

Please ask for:
Telephone: (0116) 454
Email:
Our ref:
Date:



Name
Address
Address
Address

Public Safety Team
Leicester City Council
Phoenix House
1 King Street
Leicester
LE1 6RN

www.leicester.gov.uk/publicsafety

Dear Sir/Madam

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 (Sec 14-17)
HEALTH AND SAFETY AT WORK ETC ACT 1974

I write following your recent inquiry about establishing an acupuncture business and request for some general information.

Under the above legislation, you will have to register your premises for the purposes of acupuncture. There is an additional requirement for all persons undertaking the activity also to be registered

Please find enclosed a registration form for completion.

The current fees for the registration of premises and the registration of persons undertaking the activity are as follows:

| | |
|------------------------------|---------|
| Registration of premises: | £118.00 |
| Registration of each person: | £87.00 |
| (per person per treatment) | |

Please also find enclosed details of the byelaws and general health and safety information. These should be adhered to in order for your proposed business and procedures to comply with the above legislation.

On return of the completed registration form, an officer of this Section will visit your premises to ensure that all the requirements have been met. You will then be sent your certificate of registration.

If you require any further information, please do not hesitate to contact me.

Yours faithfully

ENVIRONMENTAL HEALTH OFFICER/ENFORCEMENT OFFICER
PUBLIC SAFETY TEAM



Acupuncture

A Guide to Safe Practice



This leaflet provides guidance on how to register your business to carry out acupuncture, together with information on how to carry out this activity hygienically and safely.

What must I do if I want to carry out acupuncture on my premises?

It is a legal requirement to register with Leicester City Council:

- 1) Any premises where this activity is carried out, and
- 2) Every person carrying out the activity at the premises.

You will need to complete the enclosed application form fully and return it to the Council Offices with the required registration fees. These fees are one-off and only applications with the required fees will be considered. The current fees are detailed on the application form and are non-refundable.

What happens next?

An Officer from the Public Safety Team will then visit your premises to provide guidance and check that the premises and operators comply with current health, safety and welfare requirements and our current byelaws on acupuncture (See enclosed copy of Leicester City Council's Byelaws).

Why do I need to be registered?

Any activity that involves piercing the skin creates a risk of bacterial, viral and fungal infections and the transmission of blood-borne diseases such as HIV and Hepatitis B and C. It is necessary that we regulate operators to ensure adequate standards of hygiene and safety are maintained.

What must I do?

Your premises must meet certain standards with regard to structure and cleanliness; operators must be adequately trained and it is important that a safe acupuncture procedure is followed. **You will need to meet the following legal requirements and safe practice guidelines to become registered.**

Cleanliness and Premises Requirements

For the purpose of securing the cleanliness of premises and fittings, you must ensure that:-

- Treatment is given in an area solely used for registered activities.
- The treatment area should be adequately screened to allow procedures to be carried out in appropriate privacy (i.e. away from public view, in a separate room or by the use of screens)
- Any internal wall, door, window, partition, floor, floor covering or ceiling, furniture and fitting is kept clean and in good repair to enable it to be cleaned effectively
- Any table, couch or seat used by the client in the treatment area and any surface on which a needle, instrument or equipment is placed immediately prior to treatment has a smooth, impervious surface which is disinfected immediately after use, and at the end of each working day.

- Tables and couches are covered with disposable paper sheets which are changed for each client.
- Any waste material or other litter is handled and disposed of safely. Clinical waste is stored in clearly labelled waste bins with lids and inner liners in designated areas.
- Used needles must be stored in suitable 'sharps' containers (e.g. BS7320) and be disposed of in accordance with current regulations.
- An adequate and constant supply of clean hot and cold water is provided on the premises
- Suitable and sufficient hand washing facilities, appropriately located, for the sole use of the operator with clean hot & cold water, liquid soap and adequate means of drying hands are provided. Where an operator carries out treatment using only a hygienic piercing instrument and a either a hand hygienic gel or liquid cleaner is provided, then washing facilities need not be for the sole use of the operator.
- Eating and drinking is not permitted in the treatment rooms and a notice(s) reading 'No Eating or Drinking' is prominently displayed in the treatment room.
- Clean and suitable storage is provided for articles, needles, instruments and equipment to prevent them becoming contaminated.
- Sufficient and safe electrical socket outlets and gas points are provided

Cleansing and Sterilisation Requirements

All equipment must be cleaned and, where necessary, sterilised before use to eliminate the risk of infection. (see Appendix 1) In particular:-

- Any gown, other protective clothing or covering, towel, cloth or other such article used in treatment must:-
 1. Be clean and in good repair; and
 2. Should not have been used previously with another client unless it can be adequately cleansed, or where appropriate, disinfected.
- Needles must be sterile, single use and disposable as far as practicable
- Any instrument or equipment used in treatment or for handling needles, instrument or equipment that touches a client must be sterile.
- Adequate facilities must be provided for cleansing and sterilisation of equipment unless only pre-sterilised items are used.
- Sterile equipment must be used immediately or kept sterile until used.
- Any blood/bodily spillages must be cleaned up safely using disposable gloves/aprons and a suitable disinfectant such as bleach.

Operator Requirements

- Hands and nails must be kept clean and nails be kept short.
- Hand washing must be carried out before and after treatment and if contaminated by blood or other bodily fluids. Hands must be washed with soap and hot water.
- Cuts, sores or open wounds must be covered with an impermeable dressing.
- Wear new disposable examination gloves where a client is bleeding or has open lesions; client is known to be infected with blood-borne virus; operator has an open lesion on his / her hand; or handling items contaminated with blood or other body fluids.
- Clean, washable gown, wrap or protective clothing or alternatively disposable plastic aprons/covering must be worn.
- Operators not to consume food or drink in treatment area.
- It is recommended that staff are vaccinated against Hepatitis B.

Operator Training/Competence Requirements

All operators need to prove they are competent to practice. They should preferably have attended a relevant course and be a member of a recognised association. Newly qualified and inexperienced persons should be adequately supervised. It is recommended that each premises has a documented procedures manual and that training records are kept.

Client Information and Records Requirements

It is important that the client signs a consent form and you should obtain proof of their age. You need to check if a client is suffering from any medical condition, which may affect the treatment or require written authorisation from the client's GP. (See Appendix 2 – consent form and medical questionnaire) Detailed client records should be made and be kept for at least three years. This information is important should the client suffer subsequent medical complications. (See Appendix 3 – treatment record information).

Aftercare advice must be provided. This should give information on healing times and how to minimise infection and ideally be written information.

Acupuncture Procedure

Technical skill and experience are essential for anyone carrying out this activity. The basic procedure is to: -

- Carry out client consultation (discuss age, medical history, treatment, etc.)
- Wash hands thoroughly with soap and hot water.
- Clean clients skin with a suitable alcohol impregnated wipe.
- When holding needle never touch the shaft or needle point.
- Ensure needlepoint is well away from finger and other sources of infection.
- Use water soluble pen to mark acupuncture points.
- Seal points with clean swabs.
- Dispose of needle in a sharps container and other waste in clinical waste bin.
- Ensure waste is collected by a competent waste collector who is registered to take clinical waste.

What action should I take if someone suffers a needle stick injury?

- Wear disposable protective gloves
- Encourage puncture to bleed.
- Wash with cold water.
- Cover with dry dressing.
- Seek medical advice as soon as possible.
- Record details of accident.

General Health and Safety Requirements

To comply with health and safety law, all businesses are also required to ensure the following:-

- A suitable and sufficient risk assessment has been carried out.
- Provision of adequate ventilation, lighting, working temperature, work space etc.
- Provision of suitable and sufficient sanitary facilities for operators.
- Provision of adequate first aid materials.
- Provision of accident recording and reporting procedures.
- Maintenance of electrical and gas installation and equipment in a safe condition.

More detailed guidance about these regulations and other requirements will be provided during the officer's registration visit.

What else do I need to do?

There are a number of other things you need to do:-

- When you receive your registration certificates, they must be displayed in a conspicuous position on the premises. The door/window sticker should also be affixed prominently at the entrance so that members of the public are aware that your business is registered BEFORE they enter.
- You must have employer's liability insurance and it is recommended you also have public liability insurance.

Where can I get further information?

Should you require any further information please do not hesitate to contact the Public Safety Team, Regulatory Services, Leicester City Council, Phoenix House, 1 King Street, Leicester LE1 6RN. Tel: (0116) 454 3220.

Email: publicsafety@leicester.gov.uk

References

1. Leicester City Council Byelaws on Acupuncture, Tattooing, Semi-Permanent Skin-Colouring, Cosmetic Piercing and Electrolysis Byelaws (given below).
2. <http://www.hse.gov.uk/biosafety/blood-borne-viruses/methods-of-decontamination.htm>
3. <http://www.nhs.uk/conditions/Acupuncture/Pages/Introduction.aspx>
4. <https://www.acupuncture.org.uk/>
5. <http://www.medical-acupuncture.co.uk/>

ACUPUNCTURE APPENDIX 1: CLEANING AND DISINFECTION

DEFINITIONS

Cleaning is a process that physically removes contaminants such as dust, dirt, debris and body fluids.

Disinfection reduces the number of viable micro-organisms but it may not necessarily kill all bacteria, fungi, viruses and spores. Disinfection is not as effective as sterilisation and its success is dependent on the surface being cleaned, along with the time the surface is exposed to the disinfectant.

WORK SURFACES

All work surfaces, couches, seats etc., should be designed so that they are smooth, impervious and can be effectively cleaned by wiping with a suitable disinfectant between clients to reduce the risk of cross infection.

The disinfectant used should be approved for killing bacteria, viruses (including Hepatitis B, Hepatitis C and HIV) and fungi. Examples of appropriate disinfectants include Barbicide, or Steris). Disinfectants are often unstable and are generally inactivated by organic contaminants such as blood, tissue and other body fluids and should therefore be freshly prepared and used according to the manufacturer's instructions. It is essential to use the correct concentration and contact time.

STANDARD DISINFECTION PROCEDURE FOR INSTRUMENTS

Where possible disposable instruments / items should be used. However, where instruments are not disposable, then the following disinfection procedure should be used. It is best practice to disinfect instruments after use with each client.

1. Instruments should first be washed with anti bacterial soap and warm water and then rinsed in clean water.
2. The instruments must then be fully submerged in an appropriate disinfectant (i.e. one approved for killing bacteria, viruses and fungi) following the manufacturer's instructions for product concentration and contact time. A fresh solution of disinfectant should be made up for use daily.
3. The instruments must again be rinsed in clean water and dried using a clean, single use, disposable paper towel. All disinfectants are a potential irritant to the skin and therefore, instruments should be rinsed prior to use.

ACUPUNCTURE APPENDIX 2: CONSENT FORM/MEDICAL QUESTIONNAIRE

Name of premises:

Address of premises:

Registered Person no:

Name of Client (PRINT)

Address:

Age/ date of Birth:

| I declare that I give (full name of therapist) my full consent to (treatment). | | |
|---|---------------|------|
| The information given below is true to the best of my knowledge. I have had/currently suffer from the following infections or conditions: | | |
| Condition | ✓ x or n/a | When |
| Heart condition/pacemaker | | |
| Epilepsy | | |
| Haemophilia and other bleeding disorders | | |
| HIV Hepatitis B or C | | |
| High blood pressure | | |
| Diabetes | | |
| Skin condition; e.g. eczema, psoriasis | | |
| Allergies, e.g. plasters | | |
| Taking blood-thinning medication, e.g. aspirin | | |
| (Concurrent) drug treatments, such as antihistamines, steroids, aspirin, cancer treatment drugs | | |
| Implants as a result of surgery / artificial joints | | |
| Seizures, e.g. epilepsy | | |
| Psychiatric disorders | | |
| Pregnancy/nursing mothers | | |
| Any other contraindications | | |
| I understand that no form of anaesthetic will be used in the procedure. I will follow the verbal and written aftercare instructions, which have been given to me | | |

Signature of Client: Date:

ACUPUNCTURE APPENDIX 3: TREATMENT RECORD INFORMATION

| | |
|---|--|
| Client Name | |
| Address | |
| Tel: work/home | |
| Date of birth | |
| General Health | |
| Contra-indications | |
| Date consent for treatment obtained (and signed for consent card) | |
| GP's name and address | |
| Is GP's consent required | |
| Date GP's consent obtained if necessary | |
| Any special medical/other information | |
| Treatment details | |
| Date of treatment(s) | |
| Name of therapist/operator | |
| Treatment history | |
| Date contra-indications/aftercare advice leaflet signed for | |
| Signature/date of client | |
| Signature/date of therapist/operator | |

