle boxes are used they shall be disposed of safely at suitable intervals;
  - f. All furniture and fittings in the premises are kept clean and in such good repair as to enable them to be cleaned effectively;

- g. All tables, couches and seats used by clients in the treatment area, and any surface on which the items specified in 3b below are placed immediately prior to treatment, shall have a smooth impervious surface which is wiped down at least daily with a suitable disinfectant between the treatment of different clients, and thoroughly cleaned at the end of each working day;
  - h. Where tables and couches are used, they shall be covered by a disposable paper sheet, which shall be changed for each client;
  - i. A notice or notices reading "No Smoking" are prominently displayed within the treatment area.
3. For the purpose of securing the cleansing and so far as is appropriate, the sterilisation of instruments, materials and equipment used in connection with the treatment -
- a. An operator shall ensure that, before use in connection with treatment, any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such articles used in the treatment -
    - i. is clean and in good repair, and so far as is appropriate, is sterile;
    - ii. has not previously been used in connection with any other client unless it consists of a material which can be and has been adequately cleaned and, so far as is appropriate, sterilised;
  - b. An operator shall ensure that -
    - i. any needle, metal instrument, or other item or equipment, used in treatment or for handling instruments and needles used in treatment, is in a sterile condition and kept sterile until it is used;
    - ii. all dyes used for tattooing are bacteriologically clean and inert;
    - iii. the containers used to hold the dyes for each customer are either disposed of at the end of each session of treatment, or are sterilised before re-use;
  - c. A proprietor shall provide -
    - i. adequate facilities and equipment for the purpose of sterilisation(unless pre-sterilised items are used) and of cleansing, as required in pursuance of these byelaws;
    - ii. sufficient and safe gas points and/or electrical socket outlets to enable compliance with these byelaws;
    - iii. an adequate constant supply of clean hot and cold water readily available at all times on the premises;
    - iv. adequate storage for items mentioned in byelaw 3 a and b above, so that those items shall be properly stored in a clean and suitable place so as to avoid, as far as possible, the risk of contamination.
4. For the purpose of securing the cleanliness of operators -

- a. An operator whilst giving treatment shall ensure that -
  - i. his hands and nails are clean and nails kept short;
  - ii. he is wearing clean and washable clothing, or alternatively a disposable covering that has not previously been used in connection with any other client;
  - iii. he keeps any open boil, sore, cut or open wound on an exposed part of his body effectively covered by an impermeable dressing;
  - iv. he does not smoke or consume food or drink;
- b. A proprietor shall provide -
  - i. suitable and sufficient washing facilities for the sole use of operators, such facilities to have hot and cold water, sanitising soap or detergent, and a nail brush;
  - ii. suitable and sufficient sanitary accommodation for operators.

**NOTE - THE FOLLOWING DOES NOT FORM PART OF THE BYELAWS**

- A. Proprietors shall take all reasonable steps to ensure compliance with these byelaws by persons working on the premises. Section 16(9) of the Act lays down that a registered person shall cause to be prominently displayed on the premises a copy of these byelaws and a copy of any certificate of registration issued to him under Part VIII of the Act.
- B. "Section 16 of the Local Government (Miscellaneous Provisions) Act 1982 provides that any person who contravenes any of these byelaws shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale. If a person registered under part viii of the Act is found guilty of contravening these byelaws the Court may instead of or in addition to imposing the fine, order the suspension or cancellation of his registration and of the registration of the premises in which the offence was committed if such premises are occupied by the person found guilty of the offence. It shall be a defence for the person charged under sub-sections (1), (2), (8) or (10) of Section 16 to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence".
- C. Nothing in these byelaws shall extend to the practice of tattooing by or under the supervision of a person who is registered as a medical practitioner or a dentist or to premises on which the practice of tattooing is carried on by or under the supervision of such a person.

## **SEMI-PERMANENT SKIN-COLOURING**

Byelaws for the purposes of securing the cleanliness of premises registered under section 15 of the Local Government (Miscellaneous Provisions) Act 1982 and fittings in those premises and of registered persons and person assisting them and the cleansing and, so far as appropriate, sterilisation of instruments, materials and equipment used in connection with the business of semi-permanent skin-colouring made by North Lincolnshire Council in pursuance of Section 15(7) of the Act.

