

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 ACT 1974

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

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

Please find enclosed a registration form.

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

Registration of premises	£120.00
Registration of each person	£90.00

Please also find enclosed a copy of the byelaws. For further guidance on how to comply with these byelaws I refer you to the Tattooing and Body Piercing Toolkit which can be found at: <https://www.cieh.org/media/1261/tattooing-and-body-piercing-guidance-toolkit-july-2013.pdf>

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, 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 the 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	
		Cosmetic Piercing	
Tattooing		Semi-permanent skin colouring	

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:	
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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: **£120.00** per premises
 Person Registration Fee: **£90.00** 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 3220) 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: