

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**MUNICIPAL YEAR 2015/16**

**COMMITTEE:  
COUNCIL  
23<sup>rd</sup> MARCH 2016**

**Item No 13**

**REPORT OF:  
GROUP DIRECTOR, COMMUNITY &  
CHILDREN'S SERVICES**

**PROVISION OF BYELAWS ON  
ACUPUNCTURE, TATTOOING,  
SEMI-PERMANENT SKIN-  
COLOURING, COSMETIC  
PIERCING AND ELECTROLYSIS**

**1.0 PURPOSE OF THE REPORT**

The purpose of the report is:

- 1.1 To invite the Council to adopt the provisions of the Local Government (Miscellaneous Provisions) Act 1982, Part VIII, sections 14-17 to enable new Byelaws to be adopted.
- 1.2 To invite the Council to adopt the new Model Byelaws on acupuncture, tattooing, semi-permanent skin-piercing, cosmetic piercing & electrolysis in accordance with the Local Government Byelaws (Wales) Act 2012. These new Model Byelaws will replace the existing Byelaws covering these issues.
- 1.3 To seek authority for the Service Director of Public Health & Protection to publicise, on the council's website, a summary of the consultation & responses on the adoption of the draft Model Byelaws, the Council's decision on the adoption of the new Model Byelaws and reason for the decision.
- 1.4 To seek authority for the Service Director of Public Health & Protection to publicise, in a local newspaper and on the Council's website, a notice of the Council's decision to adopt the byelaws and to publish on the Council's website a copy of the byelaws.

## **2.0 RECOMMENDATIONS**

It is recommended that Members:

- 2.1 Adopts the provisions of the Local Government (Miscellaneous Provisions) Act 1982, Part VIII, Sections 14-17 to enable new Model Byelaws to be adopted, as recommended by the Cabinet at its meeting on the 21<sup>st</sup> January 2016, with an effective implementation date of 1<sup>st</sup> June 2016.
- 2.2 Approves in their entirety the Model Byelaws reproduced in Appendix 1 in accordance with the provisions of the Local Government Byelaws (Wales) Act 2012 as recommended by the Cabinet at its meeting on the 21<sup>st</sup> January 2016 and that the effective implementation date for the Byelaws be the 1<sup>st</sup> June 2016.
- 2.3 Revoke all existing byelaws, which regulate ear piercing, tattooing, acupuncture and electrolysis with effect from the 1<sup>st</sup> June 2016 being the start date of the new byelaws, as recommended by the Cabinet at its meeting on the 21<sup>st</sup> January 2016.
- 2.4 Grants authority for the Service Director of Public Health & Protection to publicise, on the council's website, a summary of the consultation & responses on the adoption of the draft Model Byelaws, the Council's decision on the adoption of the new Model Byelaws and reason for the decision.
- 2.5 Grants authority for the Service Director of Public Health & Protection to publicise, in local newspapers and on the council's website, a notice of the council's decision to adopt the provisions of the Local Government (Miscellaneous Provisions) Act 1982 Part VIII (sections 14-17) and the byelaws and to publish on the council's website a copy of the byelaws.

## **3.0 REASONS FOR RECOMMENDATIONS**

- 3.1 During skin piercing procedures blood and body fluids are released posing a risk of blood borne virus transmission, including hepatitis A, B, and C and HIV. Some blood borne viruses, for example hepatitis B, can be transmitted by very small volumes of blood; too small to be visible to the naked eye. Such diseases can be debilitating, have a major impact on the quality of life and, if not medically treated, can lead to death. Effective regulation of this trade is therefore necessary to protect individuals from infection but also to safeguard the wider public health.