1. Interpretation:
  - a. In these byelaws, unless the context otherwise requires -  
  
"The Act" means the Local Government (Miscellaneous Provisions) Act 1982;  
"Client" means any person undergoing treatment;  
"Operator" means any person giving treatment;  
"Premises" means any premises registered under Part VIII of the Act;  
"Proprietor" means any person registered under Part VIII of the Act;  
"Treatment" means any operation in effecting semi-permanent skin-colouring;  
"The treatment area" means any part of the premises where treatment is given to clients.
  - b. The Interpretation Act 1978 shall apply for the interpretation of these byelaws as it applies for the interpretation of an Act of Parliament.
2. For the purpose of securing the cleanliness of premises and fittings therein a proprietor shall ensure that -
  - a. All internal walls, doors, windows, partitions, floors and floor coverings, and ceilings, are kept clean and in such good repair as to enable them to be cleaned effectively;
  - b. The treatment area is used solely for giving treatment;
  - c. The floor of the treatment area is provided with a smooth impervious surface.
  - d. All waste materials, and other litters, arising from the treatment should be handled and disposed of as clinical waste in accordance with relevant legislation and guidance as advised by the local authority.
  - e. All needles used in treatment are single-use and disposable, as far as is practicable, and are stored and disposed of as clinical waste in accordance with the relevant legislation and guidance as advised by the local authority.
  - f. All furniture and fittings in the premises are kept clean and in such good repair as to enable them to be cleaned effectively.
  - g. All tables, couches and seats used by clients in the treatment area, and any surface on which the items specified in 3b below are placed immediately prior to treatment, shall have a smooth impervious surface which is wiped down at least daily with a suitable disinfectant between the treatment of different clients, and thoroughly cleaned at the end of each working day;
  - h. Where tables and couches are used, they shall be covered by a disposable paper sheet, which shall be changed for each client;

- i. No eating, drinking or smoking is permitted in the treatment area and a notice or notices reading “No Smoking”, “No Eating or Drinking”, is prominently displayed there.
3. For the purpose of securing the cleansing and so far as is appropriate, the sterilisation of instruments, materials and equipment used in connection with the treatment -
  - a. An operator shall ensure that, before use in connection with treatment, any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such article used in the treatment -
    - i. is clean and in good repair, and so far as is appropriate, is sterile;
    - ii. has not previously been used in connection with any other client, unless it consists of a material which can be and has been adequately cleaned and, so far as is appropriate, sterilised;
  - b. An operator shall ensure that –
    - i. any needle, metal instrument, or other item or equipment, used in treatment or for handling instruments and needles used in treatment, is in a sterile condition and kept sterile until it is used;
    - ii. All dyes used for semi-permanent skin-colouring are sterile and inert;
    - iii. the containers used to hold the dyes for each customer are either disposed of at the end of each session of treatment, or are cleaned and sterilised before re-use.
  - c. A proprietor shall provide -
    - i. adequate facilities and equipment for the purpose of sterilisation (unless pre-sterilised items are used) and of cleansing, as required in pursuance of these byelaws;
    - ii. sufficient and safe gas points and/or electrical socket outlets to enable compliance with these byelaws;
    - iii. an adequate constant supply of clean hot and cold water readily available at all times on the premises;
    - iv. adequate storage for items mentioned in byelaw 3 a and b above, so that those items shall be properly stored in a clean and suitable place so as to avoid, as far as possible, the risk of contamination.
4. For the purpose of securing the cleanliness of operators -
  - a. An proprietor shall ensure that -
    - i. any operator keeps his hands and nails are clean and nails kept short;
    - ii. any operator wears disposable surgical gloves that have not previously been used with any other client;

- iii any operator of the premises wears a gown, wrap or protective clothing that is clean and washable, or alternatively a disposable covering that has not previously been used in connection with any other client;
  - iv he keeps any open boil, sore, cut or open wound on an exposed part of his body effectively covered by an impermeable dressing;
  - v. any operator does not smoke or consume food or drink in the treatment area.
- b. A proprietor shall provide -
- i. suitable and sufficient washing facilities for the sole use of operators, including hot and cold water and sanitising soap or detergent;
  - ii. suitable and sufficient sanitary accommodation for operators.

**NOTE - THE FOLLOWING DOES NOT FORM PART OF THE BYELAWS**

- A. Proprietors must take all reasonable steps to ensure compliance with these byelaws by persons working on the premises. Section 16(9) of the Act provides that a registered person shall cause to be prominently displayed on the premises a copy of these byelaws and a copy of any certificate of registration issued to him under Part VIII of the Act.
- B. Section 16(2) of the Local Government (Miscellaneous Provisions) Act 1982 provides that any person who contravenes any of these byelaws shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale. If a person registered under part VIII of the Act is found guilty of contravening these byelaws the Court may instead of or in addition to imposing the fine, order the suspension or cancellation of his registration and of the registration of the premises in which the offence was committed if such premises are occupied by the person found guilty of the offence. It shall be a defence for the person charged under sub-sections (1), (2), (8) or (10) of Section 16 to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence".
- C. Nothing in these byelaws shall extend to the practice of semi-permanent skin-colouring by or under the supervision of a person who is registered as a medical practitioner or to premises on which the practice of semi-permanent skin-colouring is carried on by or under the supervision of such a person.

## **COSMETIC PIERCING**

Byelaws for the purposes of securing the cleanliness of premises registered under section 15 of the Local Government (Miscellaneous Provisions) Act 1982 and fittings in those premises and of registered persons and person assisting them and the cleansing and, so far as appropriate, sterilisation of instruments, materials and equipment used in connection with the business of cosmetic piercing made by North Lincolnshire Council in pursuance of Section 15(7) of the Act.

