



BYELAWS

ACUPUNCTURE, EAR PIERCING AND TATTOOING

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To set up a business in the Borough of Newcastle under Lyme, that involves:

- Acupuncture
- Ear-piercing and Electrolysis
- Tattooing

you must first register with us.

This is required by the Local Government (Miscellaneous Provisions) Act 1982.

The following local byelaw is made under this Act. It explains the standards of cleanliness and good practice that you must operate, in order to register.

The registration process involves:-

- the payment of a fee (for details please check the website) and
- an inspection visit, to check standards at your premises.

We will issue a certificate of registration if all conditions are satisfactory. You must display this at the premises.

Contact us for more advice or an application form. Our contact details are Newcastle under Lyme Borough Council, Civic Offices, Merrial Street, Newcastle under Lyme, Staffordshire, ST5 2AG or telephone 01782 717717.

ACUPUNCTURE BYELAWS

Byelaws made by The Borough Council of Newcastle under Lyme in exercise of its powers under Section 14 of the Local Government (Miscellaneous Provisions) Act 1982, for the regulation of acupuncture in its area.

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 the 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-useable boxes, or disposable needle boxes designed for the purpose. Where re-useable 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 any treatment, any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such articles used in the treatment-
 - (i) is clean and in good repair, and, so far as is appropriate, is sterile;
 - (ii) has not previously been used in connection with any other client unless it consists of a material which can

be and has been adequately cleaned and, so far as is appropriate, sterilised;

- (b) An operator shall ensure that any needle, metal instrument, or other item of equipment, used in treatment or for handling instruments and needles used in treatment, is in a sterile condition and kept sterile until it is used;
- (c) A proprietor shall provide-
 - (i) adequate facilities and equipment for the purpose of sterilisation (unless pre-sterilised items are used) and of cleansing, as required in pursuance of these byelaws;
 - (ii) sufficient and safe gas points and/or electrical socket outlets to enable compliance with these byelaws;
 - (iii) an adequate constant supply of clean hot and cold water readily available at all times on the premises;
 - (iv) adequate storage for 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;
- (ii) suitable and sufficient sanitary accommodation for operators.

EAR PIERCING AND ELECTROLYSIS BYELAWS

Byelaws made by The Borough Council of Newcastle under Lyme in exercise of its powers under Section 15 of the Local Government (Miscellaneous Provisions) Act 1982, for the regulation of persons carrying on the business of ear piecing or electrolysis in its area.

5. 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 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.

6. For the purpose of securing the cleanliness of premises, and fittings therein, a proprietor shall ensure that –

- (a) All the 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 re-useable boxes, or disposable needle boxes designed for the purpose. Where re-useable 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 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 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 for each client;
- (g) A notice or notices reading "No Smoking" are prominently displayed within the treatment area.

7. 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 any treatment, any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such articles used in the treatment-
 - (i) is clean and in good repair, and, so far as is appropriate, is sterile;

- (ii) has not previously been used in connection with any other client unless it consists of a material which can be and has been adequately cleaned and, so far as is appropriate, sterilised;
 - (b) An operator shall ensure that any needle, metal instrument, or other item of equipment, used in treatment or for handling instruments and needles used in treatment, is in a sterile condition and kept sterile until it is used;
 - (c) A proprietor shall provide-
 - (i) Adequate facilities and equipment for the purpose of sterilisation (unless pre-sterilised items are used) and of cleaning, 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, for the risk of contamination.
8. For the purpose of securing the cleanliness of operators –
- (a) An operator whilst giving treatment shall ensure that –
 - (i) his hands and nails are clean;
 - (ii) he is wearing clean clothing;
 - (iii) he keeps any open boil, sore, cut or open wound on an exposed part of his body effectively covered by an impermeable dressing;
 - (iv) he does not smoke or consume food or drink.
 - (b) A proprietor shall provide –

- (i) suitable and sufficient washing facilities for the sole use of operators, such facilities to have hot and cold water, sanitising soap or detergent, and a nail brush;
- (ii) suitable and sufficient sanitary accommodation for operators.

TATTOOING BYELAWS

Byelaws made by The Borough Council of Newcastle under Lyme in exercise of its powers under Section 15 of the Local Government (Miscellaneous Provisions) Act 1982, for the regulation of persons carrying on the business of tattooing in its area.

9. 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 tattooing;
 - “The treatment area” means any part of the premises where treatment is given to clients.
- (b) The Interpretation Act 1978 shall apply for the interpretation of these byelaws as it applies for the interpretation of an Act of Parliament.

