

Byelaws

Cosmetic Piercing

Made under Section 15 of the Local Government
(Miscellaneous Provisions) Act 1982

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 cosmetic piercing, made by Wigan 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 material and other litters, arising from the treatment should be handled and disposed of as clinical waste in accordance with the 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 shall be 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' are prominently displayed there.

3 For the purpose of securing the cleansing and, so far as is appropriate, the sterilisation of instruments, materials and equipment used in connection with the treatment -

- (a) An operator shall ensure that, before use in connection with treatment, any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such articles used in the treatment -
 - (i) is clean and in good repair and, so far 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 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 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 shall be properly stored in a clean and suitable place so as to avoid, as far as possible, the risk of contamination.

4 For the purpose of securing the cleanliness of operators -

(a) An proprietor shall ensure that -

- (i) any operator keeps his hands and nails 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 Byelaws were confirmed by The Secretary of State for Health on 13 April 2006 and came into operation on 1 June 2006.

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 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.

Additional Information – Your Responsibilities under the Equality Act 2010

Tattooing / Piercing of clients with HIV

The Equality Act 2010 prohibits discrimination against a range of 'protected characteristics': age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation. Under the Act, any person with HIV is protected under the category of 'disability' and so it is illegal to discriminate against anyone based on their HIV status.

Protection from discrimination covers a range of circumstances including the provision of services such as offering a tattoo to clients. As a registered tattoo artist and/or semi-permanent skin colouring operator, and/or piercer, you must by law practice universal infection control precautions with all clients which prevent the spread of HIV but also other blood borne viruses such as Hepatitis B & C.

All tattoo and piercing operators must make sure that a fully informed consent procedure is adopted. This means gathering information from the client about their health and suitability for the tattoo or piercing. Clients should be given enough information about the possible complications that could arise, so that they can make their own informed decision.

If you are undertaking tattooing, semi-permanent skin colouring, or piercing procedures then the following procedures must be followed: -

- New and sterilised equipment must be used on each and every person,
- New ink must be used for each and every person,
- Jewellery that pierces the skin must never be shared or re-used,
- Any sharps (e.g. needles) must be disposed of in a sharps bin and suitable arrangements in place for safe collection and disposal.

For more comprehensive details on infection control measures please refer to 'Tattooing and Body Piercing Toolkit' produced by the Chartered Institute of Environmental Health. It is available on the internet and is free to download at

http://www.cieh.org/policy/Tattooing_and_body_piercing_guidance_toolkit.html

Further advice on the Equality Act 2010 and its implications for you as a service provider are available at the Equality and Human Rights Commission website:

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-guidance>