



BYELAWS

MADE BY THE SOUTHAMPTON CITY COUNCIL

WITH RESPECT TO

**THE BUSINESS OF ACUPUNCTURE,
ELECTROLYSIS, TATTOOING,
COSMETIC PIERCING AND
SEMI-PERMANENT SKIN COLOURING**

IN THE CITY OF SOUTHAMPTON

Sealed by the Council	13 December 2006
Confirmed by the Secretary of State for Health	28 December 2006
Date of Operation	1 January 2007

M R Heath

Solicitor to the Council

BYELAWS

ACUPUNCTURE, TATTOOING, SEMI-PERMANENT SKIN-COLOURING, COSMETIC PIERCING AND ELECTROLYSIS

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 practices and businesses made by Southampton City Council in pursuance of sections 14(7) or 15(7) or both of the Act.

1(1) Interpretation:

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, 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 sterilised for each treatment, and is stored and 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 specified in paragraph 3(1)(a)(ii) 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) Where premises are registered for acupuncture, tattooing or semi-permanent skin-colouring a proprietor shall ensure that the treatment area is used solely for giving treatment.
- (3) Where premises are registered for tattooing, semi-permanent skin-colouring or cosmetic piercing a proprietor shall ensure that the floor of the treatment area is provided with a smooth impervious surface.
- 3(1) For the purpose of securing the cleansing and so far as is appropriate, the sterilisation of needles, instruments, materials and equipment used in connection with treatment—
- (a) an operator shall ensure that—
 - (i) before such use, any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such article used in treatment—
 - (aa) is clean and in good repair and, so far as is appropriate, is sterile;
 - (bb) has not previously been used in connection with another client unless it consists of a material which can be and has been adequately cleaned and, so far as is appropriate, sterilised.

- (ii) any needle, metal instrument, or other instrument or equipment used in treatment or for handling such needle, instrument or equipment is sterile and kept sterile until it is used;
 - (iii) any dye used for tattooing or semi-permanent skin-colouring is sterile and inert;
 - (iv) 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 sterilised before re-use;
- (b) a proprietor shall provide—
- (i) adequate facilities and equipment for—
 - (aa) cleansing and
 - (bb) sterilisation, unless only pre-sterilised 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 readily available at all times 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) and (iv) 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) unless giving acupuncture, wears disposable examination gloves that have not previously been used with another client;
 - (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 for the sole use of operators, including hot and cold water, sanitising soap or detergent; and

(ii) suitable and sufficient sanitary accommodation for operators.

(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:

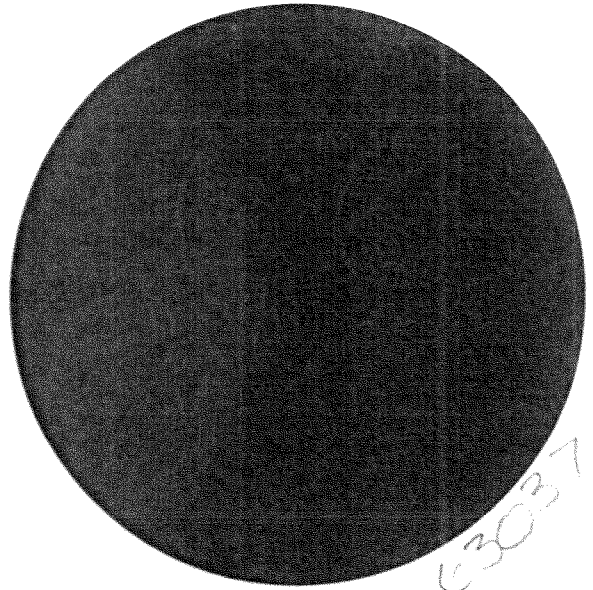
- (a) the client is bleeding or has an open lesion on an exposed part of his body; or
- (b) the client is known to be infected with a blood-borne virus; or
- (c) the operator has an open lesion on his hand; or
- (d) the operator is handling items that may be contaminated with blood or other body fluids.

5 The byelaws relating to the business of ear piercing and electrolysis in the city of Southampton that were made by the Southampton City Council on the 10th November 1983 and were confirmed by the Secretary of State for Social Security on 27 January 1984 are revoked.

THE COMMON SEAL OF SOUTHAMPTON
CITY COUNCIL was hereunto affixed

This 13th day of December 2006
In the presence of:-

Sophie Whitehead



Authorised Signatory

The foregoing byelaws are hereby confirmed by the Secretary of State for Health on
28 DECEMBER 2006 and shall come into operation on *1 JANUARY 2007*

A L Wight

DR A L WIGHT
Member of the Senior Civil Service
Department of Health

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 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)).
- B. 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 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 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 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.
- D. 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.
- E. The legislative provisions relevant to acupuncture are those in section 14. The provisions relevant to treatment other than acupuncture are in section 15.
- F. The key differences in the application of requirements in respect of the various treatments are as follows:

*The requirement in paragraph 2(2) that the treatment area be used solely for giving treatment **applies to acupuncture, tattooing and semi-permanent skin-colouring but not to cosmetic piercing or electrolysis;***

*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;***

*The requirements relating to dye used for treatment in paragraphs 3(1)(a)(iii) and (iv) **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. Separate provision is made in paragraph 4(2) for the wearing of gloves for acupuncture;***

*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).***