



## Cabinet 1 December 2010

### Consolidation of Byelaws for Piercing Activities (Dec10/15)

<b>1.</b>	<b>Summary and Reasons for Recommendations</b>
1.1	This report provides details of draft byelaws regarding piercing activities carried out in the Borough. Persons providing these services should be registered by the Local Authority and must comply with byelaws relating to these activities. At present there are various byelaws for the different piercing activities and it is proposed that these be consolidated into one set of byelaws covering the activities. This will enable a streamlined approach when dealing with new registrations and for those that carry out more than one activity. It allows efficiency within the administrative side of the service and improved, clear communication on the website. On the current byelaws for cosmetic piercing and semi-permanent skin colouring some amendments have been made to the original document, which are now incorrect.
1.2	The report seeks Cabinet approval to authorise the relevant officers to take steps to ensure the consolidated byelaws are adopted.
<b>2.</b>	<b>Recommendations</b>
2.1	It is <b><u>RECOMMENDED</u></b> that, subject to the approval of full Council, :-  (1) all current byelaws, as annexed to this report in Appendices 1, 2, 3, 4 and 5, be revoked;  (2) the new consolidated set of byelaws, annexed to this report as Appendix 6, be adopted;  (3) the affixing of the common seal to the set of byelaws be authorised; and  (4) the Head of Legal and Democratic Services be authorised to carry out the necessary procedure and apply to the Secretary of State for confirmation.
<b>3.</b>	<b>Corporate Objectives</b>
3.1	The recommendations meet the following as contained within the Corporate Plan:-  (a) Corporate Priority: <i>To improve the safety and wellbeing of the community;</i> and (b) Vision 2025: <i>St Edmundsbury will be a place which: has one of the healthiest resident populations in the country.</i>

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<p><b>4.</b></p> <p>4.1</p> <p>4.2</p> <p>4.3</p> <p>4.4</p>	<p><b>Key Issues</b></p> <p>Currently in England (but outside of London) and in Wales, Local Authorities may choose to adopt the sections of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Local Government Act 2003) that require businesses performing cosmetic piercing, semi-permanent skin colouring, electrolysis, tattooing and acupuncture to:-</p> <p>(a) register themselves and their premises with the Local Authority; and</p> <p>(b) observe byelaws relating to the cleanliness and hygiene of premises, practitioners and equipment.</p> <p>At present there are separate byelaws in force in the Borough for each activity listed above.</p> <p>The Department of Health (DOH) published guidance in 2004 relating to cosmetic piercing and semi-permanent skin colouring and byelaws covering these activities. Since then there has been a growing demand from local authorities who wish to implement the new powers in the Local Government Act 2003 for a single, multi-purpose, 'pick and mix' set of model byelaws that could be used for one, several or all types of skin piercing/skin colouring currently regulated. In response to this demand, DOH published a new consolidated set of model byelaws. Updates to specific provisions to reflect current infection control advice and industry practice have been included.</p> <p>Currently when requests for registration are received, an application form is sent with the relevant byelaw(s) relating to type of piercing carried out. It is the responsibility of the officers in the Commercial and Food Team to approve the requests for registration and to periodically inspect these premises to ensure compliance. A copy of each relevant byelaw should be displayed in the premises. Consolidation of the byelaws will reduce paper information being sent, reduce burden for administration staff and reduces the burden for business in terms of displaying every byelaw applicable.</p> <p>This project is part of a wider project contained with in the Commercial and Food Service Plan in relation to introduction of the skin piercing guidelines produced Suffolk wide and update of the computer database.</p>
<p><b>5.</b></p> <p>5.1</p>	<p><b>Other Options considered</b></p> <p>Continue to use individual byelaws for each activity.</p>
<p><b>6.</b></p> <p>6.1</p> <p>6.1.1</p> <p>6.2</p> <p>6.2.1</p>	<p><b>Community impact</b> <i>(including Section 17 of the Crime and Disorder Act 1998 and diversity issues)</i></p> <p><u>General</u></p> <p>The consolidated byelaws will not have a detrimental affect on the community. It will provide simplified information for the community and those involved with these activities. It will continue to safeguard the public health of the community.</p> <p><u>Diversity and Equality Impact</u> <i>(including the findings of the Equality Impact Assessment)</i></p> <p>The consolidation of these byelaws will be equal for all sections of the community. An Equality Impact Assessment has been completed which confirms there are no adverse impacts on the community.</p>

