

## Frequently Asked Questions



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

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#### 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.

#### 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. What will it cost?

There is a fee for the registration of each premises and a separate fee for each person. Details of our current fees and charges are available via our website:-

<https://www.wigan.gov.uk/Licensing>

## **6. 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 advised to contact the Council's Planning Team at [p\\_rep@wiganmbc.gov.uk](mailto:p_rep@wiganmbc.gov.uk) to determine if a change of usage is required for the business.

## **7. 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.

## **8. How to make an application?**

Online

You can apply and pay online for registration via our website:-

<https://www.wigan.gov.uk/Licensing>

## **9. What do I do if I have difficulty in completing the application form?**

You can contact the Licensing Team for assistance.

## **10. Do I have to complete separate forms for myself and the premises?**

No, you can make application for personal registration and premises registration on the same form.

## **11. Who can apply for registration?**

Applications for registration of a premises will be accepted for either a named individual or in a company / business name.

## **12. When will my registration be issued?**

Your registration will be issued to you within **21** days of application. You must not trade until the certificate of registration has been issued.

## **13. 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).

Once a certificate has been issued an officer from the Environmental Health Team will visit and check that your premises have the right facilities available and that you are operating hygienically and safely. They will also be able to provide advice.

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/Licensing>

#### **14. How do I get advice on what I will need to do?**

You can access general information and guidance on our website, but for more individual support you can now register with us for free advice over the telephone - up to one hour per year. This is available for every business in the Borough via the following link:

<https://www.wigan.gov.uk/businessRegulatoryadvice>

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:

[http://www.cieh.org.uk/Policy/Cosmetic\\_Treatments.html](http://www.cieh.org.uk/Policy/Cosmetic_Treatments.html)

#### **15. 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 surrender it to the Council or it was 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 Licensing Team in writing as soon as possible. You should also notify the Licensing Team if there are to be any changes in relation to the registration i.e. to add an additional treatment to the certificate.

<https://www.wigan.gov.uk/Licensing>

#### **16. 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.

## **17. 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.

## **18. How can I contact the Licensing Section?**

- Telephone No. (01942) 404627 (available 9am to 5pm, Monday to Friday)
- Email: [licensing@wigan.gov.uk](mailto:licensing@wigan.gov.uk)

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