## 4.0 **BACKGROUND**

- 4.1 Tattooing and skin piercing in all its forms is increasingly popular and we already have over 50 registered premises offering these services. The incentives for practitioners to enter the rapidly growing market have never been greater. The ready availability and low cost of DIY kits has facilitated new entrants into the market who practice on themselves but also (illegally) offer their services to others. Any skin piercing operation risks infection and many people have been painfully scarred as a result of unhygienic practices. However, cross infection of life threatening blood born diseases such as HIV, hepatitis B and hepatitis C from client to client poses a much more serious risk to the individual and to contacts in the wider community that they may subsequently infect. Effective regulation of this trade is therefore necessary to protect individuals from infection but also to safeguard the wider public health.
- 4.2 The Local Government (Miscellaneous Provisions) Act 1982 (The Act) gave powers to local authorities to regulate ear piercing, tattooing, acupuncture and electrolysis by requiring practitioners to register and comply with local byelaws. The Local Government Act 2003 amended the 1982 Act to include cosmetic piercing and semi- permanent skin colouring businesses in the list of those that local authorities have powers to regulate.
- 4.3 The predecessor Authorities of Rhondda Cynon Taf CBC each introduced their own (different) local byelaws, which remain in force today. These specify measures to be taken to minimise cross infection but are limited in that they apply only to tattooing, acupuncture and ear piercing. They are also now very outdated and (because they are different in different parts of the Borough) they are complicated to enforce. They impose inconsistent standards for local businesses and provide inconsistent levels of public protection across the Borough. A single set of byelaws applicable to all types of skin piercing and skin colouring practices therefore would have clear advantages.
- 4.4 Rhondda Cynon Taf's circumstances are replicated in many of the 22 Welsh Authorities. The Welsh Government has therefore produced a set of up to date Model Byelaws covering the whole range of current skin piercing services, which Local Authorities may adopt in whole or in part. These are reproduced in Appendix 1. *"The Model Byelaws for Acupuncture, Tattooing, Semi-Permanent Skin Colouring, Cosmetic Piercing and Electrolysis"* would, if adopted, provide a comprehensive package of practicable, appropriate controls in Rhondda Cynon Taf, and would contribute to a consistent regulatory framework throughout Wales. All of the provisions could usefully and reasonably be applied in Rhondda Cynon Taf and there is no apparent reason to exclude any of them from adoption.

- 4.5 If Part VIII of the Local Government (Miscellaneous Provisions) Act 1982 and the new Model Byelaws are adopted by The Council, it will be possible for the Council to prosecute both non-compliant and unregistered practitioners. On conviction, the Court may impose a fine and /or suspend or cancel the person's registration. The Court may also suspend or cancel his premises registration so that the practitioner may no longer occupy them. It is therefore anticipated that adoption would provide a deterrent for non-registration and non-compliance, which would drive up standards in the trade and thereby provide enhanced protection of public health.
- 4.6 In accordance with the decision of the Cabinet on the 21<sup>st</sup> January 2016, a formal consultation has been undertaken in accordance with the Local Government Byelaws (Wales) Act 2012.
- 4.7 A written statement regarding the proposal to adopt the new Model Byelaws was published on the council's website on the 1<sup>st</sup> of February 2016 for a period of 28 days. A written consultation on the proposal was also provided to the following interested and affected parties:
- 65 premises operating skin piercing activities within Rhondda Cynon Taf
  - 11 Community Councils within Rhondda Cynon Taf
  - 1 Town Council within Rhondda Cynon Taf
  - 3 relevant organisations/trade bodies
  - Welsh Government
- 4.8 As a result of the consultation 3 responses were received:
- A letter from a trade body thanking the authority for the information
  - A letter from a premises advising that they no longer operate skin piercing activities
  - A telephone call from a premises operating skin piercing within Rhondda Cynon Taf asking how the byelaws would affect their ear piercing activity.
- No adverse responses have been received regarding the proposal.
- 4.9 In accordance with the delegated authority granted by the Cabinet at its meeting on the 21<sup>st</sup> January 2016, the Service Director of Public Health and Protection has considered the outcome of the consultation and determined that the making of new byelaws for skin piercing activities in Rhondda Cynon Taf is the most appropriate way of addressing the issue. The draft model byelaws subject to the consultation are therefore unchanged.
- 4.10 In order to achieve full adoption, it is necessary for the Council to first resolve that the provisions of Part VIII of the Local Government

(Miscellaneous Provisions) Act 1982 apply in Rhondda Cynon Taf and then to follow the prescribed procedure set out in the new 2012 Byelaws Act. The Council previously approved the adoption of Part VIII of the 1982 Act (Council meeting 26<sup>th</sup> March 2014) and the model byelaws (Council meeting 24<sup>th</sup> July 2013) however due to a procedural error the formal adoption could not be completed. In order to be legally binding, and in the context of the new 2012 Byelaws Act, the final process to be followed is summarised below:-

- Publicise a second notice of intention of the Council to adopt the byelaws, the outcome of the consultation undertaken and the rationale for the decision made by the Council to proceed to adopt the byelaws.
- Publicise the decision by the Council to adopt Part VIII of the Local Government (Miscellaneous Provisions) Act 1982 in the local paper (s) for at least two consecutive weeks and at least 28 days prior to the effective date of implementation.
- Publicise the final notice of effective date for the Byelaws to come into force, namely the 1<sup>st</sup> June 2016 (minimum of 6 weeks after Council decision). This notice to be publicised in local paper (s) and on the Council website.
- Apply the common seal of the Council to the Byelaws
- Copies of the Byelaws must then be deposited at the Council offices and with Community Councils for public inspection.

4.11 The 2012 Act has removed any legal requirement for the Council to seek Welsh Government approval for adoption of these Byelaws.

## **5.0 EQUALITY AND DIVERSITY IMPLICATIONS**

5.1 An Equality Impact Assessment screening form has been prepared for the purpose of this report. It has been found that a full report is not required at this time. The screening form can be accessed by contacting the author of the report or the Cabinet Business officer.

## **6.0 FINANCIAL IMPLICATION(S)**

6.1 The report informs Council about activity within the existing budget.

## **7.0 LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED**

7.1 The Local Government (Miscellaneous Provisions) Act 1982 Part VIII

7.2 Welsh Government Model Byelaws for Acupuncture, Tattooing, Semi-Permanent Skin Colouring, Cosmetic Piercing and Electrolysis

7.3 Local Government Byelaws (Wales) Act 2012

**8.0 LINKS TO THE COUNCIL'S CORPORATE PLAN / OTHER CORPORATE PRIORITIES/ SIP.**

8.1 The proposals contained within the report link to one of Welsh Governments National Enforcement Priorities of Protecting individuals from harm.

8.2 The proposals link to the Single Integrated Plan priority of 'children and adults at risk are protected from harm'.

8.3 The proposals also link to one of the Council's eight improvement priorities, 'Protecting people from harm' theme.

**9.0 CONCLUSION**

9.1 The existing Byelaws for ear piercing, tattooing, acupuncture and electrolysis adopted by Rhondda Cynon Taff CBC's predecessor Authorities are seriously outdated and provide inconsistent standards for practitioners. They also offer limited and inconsistent protection for clients, who now demand a wide range of skin piercing services, and who are potentially at risk of cross infection from client to client of life threatening blood born diseases.

9.2 The new "*Model Byelaws for Acupuncture, Tattooing, Semi-Permanent Skin Colouring, Cosmetic Piercing and Electrolysis*" produced by Welsh Government would, if adopted, provide a robust solution for Rhondda Cynon Taf, and would help provide a consistent regulatory approach throughout Wales.

9.3 Following the period of consultation no adverse responses were received or any concerns raised by the consultees or other interested parties. The making of new byelaws for skin piercing activities in Rhondda Cynon Taf is recommended as the most appropriate way of addressing the risks associated with this issue.

9.4 Therefore, agreement is sought to proceed with the adoption of the new Model Byelaws with an effective implementation date of the 1<sup>st</sup> June 2016.

## Appendix 1

### MODEL BYELAWS (WALES)

#### 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, made by Rhondda Cynon Taf County Borough Council in pursuance of sections 14(7) or 15(7) or both of the Act.

#### 1) Interpretation

- (i) In these byelaws, unless the context otherwise requires—

“The Act” means the Local Government (Miscellaneous Provisions) Act 1982;

“Animal” means any reptile, mammal, and all other living creatures belonging to the animal kingdom;

“Client” means any person undergoing treatment;

“Hygienic piercing instrument” means an instrument such that any part of the instrument that touches a client is made for use in respect of a single client, is sterile, disposable and is fitted with piercing jewellery supplied in packaging that indicates the part of the body for which it is intended, and that is designed to pierce either—

- (a) the lobe,
- (b) the upper flat cartilage of the ear, and/or

(c) either side of the nose in the mid-crease area above the nostril;

“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.

(ii) The Interpretation Act 1978 applies to the interpretation of these byelaws as it applies to the interpretation of an Act of Parliament.

*Cleanliness of premises and fittings*

**2)** For the purpose of securing the cleanliness of premises and fittings in such premises a proprietor must ensure that—

(i) 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;

(ii) any waste material, or other litter arising from treatment must be placed immediately after use in an appropriate waste receptacle with a pedal operated lid and be handled and disposed of in accordance with relevant legislation and guidance as advised by the local authority;

(iii) any needle, razor or other sharp item used in treatment is disposed of in a sharps container that is kept out of reach of clients and the general public in accordance with relevant legislation and guidance as advised by the local authority;

(iv) any furniture or fitting in the premises is kept clean and in such good repair as to enable it to be cleaned effectively;

(v) 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 is placed immediately prior to treatment has a smooth impervious surface which is cleaned and disinfected—



- (a) immediately after use; and
  - (b) at the end of each working day.
- (vi) any table, couch, or other item of furniture used in treatment is covered by a disposable paper sheet which is changed for every client;
- (vii) no eating or drinking is permitted in the treatment area and a notice or notices reading “No Eating or Drinking” is prominently displayed there;
- (viii) animals are prohibited from the premises except for animals used by the sight and/or hearing impaired.
- 3)** (i) Subject to Byelaw 3(ii), where premises are registered under sections 14(2) (acupuncture) or 15(2) (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the Act, a proprietor must ensure that treatment is given in a treatment area used solely for giving treatment;
- (ii) Byelaw 3(i) does not apply if the only treatment to be given in such premises is the piercing of the lobe or the upper flat cartilage of the ear using a hygienic piercing instrument.
- 4)** (i) Subject to Byelaw 4(ii), where premises are registered under section 15(2) (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the Act, a proprietor must ensure that the floor of the treatment area is provided with a smooth impervious surface;
- (ii) Byelaw 4(i) does not apply if the only treatment to be given in such premises is (a) the piercing of the lobe or the upper flat cartilage of the ear using a hygienic piercing instrument; and/or (b) electrolysis.

*Cleansing and so far as is appropriate, the sterilization of needles, instruments, jewellery, materials and equipment*

- 5)** For the purpose of securing the cleansing and so far as is appropriate, the sterilization of needles, instruments, jewellery, materials and equipment used in connection with treatment an operator must ensure that—
- (i) any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such article used in treatment—
    - (a) is clean and in good repair and, so far as is appropriate, is sterile;