10. For the purpose of securing the cleanliness of premises, and fittings therein, a proprietor shall ensure that –

- (a) All the 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, which are washable and leak proof, or use a leak proof liner

bag. The receptacles shall be emptied, or the bags changed, at least once every working day, or more frequently as necessary, and the material disposed of safely. Where liners are not used, the receptacles shall then be cleaned;

- (e) All needles used in treatment are placed after use in separate covered and leak proof re-usable boxes, or disposable needle boxes designed for the purpose. 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 disinfect 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.

11. 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 any treatment, any gown, wrap or other protective clothing, paper or other covering, 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.
12. For the purpose of securing the cleanliness of operators –
- (a) An operator whilst giving treatment shall ensure that –
 - (i) his hands and nails are clean and nails kept short;
 - (ii) he is wearing clean and washable clothing, or alternatively a disposable covering that has not

previously been used in connection with any other client;

(iii) he keeps any open boil, sore, cut or open wound on an exposed part of his body effectively covered by an impermeable dressing;

(iv) he does not smoke or consume food or drink.

(b) A proprietor shall provide –

(i) suitable and sufficient washing facilities for the sole use of operators, such facilities to have hot and cold water, sanitising soap or detergent, and a nail brush;

(ii) suitable and sufficient sanitary accommodation for operators.

NOTE – THE FOLLOWING DOES NOT FORM PART OF THE BYELAWS

- A. Proprietors shall take all reasonable steps to ensure compliance with these byelaws by persons working on the premises. Section 16(9) of the Act lays down that a registered person shall cause to be prominently displayed on the premises a copy of these byelaws and a copy of any certificate of registration issued to him under Part VIII of the Act.

- B. Section 16(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 acupuncture, ear piercing and electrolysis, 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.

- D. If any operator contracts a notifiable communicable disease (eg hepatitis) then in addition to any statutory obligations under the Public Health Act 1936 as amended and the Public Health (Infectious Diseases) Regulations 1968, 1974 and 1976, they or their representative should telephone the Head of Environmental Health Services, Newcastle under Lyme Borough Council, Civic Offices, Merrial Street, Newcastle under Lyme, telephone 01782 717717.

Guidance for operators

Other useful sources of information

A Guide to Hygienic Skin Piercing; tattoos, acupuncture, ear piercing, electrolysis. (Copy right 1983). Professor Norman Noah, MB, MRCP, MFCM. Published by PHLS, Colindale Avenue, London. ISBN 0 901144 10 X. (Now available with other supplements electronically only from norman.noah@lshtm.ac.uk)

Bench-top steam sterilizers – guidance on purchase, operation and maintenance: Medical Devices Agency, Device Bulletin 2002 (06) October 2022. At: <http://www.mhra.gov.uk/home/groups/dtsbi/documents/publication.con007327.pdf>

Body art, cosmetic therapies and other special treatments: Barbour Index: CIEH: ISBN 1-902423-80-1 (Price, £20 at the time of this publication)

Eames, M. (2001). Body Piercing: ‘Does it Hurt?’ A complete illustrated guide to body piercing. NliteN Publications, UK. ISBN 0 9541138 0 2

HSE Local Authority Circular (LAC); detailed guidance on Cosmetic piercing tattooing and scarification (LAC 76-2). Available free at <http://www.hse.gov.uk/lau/lac/76-2htm>

HSE Local Authority Circular (LAC); detailed guidance on micropigmentation (LAC 14-1). Available free at <http://www.hse.gov.uk/lau/lacs/14-1.htm>

HSE online guidance on alternatives to latex gloves due to the high incidence of allergy reported by wearers. <http://www.hse.gov.uk/latex/about.htm>

Ink – The not just skin deep guide to getting a tattoo. (2005). Written by Terisa Green, PhD. Published by New American Library, a division of Penguin Group USA, 375 Hudson Street, New York. ISBN 0 451 21514 1.

Local Government Act 2003: Regulation of cosmetic piercing and skin-colouring businesses – guidance on Section 120 and Schedule 6 (Department of Health)-
http://www.dh.gov.uk/PublicationsAndStatistics/Publications/PublicationsLegislationArticle/fs/en?CONTENT_ID=4076283&chk=nEixNU

Single-use Medical Devices: Implications and consequence of Re-use. MHRA-MDA document DB2006(04).
http://www.mhra.gov.uk/hone/idcig?IdcService=SS_GET_PAGE&useSecondary=true&ssDocName=CON2024995&ssTargetNodId=572

The Tattooing and Piercing industry Union (TPI), in association with the GMB. At: <http://www.tpi.org.uk/>

NB. Trade journals, industry seminars, trade conventions and internet web sites can all be a valuable source of information for your business, but standards of publication and presentation may vary. If you read or hear anything from such sources that you are uncertain of, please consult your local Environmental Health Officer for advice.