<b>7. Sustainability Impact</b> <i>(including environmental or social impact on the local area or beyond the Borough)</i>												
7.1 Consolidation of the byelaws will not have an environmental or social impact on the Borough.												
<b>8. Consultation</b>												
8.1 Consultation with Head of Service and Portfolio Holder for health.												
8.2 No direct consultation has been carried out with businesses regarding the changes to the byelaws. Many businesses which carry out piercing activities are already registered with the authority, therefore, will not pose any additional burden on them. Notices to be placed in local newspapers should members of the public wish to comment.												
<b>9. Resource implications</b> <i>(including asset management implications)</i>												
9.1 The cost of implementing this new byelaw is estimated to be relatively low. These costs can be met from existing budgets as they will be offset by several factors. In addition, local authorities are able to charge a reasonable fee.												
9.2 Those persons and premises already registered for the various piercing activities are unaffected.												
9.3 There will be a cost to place a notice of the Borough Council's intentions to apply for confirmation from the Secretary of State in local papers circulating the area to which the consolidated set of byelaws will apply. This can be met from existing budgets.												
9.4 A copy of the consolidated set of byelaws having been subject to necessary procedures, must be deposited at the Borough Council's offices and be open to public inspection without charge at all reasonable times for a month before being sent to the Secretary of State for confirmation.												
<b>10. Risk Assessment</b> <i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>												
10.1 All piercing activities carry a level of risk; the purpose of byelaws is to ensure consistent regulation across premises for cleanliness to prevent the risk of infections to persons and safeguarding the health of the Borough's residents. A consolidated set of byelaws will enable the officers to ensure correct and efficient information is provided and complied with.												
<table border="1"> <thead> <tr> <th>Risk area</th> <th>Inherent level of Risk (before controls)</th> <th>Controls</th> <th>Residual Risk (after controls)</th> </tr> </thead> <tbody> <tr> <td></td> <td>High/Medium/Low</td> <td></td> <td>High/Medium/Low</td> </tr> <tr> <td>Skin Piercing guidelines and consolidation of byelaws</td> <td>Medium</td> <td>Introduce consolidated byelaws</td> <td>Low</td> </tr> </tbody> </table>	Risk area	Inherent level of Risk (before controls)	Controls	Residual Risk (after controls)		High/Medium/Low		High/Medium/Low	Skin Piercing guidelines and consolidation of byelaws	Medium	Introduce consolidated byelaws	Low
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	High/Medium/Low		High/Medium/Low									
Skin Piercing guidelines and consolidation of byelaws	Medium	Introduce consolidated byelaws	Low									
<b>11. Legal or policy implications</b>												
11.1 There are no legal or policy implications that will affect this change.												

<b>Wards affected</b>	All	<b>Portfolio Holder</b>	Community
<b>Background Papers</b>		<b>Subject Area</b>	Health Improvements

## BYELAWS

*Made under Section 14(7) of the Local Government (Miscellaneous Provisions) Act, 1982  
by the Council of the Borough of St. Edmundsbury  
with respect to:*

### ACUPUNCTURE

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 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) All waste material, and other litter, arising from the treatment, is placed in suitable covered receptacles which are washable and leakproof, or use a leakproof 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 leakproof re-usable boxes, or disposable needle boxes designed for the purpose. Where 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 3(b) 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 or 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 than 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 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 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, together with suitable means for the drying of hands;
    - (ii) suitable and sufficient sanitary accommodation for operators.

**THE COMMON SEAL of  
THE COUNCIL OF  
THE BOROUGH OF  
ST. EDMUNDSBURY  
was hereunto affixed  
in the presence of:**

LS

**JOHN E. VAUGHAN  
Borough Secretary**

**D.M.CUCKSON  
Borough Solicitor**

The foregoing byelaws are hereby confirmed by the Secretary of State for Social Services on 4th February, 1985 and shall come into operation on 1st April, 1985.

LS

Signed: A. B. BARTON  
Assistant Secretary  
Department of Health and Social Security

**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(1) and (2) of the Local Government (Miscellaneous Provisions) Act 1982 provides that any person who offends against any of these byelaws shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400. If the convicted person is registered under Part VIII of the Act, the Court may, instead of or in addition to imposing a 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 so convicted. Section 16(11) of the Act provides that it shall be a defence for the person charged 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.