- (b) has not previously been used in connection with another client unless it consists of a material which can be and has been adequately cleansed and, so far as is appropriate, sterilized.
  - (ii) any needle, razor or other sharp item used in treatment is single-use and disposable;
  - (iii) any single-use needle, metal instrument, or other instrument or equipment used in treatment or for handling such needle, instrument or equipment and any part of a hygienic piercing instrument that touches a client is sterile;
  - (iv) only disposable single-use safety razors are used;
  - (v) if petroleum jelly or lubricating gel is to be placed on a clients skin, enough for one client only should be removed from the stock container with a clean spatula, and placed in a container that is either disposed of at the end of each treatment or is cleaned and sterilized before re-use;
  - (vi) elastic bands or plastic bags used on tattoo machines are disposed of after every client;
  - (vii) any jewellery used for cosmetic piercing by means of a hygienic piercing instrument is sterile;
  - (viii) for the purposes of tattooing or semi-permanent skin-colouring, only sterile inert pigment dispensed into single use pots or pre-packed in single use vials is used;
  - (ix) any container used to hold dye for tattooing or semi-permanent skin-colouring is used for only one client and disposed of together with any unused pigment at the end of each treatment.
- 6)** For the purpose of securing the cleansing and so far as is appropriate, the sterilization of needles, instruments, jewellery, materials and equipment used in connection with treatment a proprietor must provide—
- (i) adequate facilities and equipment for—
    - (a) cleansing and disinfection, including a general purpose sink with an adequate and constant supply of hot and cold running water on the premises separate from the wash hand basin required under Byelaw 8(i). This general purpose sink should be located out of the treatment area wherever possible; and sterilisation, unless only pre-sterilised items are used. All sterilisation equipment must be serviced and maintained at

appropriate intervals and periodically tested by the operator to ensure its efficient operation. Records of maintenance, servicing, testing and operating cycles must be retained at the premises until the date falling six months after the equipment is destroyed or disposed of.

- (ii) sufficient and safe gas points and electrical socket outlets;
- (iii) clean and suitable storage which avoids contamination of the articles, needles, instruments and equipment mentioned in Byelaw 5(i), (ii), (iii), (iv), (v), (vi), (vii) (viii) and (ix).

#### *Cleanliness of operators*

- 7)** For the purpose of securing the cleanliness of operators, a proprietor must ensure that an operator—
- (i) is instructed in appropriate hygienic hand decontamination techniques and washes their hands immediately before carrying out a treatment on each client;
  - (ii) keeps his/her hands and nails clean and his/her nails short and free from nail varnish, nail decoration or any form of nail covering;
  - (iii) keeps any open lesion on an exposed part of the body effectively covered by an impermeable dressing;
  - (iv) wears disposable, well fitting, surgical gloves that have not previously been used with another client, unless giving acupuncture otherwise than in the circumstances described in Byelaw 10;
  - (v) wears a gown, wrap or protective clothing that is clean and washable and, so far as is appropriate, is sterile, or alternatively a disposable covering that has not previously been used in connection with another client;
  - (vi) does not smoke or consume food or drink in the treatment area.
- 8)** Subject to Byelaw 9, for the purpose of securing the cleanliness of operators a proprietor must provide—
- (i) suitable and sufficient wash hand basins with non hand operated taps appropriately located for the sole use of operators, including an adequate and constant supply of clean hot and cold water, liquid soap and paper towels stored in a wall mounted dispenser

next to the wash hand basin. Hand washing instructions should be clearly displayed at such basins;

- (ii) suitable and sufficient sanitary accommodation for operators.
- 9)** Where the only treatment an operator carries out is the piercing of the lobe or the upper flat cartilage of the ear using a hygienic piercing instrument and a proprietor provides either a hand hygienic gel or liquid cleaner, the wash hand basins the proprietor provides need not be for the sole use of the operator.
- 10)** A proprietor must ensure the activity of acupuncture is only carried out by an operator who has washed their hands immediately before carrying out the activity of acupuncture on each client. Where an operator gives acupuncture a proprietor must ensure that the operator wears disposable, well fitting, surgical gloves that have not previously been used with another client where—
- (i) the client is bleeding or has an open lesion on an exposed part of his/her body; or
  - (ii) the client is known to be infected with a blood-borne virus; or
  - (iii) the operator has an open lesion on his/her hand; or
  - (iv) the operator is handling items that may be contaminated with blood or other body fluids.
- 11)** A person registered in accordance with sections 14 (acupuncture) or 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the Act who visits people at their request to give them treatment should observe the requirements relating to an operator in Byelaws 5(i) and 7(i).
- 12)** The following byelaws relating to ear piercing & electrolysis, tattooing and acupuncture that were made by Taff Ely BC, Rhondda BC and Cynon Valley BC are revoked.

