

Frequently Asked Questions



Acupuncture, Cosmetic Piercing, Electrolysis, Tattooing and Semi-Permanent Skin-Colouring

Updated December 2023

1. Who needs to register to provide any of the services?

Anyone who runs an acupuncture, cosmetic piercing, electrolysis, semi-permanent skin colouring or tattooing business must register both themselves **and** the premises at which they provide them, with the Council before they begin trading.

Registration is required for both the person (practitioner) carrying out the treatment as well as the premises being used.

2. Why do I need to register?

Because it is an offence to:

- conduct a tattooing, acupuncture, cosmetic piercing, electrolysis or semi-permanent skin-colouring business; or
- to use premises for such procedures

unless the person and premises are registered with the Council.

3. What is the law that says I have to register with the Council?

The Local Government (Miscellaneous Provisions) Act 1982, Part VIII, as amended by Section 120 and Schedule 6 of the Local Government Act 2003 requires that the following types of businesses are registered with the Council:-

- Acupuncture
- Tattooing
- Semi-permanent skin-colouring (includes microblading)
- Cosmetic piercing (includes ear and body piercing)
- Electrolysis

4. Are there any circumstances when I would not need to be registered?

There is no need to register with the Council if the acupuncture, cosmetic piercing, electrolysis, semi-permanent skin-colouring or tattooing is done by or under the supervision of a person who is a medical practitioner or dentist.

5. Do I need to register if I am carrying out Botox® and Cosmetic Filler Treatments

You do not currently require a licence or registration from the local authority to carry out these treatments. However you should be aware that the Botulinum Toxin and Cosmetic Fillers (Children) Act 2021 makes it an offence to arrange and administer such treatments to children under 18 years of age.

You commit a criminal offence if you administer botulinum toxin (commonly known as 'Botox'®), or a filler by way of injection for a cosmetic purpose to a person under 18 in England, even if they have the permission of someone over 18.

A filler is a substance used for dermal or mucous membrane filling (whether or not designed to be so used).

It is also an offence to make arrangements or book an appointment to provide these treatments to anyone under the age of 18.

A guidance document is available on our website which gives practical steps to help retailers and staff avoid underage sales taking place.

6. How to make an application?

Details of how to make an application is available via our website:

<https://www.wigan.gov.uk/Business/Licensing-Permits-Registrations/Business-and-Trading/Personal-treatment-registrations.aspx>

7. Are separate forms required for practitioners and premises?

Yes. Details of how to make applications are available via our website:

<https://www.wigan.gov.uk/Business/Licensing-Permits-Registrations/Business-and-Trading/Personal-treatment-registrations.aspx>

Please note that applications for an individual person / practitioner must specify the premises which they will be carrying out the treatment(s). Checks will be made to ensure the premises is appropriately registered.

8. What will it cost?

There is a fee for the registration of each premises and a separate fee for each person / practitioner. There is also fee due in respect of any change that requires a new registration to be issued.

Details of our current fees and charges are available via our website:-

<https://www.wigan.gov.uk/Business/Licensing-Permits-Registrations/Other-licensing-fees.aspx>

9. When can I start to trade?

You cannot start to trade until a certificate of registration has been issued. It is an offence to carry on a business without being registered.

Prior to operating you are also advised to contact the Council's Planning Team to determine if any planning permission is required.

<https://www.wigan.gov.uk/Resident/Planning-and-Building-Control/Planning/Index.aspx>

You are further advised, that should a registration be issued, details will be shared with the Council's Planning Team.

10. I want to operate as a mobile operator do I need to register premises?

The law does not allow for someone to operate a wholly mobile business to carry out tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis or when practicing acupuncture. What the law says is that a person who is registered with the Council to practice acupuncture or to carry out tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis shall only carry out that business in premises in the Council's area which are also registered with the Council. However you would not break the law if you were carrying out business in those premises and occasionally go to people who have asked you to visit them in order to give treatment.

11. How long will my application take?

We aim to determine applications within 14 days from receipt of a completed application, including payment. In some circumstances applications may take longer than 14 days whilst we liaise with the Environmental Health Team.

You must not begin operating / carrying out any of the above treatments until you are in receipt of a certificate of registration.

Tacit consent will not apply. It is in the public interest that we must process your application before we can grant a registration. Please contact us if you have not heard from us within 14 days from the date of application.

12. What happens after the registration is granted?

A certificate of registration will be issued which sets out the treatments that have been authorised to be carried out. This will be accompanied by a copy of the Council's byelaws in relation to the treatments listed on the certificate.