## BYELAWS

Made under Section 15(7) of the Local Government (Miscellaneous Provisions) Act, 1982  
by the Council of the Borough of St Edmundsbury with respect to:-

**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 persons assisting them and the cleansing and, so far as appropriate, sterilization of instruments, materials and equipment used in connection with the business of cosmetic piercing made by St Edmundsbury Borough 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 in such premises 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 ~~jitters~~ <sup>clinical waste</sup> 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, have a smooth impervious surface which is disinfected immediately after use and at the end of each working day;
- f. Where tables and couches are used, they are covered by a disposable paper sheet which is 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 sterilization 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, 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, sterilized.
- 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 sterilization (unless pre-sterilized 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 are 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. A proprietor shall ensure that –
  - i. any operator keeps his hands and nails clean and his nails 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. any operator 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.

The common seal of St Edmundsbury Borough Council was hereunto affixed  
this 13<sup>th</sup> day of July 2005

in the presence of

*Joy Bowes*

Head of Legal and Democratic Services

*[Signature]*

Authorised signatory



The foregoing byelaws are hereby confirmed by the Secretary of State for Health 30 JANUARY 2006  
on and shall come into operation on 1 MARCH 2006

*[Signature]*

Member of the Senior Civil Service  
Department of Health

**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 a 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 subsections (1), (2), (8) or (10) of Section 16 to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.
- C. Nothing in these byelaws extends 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.

## BYELAWS

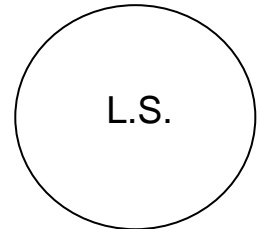
*Made under Section 15(7) of the Local Government (Miscellaneous Provisions) Act 1982  
by the Council of the Borough of St. Edmundsbury with respect to -*

## EAR-PIERCING AND ELECTROLYSIS

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 ear-piercing or electrolysis;
    - "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 in any part of the premises used by clients and operators are kept clean and in such good repair as to enable them to be cleaned effectively,
  - (b) All waste material, and other litter, arising from the treatment, is placed in suitable covered receptacles, which are washable and leakproof, or use a leakproof 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 leakproof reusable boxes, or disposable needle boxes designed for the purpose. When reusable 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;
  - (d) All furniture and fittings in the treatment area 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 3(b) below are placed immediately prior to treatment, have a smooth impervious surface which is wiped down regularly with a suitable disinfectant;
  - (f) Where tables or couches are used they shall be covered by a disposable paper sheet which shall be changed or each client;
  - (g) 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.

- (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 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 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 use of operators, such facilities to have hot and cold water, sanitising soap or detergent and a nail brush, together with suitable means for the drying of hands;
    - (ii) suitable and sufficient sanitary accommodation for operators.

**THE COMMON SEAL of  
THE COUNCIL OF  
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ST. EDMUNDSBURY  
was hereunto affixed in the  
presence of:**



**JOHN E. VAUGHAN  
Borough Secretary**

**D.M.CUCKSON  
Borough Solicitor**

the foregoing byelaws are  
hereby confirmed by the  
Secretary of State for Social  
Services on 4th February, 1985  
and shall come into operation on  
1st April, 1985.

**A. B. BARTON**  
Assistant Secretary  
Department of Health & Social Security

**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(1) and (2) of the Local Government (Miscellaneous Provisions) Act 1982 provides that any person who offends against any of these byelaws shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400. If the convicted person is registered under Part VIII of the Act, the Court may, instead of or in addition to imposing a 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 so convicted. Section 16(11) of the Act provides that it shall be a defence for the person charged 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 carrying on of the business of ear-piercing or of electrolysis as the case may be by or under the supervision of a person who is registered as a medical practitioner or to premises on which any such business is carried on by or under the supervision of such a person.

## BYELAWS

Made under Section 15(7) of the Local Government (Miscellaneous Provisions) Act, 1982  
by the Council of the Borough of St Edmundsbury with respect to:-

**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 such premises and registered persons and persons assisting them and the cleansing and, so far as appropriate, sterilization of instruments, materials and equipment used in connection with the business of semi-permanent skin-colouring, made by St Edmundsbury Borough 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 in such premises 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, have a smooth impervious surface which is disinfected immediately after use and at the end of each working day;

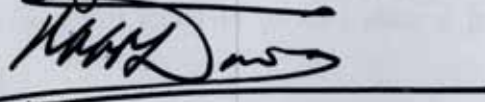
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- h. Where tables and couches are used, they are covered by a disposable paper sheet which is changed for each client;
  - i. No eating, drinking or smoking is permitted in the treatment area and a notice or notices reading "No Smoking", "No Eating or Drinking" are prominently displayed there.
3. For the purpose of securing the cleansing and so far as is appropriate, the sterilization 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, sterilized.
  - 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 sterilized before re-use;
  - c. A proprietor shall provide –
    - i. adequate facilities and equipment for the purpose of sterilization (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 are 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. A proprietor shall ensure that –
    - i. any operator keeps his hands and nails clean and his nails 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. any operator 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, sanitising soap or detergent;
  - ii. suitable and sufficient sanitary accommodation for operators.