ACUPUNCTURE CHECK LIST

| PREMISES AND CLEANLINESS | | Y / N |
|--------------------------------------|--|--------------|
| | Registration Certificates – persons & premises | |
| | Treatment area solely used for treatment/ registered activity | |
| | Adequate screening / privacy | |
| | Walls, floor, floor covering, window, partition, furniture, fittings in good repair & have surface finish which can be effectively cleaned | |
| | Table, couch, seat used by client or any surface used to place needles, instruments prior to treatment have impervious finish which is disinfected immediately after use & at end of each working day | |
| | Disposable paper sheets for tables & couches | |
| | Clinical waste storage bins with lids and yellow liners. Clinical waste storage area locked & inaccessible. Yellow bags labelled with business name | |
| | Sharps containers (BS 7320). Stored safely above floor level | |
| | Clinical waste & sharps disposal by licensed waste carrier | |
| | Hand washing facilities for <u>sole</u> use of operator with clean hot & cold water, antibacterial soap, suitable means of drying hands (e.g. paper towels or dryer) (NB Hand washing facilities need not be for the sole use of the operator if using a hygienic piercing instrument and hand hygienic gel) | |
| | Adequate facilities for cleansing instruments/equipment (e.g. receptacle for needles) | |
| | Clean suitable storage for instruments, equipment, clothing to prevent them becoming contaminated. | |
| | No “eating & drinking” sign in treatment area | |
| | Only items used in treatment should be stored in treatment area | |
| CLEANSING & STERILISATION | | Y / N |
| | Needles must be sterile, single use & disposable | |
| | Any instrument, equipment used in treatment or for handling needles, instruments that touch a client must be sterile | |
| | Standard steam steriliser/autoclave (BS EN 13060 Type N cycle) needed if using trays or dishes to hold unwrapped needles. Best practice is to uncover needles just prior to use on client and not to place uncovered needle on any surface or receptacle. | |
| | Suitable disinfectants i.e. ones approved for killing hepatitis B & C & HIV (e.g. Barbicide, Sterex,) Disinfectants used at correct dilution. Need measuring jug to dilute accurately. | |
| | Paper towels and appropriate disinfectant is available for cleaning up body fluid spillages | |
| | Suitable skin cleansing solution (e.g. 70% alcohol for) for cleansing area of skin being treated. OR single use swabs | |
| OPERATOR HYGIENE | | Y / N |
| | Must wear clean gown, wrap or protective clothing or alternatively disposable plastic aprons | |
| | Must use new disposable gloves where a client is bleeding or has open lesions; client is known to be infected with blood-borne virus; operator has an open lesion on his/her hand; or handling items contaminated with blood or other body fluids. | |
| | Must cover cuts, sores, or open wounds with impermeable dressing/ plaster | |
| | Hands and nails clean and nails kept short | |
| | Hand washing before and after treatment and if contaminated by blood or other body fluids. | |
| | Hepatitis B & Tetanus immunisation? Records? Repeat immunisation? | |
| | Operator aware of procedure in case of needle-stick injury | |

| OPERATOR TRAINING / COMPETENCE | | Y / N |
|---------------------------------------|---|--------------|
| | Infection control and hygiene course (needle stick injuries, types of infections, Hep B & C, HIV, cleaning up body fluids; clinical waste disposal) Courses run by LA / LHA/ Trade Union. Refreshed every 5 years | |
| | Basic first aid | |
| | General health and safety. Safe hygiene work practices | |
| | Products and equipment knowledge – risks and control measures. Use of steriliser. Correct disinfectant procedure | |
| CLIENT RECORDS / INFORMATION | | Y / N |
| | Age confirmation. Client must be 18 or over, anyone under 18 years of age must be accompanied by a parent or guardian who should sign consent form | |
| | Pre-consultation (medical history, other contraindications, etc.,) | |
| | Information to client about risks associated with acupuncture | |
| | Client treatment records | |
| | Verbal & written after care advice including how to minimise risk of infection | |
| GENERAL HEALTH AND SAFETY | | Y / N |
| | First aid box | |
| | Accident book | |
| | Procedure for reporting notifiable accidents, injuries and diseases | |
| | Chemicals: Hazard data sheets for all chemicals used. | |
| | Adequate ventilation, lighting, working temperatures, | |
| | WC facilities with hot & cold water, soap & means of drying hands. WC adequately ventilated and maintained in a clean condition | |
| | Slips, trips & falls: suitable flooring; no trailing cables; passageways & work areas clear of obstructions | |
| | No smoking sign on entrance door | |
| | Asbestos survey | |
| | Maintenance of electrical portable appliances and installation in a safe condition | |
| | Maintenance of gas installation and appliances in a safe condition | |