You are advised to read and check through the byelaws, as you must meet the standards of these byelaws. Failure to comply with the byelaws may lead to prosecution and / or the revocation of your registration(s).

Please note that it is a legal requirement that the certificate of registration and the byelaws be prominently displayed on the premises.

Copies of all the byelaws are available to download online at:

<https://www.wigan.gov.uk/Business/Licensing-Permits-Registrations/Business-and-Trading/Personal-treatment-registrations.aspx>

13. Will I be inspected to ensure compliance?

Yes. An Officer from the Environmental Health Team will contact you within 21 days to make arrangements to carry out an inspection at the premises to which the treatment(s) are being carried out. This inspection is to ensure you have the right facilities available and that you are operating hygienically and safely. They will also be able to provide advice.

Prior to the inspection you are advised to carry out a self-audit so that you are aware what areas will be covered during the inspection. A self-audit form is available via our website:

<https://www.wigan.gov.uk/Business/Licensing-Permits-Registrations/Business-and-Trading/Personal-treatment-registrations.aspx>

14. What do I do if I have difficulty in completing the application form?

You can contact the Regulatory Services Business Team for assistance by emailing regulation@wigan.gov.uk.

15. How do I get advice prior to making an application?

You can access general information and guidance on our website, but you can request more individual support via the following link:

<https://www.wigan.gov.uk/Business/Business-Support/Regulatory-advice-and-guidance/Business-regulatory-advice-and-guidance.aspx>

You can also obtain advice on cosmetic treatments, including skin piercing, at the Chartered Institute of Environmental Health website where there are a number of useful resources:

<https://www.cieh.org/media/2004/tattooing-and-body-piercing-guidance-toolkit-july-2013.pdf>

16. How long will the registration last?

The certificate of registration does not have an expiry date and will therefore last indefinitely. It would only end if you surrendered it to the Council or if it is cancelled or suspended by a Court, if you were found guilty of an offence under the law controlling your registration.

If you no longer wish to be registered you should notify the Regulatory Services Business Team via email as soon as possible.

17. What happens if a practitioner moves to a different premises?

You should email regulation@wigan.gov.uk to confirm the premises to which you are now operating from so that our records can be updated. Checks will be made to ensure the premises is appropriately registered.

18. If I move my business to another premises, will I need to register this premises?

Yes. Treatment registrations in respect of an individual premises are not transferrable to another premises. Details of how to make applications are available via our website:

<https://www.wigan.gov.uk/Business/Licensing-Permits-Registrations/Business-and-Trading/Personal-treatment-registrations.aspx>

19. If I take over a premises that is already registration, can this registration be transferred into my name?

Yes. You should complete an application to change a registration and pay the relevant fee. You are advised to obtain written permission from the previous registration holder or provide a reasonable explanation as to why this is not possible.

Details of how to make applications are available via our website:

<https://www.wigan.gov.uk/Business/Licensing-Permits-Registrations/Business-and-Trading/Personal-treatment-registrations.aspx>

20. Do I have to do anything before I give a treatment?

You should discuss the health of the client and the suitability of the treatment before you give it and it would be beneficial if you made a record of this discussion.

21. Are there any other requirements under the law?

It is an offence to tattoo any person under the age of 18 years (Tattooing of Minors Act 1969) regardless of parental consent.

There is no statutory age of consent for cosmetic piercing (cosmetic body piercing and ear piercing). Cosmetic piercing of a minor is lawful provided valid consent is given. Furthermore, the courts have held that a parent's right to decide on behalf of his or her child yields to the child's competence to make a decision (i.e. if he or she is capable of understanding the act to be done). Body piercing for sexual gratification is unlawful. Children under the age of 16 are not able to consent lawfully to a piercing that would be regarded as indecent assault. Genital or nipple piercing performed on someone under the age of 16 might be regarded as indecent assault under sexual offences legislation depending on the facts of the case.

22. How can I contact the Regulatory Services Business Team?

- Email: regulation@wigan.gov.uk
- Website: <https://www.wigan.gov.uk/Business/Licensing-Permits-Registrations/Business-and-Trading/Personal-treatment-registrations.aspx>

Disclaimer

All the information contained within this document has been produced based on available information and has been compiled in good faith for the sole purpose of providing information.

Wigan Council has taken reasonable care to ensure this information is accurate and up to date.

Wigan Council however cannot accept liability for any claims, actions and demands arising from or relating to losses due to the accuracy of the information given in this document. Therefore, it is strongly recommended that before you take any action in respect of any matters referred to within this document that you seek your own independent legal advice.