The common seal of St Edmundsbury Borough Council was hereunto affixed  
this 13<sup>th</sup> day of July 2005

in the presence of

  
Head of Legal and Democratic Services

  
Authorised Signatory



The foregoing byelaws are hereby confirmed by the Secretary of State for Health 30 JANUARY 2006  
on and shall come into operation on 1 MARCH 2006



Member of the Senior Civil Service  
Department of Health



**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 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 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 extends 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.

## BYELAWS

*Made under Section 15(7) of the Local Government (Miscellaneous Provisions) Act, 1982  
by the Council of the Borough of St. Edmundsbury with respect to:-*

### TATTOOING

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 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 material, and other litter, arising from the treatment, is placed in suitable covered receptacles, which are washable and leakproof, or use a leakproof 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 leakproof re-usable boxes, or disposable needle boxes designed for the purpose. Where 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;
  - (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 3(b) below are placed immediately prior to treatment, have a smooth impervious surface which is wiped down with a suitable disinfectant between the treatment of different clients. and thoroughly cleaned at the end of each working day;
  - (h) Where tables or 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 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;
    - (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 treatments, 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 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 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, together with a suitable means for the drying of hands;
    - (ii) suitable and sufficient sanitary accommodation for operators.

**THE COMMON SEAL of  
THE COUNCIL OF THE  
BOROUGH OF ST. EDMUNDSBURY  
was hereunto affixed in the  
presence of:**

**L.S.**

**JOHN E. VAUGHAN**  
Borough Secretary

**D.M.CUCKSON**  
Borough Solicitor

The foregoing byelaws are hereby confirmed by the Secretary of State for Social Services on 4th February, 1985 and shall come into operation on 1 st April, 1985.

**L.S.**

**A. B. BARTON**  
Assistant Secretary  
Department of Health and Social Security

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

- A. A Proprietor 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(1) and (2) of the Local Government (Miscellaneous Provisions) Act 1982 provides that any person who offends against any of these byelaws shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400. If the convicted person is registered under Part VIII of the Act, the Court may, instead of or in addition to imposing a 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 so convicted. Section 16(11) of the Act provides that it shall be a defence for the person charged 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 carrying on of the business of tattooing by or under the supervision of a person who is registered as a medical practitioner or to premises on which any such business is carried on by or under the supervision of such a person.

## BYELAWS

Made Under section 14(7) or 15(7) of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Local Government Act 2003 by the Council of the borough of St Edmundsbury with respect to:-

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

Byelaws for the purposes of securing the cleanliness of premises registered under sections 14(2) or 15(2) or both of the Local Government (Miscellaneous Provisions) Act 1982 and fittings in such premises and of persons registered under sections 14(1) or 15(1) or both of the Act and persons assisting them and of securing the cleansing and, so far as appropriate, sterilization of instruments, materials and equipment used in connection with the practice of acupuncture or the business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis, or any two or more of such practice and businesses made by St Edmundsbury Borough Council in pursuance of sections 14(7) or 15(7) or both of the Act.

#### Interpretation

1.—(1) In these byelaws, unless the context otherwise requires—

“The Act” means the Local Government (Miscellaneous Provisions) Act 1982; as amended by the Local Government Act 2003

“client” means any person undergoing treatment;

“hygienic piercing instrument” means an instrument such that any part of the instrument that touches a client is made for use in respect of a single client, is sterile, disposable and is fitted with piercing jewellery supplied in packaging that indicates the part of the body for which it is intended, and that is designed to pierce either—

- (a) the lobe or upper flat cartilage of the ear, or
- (b) either side of the nose in the mid-crease area above the nostril;

“operator” means any person giving treatment, including a proprietor;

“premises” means any premises registered under sections 14(2) or 15(2) of the Act;

“proprietor” means any person registered under sections 14(1) or 15(1) of the Act;

“treatment” means any operation in effecting acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis;

“the treatment area” means any part of premises where treatment is given to clients.