1. Interpretation:
  - a. In these byelaws, unless the context otherwise requires -  
  
"The Act" means the Local Government (Miscellaneous Provisions) Act 1982;  
"Client" means any person undergoing treatment;  
"Operator" means any person giving treatment;  
"Premises" means any premises registered under Part VIII of the Act;  
"Proprietor" means any person registered under Part VIII of the Act;  
"Treatment" means any operation in effecting cosmetic piercing;  
"The treatment area" means any part of the premises where treatment is given to clients.
  - b. The Interpretation Act 1978 shall apply for the interpretation of these byelaws as it applies for the interpretation of an Act of Parliament.
2. For the purpose of securing the cleanliness of premises and fittings therein a proprietor shall ensure that -
  - a. All internal walls, doors, windows, partitions, floors and floor coverings, and ceilings, are kept clean and in such good repair as to enable them to be cleaned effectively;
  - b. All waste materials, and other litters, arising from the treatment should be handled and disposed of as clinical waste in accordance with relevant legislation and guidance as advised by the local authority.
  - c. All needles used in treatment are single-use and disposable, as far as is practicable, and are stored and disposed of as clinical waste in accordance with the relevant legislation and guidance as advised by the local authority.
  - d. All furniture and fittings in the premises are kept clean and in such good repair as to enable them to be cleaned effectively.
  - e. All tables, couches and seats used by clients in the treatment area, and any surface on which the items specified in 3b below are placed immediately prior to treatment, shall have a smooth impervious surface which is wiped down at least daily with a suitable disinfectant between the treatment of different clients, and thoroughly cleaned at the end of each working day;
  - f. Where tables and couches are used, they shall be covered by a disposable paper sheet, which shall be changed for each client;
  - g. No eating, drinking or smoking is permitted in the treatment area and a notice or notices reading "No Smoking", "No Eating or Drinking", is prominently displayed there.

3. For the purpose of securing the cleansing and so far as is appropriate, the sterilisation of instruments, materials and equipment used in connection with the treatment -
  - a. An operator shall ensure that, before use in connection with treatment, any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such article used in the treatment -
    - i. is clean and in good repair, and so far as is appropriate, is sterile;
    - ii. has not previously been used in connection with any other client, unless it consists of a material which can be and has been adequately cleaned and, so far as is appropriate, sterilised;
  - b. An operator shall ensure that any needle, metal instrument, or other item or equipment, used in treatment or for handling instruments and needles used in treatment, is in a sterile condition and kept sterile until it is used.
  - c. A proprietor shall provide -
    - i. adequate facilities and equipment for the purpose of sterilisation (unless pre-sterilised items are used) and of cleansing, as required in pursuance of these byelaws;
    - ii. sufficient and safe gas points and/or electrical socket outlets to enable compliance with these byelaws;
    - iii. an adequate constant supply of clean hot and cold water readily available at all times on the premises;
    - iv. adequate storage for items mentioned in byelaw 3 a and b above, so that those items shall be properly stored in a clean and suitable place so as to avoid, as far as possible, the risk of contamination.
4. For the purpose of securing the cleanliness of operators -
  - a. An proprietor shall ensure that -
    - i. any operator keeps his hands and nails are clean and nails kept short;
    - ii. any operator wears disposable surgical gloves that have not previously been used with any other client;
    - iii. any operator of the premises wears a gown, wrap or protective clothing that is clean and washable, or alternatively a disposable covering that has not previously been used in connection with any other client;
    - iv. he keeps any open boil, sore, cut or open wound on an exposed part of his body effectively covered by an impermeable dressing;
    - v. any operator does not smoke or consume food or drink in the treatment room.

- b. A proprietor shall provide -
  - i. suitable and sufficient washing facilities for the sole use of operators, including hot and cold water and sanitising soap or detergent;
  - ii. suitable and sufficient sanitary accommodation for operators.

**NOTE - THE FOLLOWING DOES NOT FORM PART OF THE BYELAWS**

- A. Proprietors must take all reasonable steps to ensure compliance with these byelaws by persons working on the premises. Section 16(9) of the Act provides that a registered person shall cause to be prominently displayed on the premises a copy of these byelaws and a copy of any certificate of registration issued to him under Part VIII of the Act.
- B. Section 16(2) of the Local Government (Miscellaneous Provisions) Act 1982 provides that any person who contravenes any of these byelaws shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale. If a person registered under part VIII of the Act is found guilty of contravening these byelaws the Court may instead of or in addition to imposing the fine, order the suspension or cancellation of his registration and of the registration of the premises in which the offence was committed if such premises are occupied by the person found guilty of the offence. It shall be a defence for the person charged under sub-sections (1), (2), (8) or (10) of Section 16 to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence".
- C. Nothing in these byelaws shall extend to the practice of cosmetic piercing by or under the supervision of a person who is registered as a medical practitioner or to premises on which the practice of cosmetic piercing is carried on by or under the supervision of such a person.