ACUPUNCTURE, TATTOOING, SEMI-PERMANENT SKIN-COLOURING, COSMETIC PIERCING AND ELECTROLYSIS BYELAWS

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 Leicester City 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;

“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:
- 1) is clean and in good repair and, so far as is appropriate, is sterile;
 - 2) 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.
 - (iii) 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.
- (2) 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 skin piercing and electrolysis, acupuncture and tattooing that were made by Leicester City Council on the 23 January 1984 and were confirmed by the Department of Health and Social Security on 9 May 1984 are revoked.

In witness thereof the Council have caused the Common Seal of The Leicester City Council to be hereunto affixed the 19 December 2009.

The foregoing byelaws are hereby confirmed by the Secretary of State for Health on 24 August 2010 and shall come into operation on **1 October 2010**.

Ailsa Wight 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).***

REGISTRATION FORM

Application for the Registration of Person(s) carrying on the Trade or Business of Acupuncture, Cosmetic Piercing, Electrolysis, Semi-permanent Skin-colouring, and/or Tattooing treatment(s) and their Premises

By completing/signing this form I understand and agree that the information about me (the data subject) will be shared across all relevant departments in the Council and our partners. Any personal information that you provide will be processed in accordance with current data protection laws. It will be used to deliver and improve services and fulfil our legal duties. We will not disclose any personal information to anyone else unless required or allowed to do so by law. You can read more about how we use personal data in our Privacy Notice that can be found on our website: www.leicester.gov.uk

| | | | |
|--|--|-------------------------------|--|
| Type of Trade/Business undertaken at premises: <i>(tick all boxes applicable)</i> | | | |
| Acupuncture | | Electrolysis | |
| Tattooing | | Semi-permanent skin colouring | |
| | | Cosmetic Piercing | |

| | |
|-------------------------------------|--|
| Full Name of Business Owner: | |
| Home/Correspondence Address: | |
| Email Address: | |
| Telephone/Mobile Number: | |

| | |
|--------------------------|--|
| Name of Business: | |
| Business Address: | |

| | | | |
|--|--|-----------|--|
| Names of Persons requiring registration and the activity they shall be undertaking (please include business owner if they are also undertaking any activity): | | | |
| Name: | | Activity: | |
| Name: | | Activity: | |
| Name: | | Activity: | |
| Name: | | Activity: | |
| Name: | | Activity: | |
| Name: | | Activity: | |

| | | | |
|-------------------|--|--------------|--|
| Signature: | | Date: | |
|-------------------|--|--------------|--|

PLEASE RETURN THIS FORM WITH CORRECT FEE TO:

Public Safety Team, Leicester City Council, Phoenix House (2nd Floor), 1 King Street, Leicester LE1 6RN

REGISTRATION FEES

Premises Registration Fee: **£118.00** per premises
 Person Registration Fee: **£87.00** per person per treatment
 Replacement Certificates: **£5.00** per certificate

PAYMENTS:

Payment of fees can be either by cheque/postal order (made payable to Leicester City Council); by telephone (please ring 0116 454 1001) or in person at the visiting our Customer Service Centre at 91 Granby St, Leicester LE1 6FB or at any neighbourhood centre.
 Please quote Reference No.: 20203.

| | | |
|-------------------------------|---------|--------------------------|
| <u>OFFICE USE ONLY</u> | | |
| SR Ref: | CP Ref: | Total Fee Received/Paid: |