(2) The Interpretation Act 1978 shall apply for the interpretation of these byelaws as it applies for the interpretation of an Act of Parliament.

2.—(1) For the purpose of securing the cleanliness of premises and fittings in such premises a proprietor shall ensure that—

- (a) any internal wall, door, window, partition, floor, floor covering or ceiling is kept clean and in such good repair as to enable it to be cleaned effectively;
- (b) any waste material, or other litter arising from treatment is handled and disposed of in accordance with relevant legislation and guidance as advised by the local authority;
- (c) any needle used in treatment is single-use and disposable, as far as is practicable, or otherwise is sterilized for each treatment, is suitably stored after treatment and is disposed of in accordance with relevant legislation and guidance as advised by the local authority;
- (d) any furniture or fitting in premises is kept clean and in such good repair as to enable it to be cleaned effectively;
- (e) any table, couch or seat used by a client in the treatment area which may become contaminated with blood or other body fluids, and any surface on which a needle, instrument or equipment is placed immediately prior to treatment has a smooth impervious surface which is disinfected—
  - (i) immediately after use; and
  - (ii) at the end of each working day.
- (f) any table, couch, or other item of furniture used in treatment is covered by a disposable paper sheet which is changed for each client;

(g) no eating, drinking, or smoking is permitted in the treatment area and a notice or notices reading "No Smoking", and "No Eating or Drinking" is prominently displayed there.

(2)(a) Subject to sub-paragraph (b), where premises are registered under section 14(2) (acupuncture) or 15(2) (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the 1982 Act, a proprietor shall ensure that treatment is given in a treatment area used solely for giving treatment;

(b) Sub-paragraph (a) shall not apply if the only treatment to be given in such premises is ear-piercing or nose-piercing using a hygienic piercing instrument.

(3)(a) Subject to sub-paragraph (b), where premises are registered under section 15(2) (tattooing, semi-permanent skin-colouring and cosmetic piercing) of the 1982 Act, a proprietor shall ensure that the floor of the treatment area is provided with a smooth impervious surface;

(b) Sub-paragraph (a) shall not apply if the only treatment to be given in such premises is ear-piercing or nose-piercing using a hygienic piercing instrument.

**3.—(1)** For the purpose of securing the cleansing and so far as is appropriate, the sterilization of needles, instruments, jewellery, materials and equipment used in connection with treatment—

(a) an operator shall ensure that—

(i) any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such article used in treatment—

(aa) is clean and in good repair and, so far as is appropriate, is sterile;

(bb) has not previously been used in connection with another client unless it consists of a material which can be and has been adequately cleansed and, so far as is appropriate, sterilized.

(ii) any needle, metal instrument, or other instrument or equipment used in treatment or for handling such needle, instrument or equipment and any part of a hygienic piercing instrument that touches a client is sterile;

(iii) any jewellery used for cosmetic piercing by means of a hygienic piercing instrument is sterile;

(iv) any dye used for tattooing or semi-permanent skin-colouring is sterile and inert;

(v) any container used to hold dye for tattooing or semi-permanent skin-colouring is either disposed of at the end of each treatment or is cleaned and sterilized before re-use.

(b) a proprietor shall provide—

(i) adequate facilities and equipment for—

(aa) cleansing; and

(bb) sterilization, unless only pre-sterilized items are used.

(ii) sufficient and safe gas points and electrical socket outlets;

(iii) an adequate and constant supply of clean hot and cold water on the premises;

(iv) clean and suitable storage which enables contamination of the articles, needles, instruments and equipment mentioned in paragraphs 3(1)(a)(i), (ii), (iii), (iv) and (v) to be avoided as far as possible.

**4.—(1)** For the purpose of securing the cleanliness of operators, a proprietor—

(a) shall ensure that an operator—

(i) keeps his hands and nails clean and his nails short;

(ii) keeps any open lesion on an exposed part of the body effectively covered by an impermeable dressing;

(iii) wears disposable examination gloves that have not previously been used with another client, unless giving acupuncture otherwise than in the circumstances described in paragraph 4(3);

(iv) 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 another client;

(v) does not smoke or consume food or drink in the treatment area; and

(b) shall provide—

(i) suitable and sufficient washing facilities appropriately located for the sole use of operators, including an adequate and constant supply of clean hot and cold water, soap or detergent; and

(ii) suitable and sufficient sanitary accommodation for operators.

(2) Where an operator carries out treatment using only a hygienic piercing instrument and a proprietor provides either a hand hygienic gel or liquid cleaner, the washing facilities that the proprietor provides need not be for the sole use of the operator.

(3) Where an operator gives acupuncture a proprietor shall ensure that the operator wears disposable examination gloves that have not previously been used with another client if—

- (a) the client is bleeding or has an open lesion on an exposed part of his body; or
- (b) the client is known to be infected with a blood-borne virus; or
- (c) the operator has an open lesion on his hand; or
- (d) the operator is handling items that may be contaminated with blood or other body fluids.

5. A person registered in accordance with sections 14 (acupuncture) or 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the Act who visits people at their request to give them treatment should observe the requirements relating to an operator in paragraphs 3(1)(a) and 4(1)(a).

6. The byelaws relating to *cosmetic piercing and semi-permanent skin colouring*, that were made by *St Edmundsbury Borough Council* on the *13<sup>th</sup> July 2005* and were confirmed by *Secretary of State for Health* on *30<sup>th</sup> January 2006* are revoked.

7. The byelaws relating to *tattooing and acupuncture*, that were made by *St Edmundsbury Borough Council* and were confirmed by *Secretary of State for social services* on *4<sup>th</sup> February 1985* are revoked.

COUNCIL'S SIGNATURE

COUNCIL'S SEAL

The foregoing byelaws are hereby confirmed by the Secretary of State for Health  
on \_\_\_\_\_ and shall come into operation on \_\_\_\_\_

Member of the Senior Civil Service

Department of Health

## NOTE – THE FOLLOWING DOES NOT FORM PART OF THE BYELAWS

Proprietors shall take all reasonable steps to ensure compliance with these byelaws by persons working on premises. Section 16(9) of the Local Government (Miscellaneous Provisions) Act 1982 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. A person who contravenes section 16(9) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale (see section 16(10)).

Section 16 of the Local Government (Miscellaneous Provisions) Act 1982 also provides that any person who contravenes 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 a fine, order the suspension or cancellation of the person's registration. A court which orders the suspension of or cancellation of a person's registration may also order the suspension or cancellation 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 the relevant sub-sections of section 16 to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.

Nothing in these byelaws extends to the practice of acupuncture, or the business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis by or under the supervision of a person who is registered as a medical practitioner, or to premises in which the practice of acupuncture, or business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis is carried out by or under the supervision of such a person.

Nothing in these byelaws extends to the practice of acupuncture by or under the supervision of a person who is registered as a dentist, or to premises in which the practice of acupuncture is carried out by or under the supervision of such a person.

The legislative provisions relevant to acupuncture are those in section 14. The provisions relevant to treatment other than acupuncture are in section 15.

The key differences in the application of requirements in respect of the various treatments are as follows:

*The references in the introductory text to provisions of section 14 (acupuncture) of the Local Government (Miscellaneous Provisions) Act 1982 only apply to acupuncture.*

*The references in the introductory text to provisions of section 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the Local Government (Miscellaneous Provisions) Act 1982 do not apply to acupuncture.*

*The references in paragraph 1(1) in the definition of "premises" to provisions of section 14 (acupuncture) only apply to acupuncture.*

*The references in paragraph 1(1) in the definition of "premises" to provisions of section 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) do not apply to acupuncture.*

*The requirement in paragraph 2(2) that treatment is given in a treatment area used solely for giving treatment applies to acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis but not to ear-piercing or nose-piercing using a hygienic piercing instrument.*

*The requirement in paragraph 2(3) that the floor of the treatment area be provided with a smooth impervious surface applies to tattooing, semi-permanent skin-colouring and cosmetic piercing but not to acupuncture or electrolysis or ear-piercing or nose-piercing using a hygienic piercing instrument.*

*The requirements relating to dye or a container used to hold dye used for treatment in paragraphs 3(1) (a) (iv) and (v) apply to tattooing and semi-permanent skin-colouring.*

*The requirement in paragraph 4(1)(a)(iii) that an operator wears disposable examination gloves that have not previously been used with another client does not apply to acupuncture otherwise than in the circumstances described in paragraph 4(3).*

*The provisions of paragraph 4(2) in relation to washing facilities apply to cosmetic piercing using only a hygienic piercing instrument.*

*The exception whereby the byelaws do not apply to treatment carried out by or under the supervision of a dentist applies only to acupuncture (see section 14(8) of the Act).*