<b>Subject</b>	<b>Made by</b>	<b>Date made</b>	<b>Confirmed by</b>	<b>Date confirmed</b>
Ear piercing & electrolysis	Taff Ely BC	13/05/1987		
Ear piercing & electrolysis	Rhondda BC	25/06/1993	Welsh Office	21/01/1994
Ear piercing & electrolysis	Cynon Valley BC	28/02/1984	Welsh Office	01/07/1984
Tattooing	Taff Ely BC	13/05/1987		
Tattooing	Cynon Valley BC	28/02/1984	Welsh Office	01/07/1984
Tattooing	Rhondda BC	25/06/1993	Welsh Office	21/01/1994
Acupuncture	Taff Ely BC	13/05/1987		

*COUNCIL'S SIGNATURE*

*COUNCIL'S SEAL*

The foregoing byelaws are confirmed by the Rhondda Cynon Taf County Borough Council under section 6 of the Local Government Byelaws (Wales) Act 2012

on \_\_\_\_\_ and come into operation on the **1<sup>st</sup> June 2016**

Signed:

under authority of Rhondda Cynon Taf County Borough Council.

## **NOTE – THE FOLLOWING DOES NOT FORM PART OF THE BYELAWS**

Proprietors must 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 must 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) will 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)).

Section 16 of the Local Government (Miscellaneous Provisions) Act 1982 also provides that any person who contravenes these byelaws will 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 of 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 is 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.

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.

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.

The legislative provisions relevant to acupuncture are those in section 14. The provisions relevant to treatment other than acupuncture are in section 15.

The key differences in the application of requirements in respect of the various treatments are as follows:

*The references in the introductory text to provisions of section 14 (acupuncture) of the Local Government (Miscellaneous Provisions) Act 1982 only apply to acupuncture.*

*The references in the introductory text to provisions of section 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the*

*Local Government (Miscellaneous Provisions) Act 1982 do not apply to acupuncture.*

*The references in Byelaw 1(i) in the definition of “premises” to provisions of section 14 (acupuncture) only apply to acupuncture.*

*The references in Byelaw 1(i) in the definition of “premises” to provisions of section 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) do not apply to acupuncture.*

*The requirement in Byelaw 3 that treatment is given in a treatment area used solely for giving treatment **applies to acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis but not to the piercing of the lobe or the upper flat cartilage of the ear using a hygienic piercing instrument.***

*The requirement in Byelaw 4 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, piercing of the lobe or the upper flat cartilage of the ear using a hygienic piercing instrument or electrolysis.***

*The requirement relating to elastic bands and plastic bags in Byelaw 5(vi) **applies to tattooing.***

*The requirement relating jewellery in Byelaw 5(vii) **applies to cosmetic piercing.***

*The requirements relating to dye or a container used to hold dye used for treatment in Byelaw 5(viii) and (ix) **apply to tattooing and semi-permanent skin-colouring.***

*The requirement in Byelaw 7(iv) that an operator wears disposable well fitting, surgical gloves that have not previously been used with another client **does not apply to acupuncture otherwise than in the circumstances described in Byelaw 10.***

*The provisions of Byelaw 9 in relation to washing facilities **apply to the piercing of the lobe or the upper flat cartilage of the ear using a hygienic piercing instrument.***

*The byelaws do not apply to (i) tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis treatment carried out by or under the supervision of a **medical practitioner (section 15(8) of the Act)** or (ii) acupuncture carried out by or under the supervision of a **medical practitioner or a dentist (section 14(8) of the Act).***

Local authorities may find it helpful to have regard to the Health and Safety Executive/Local Authorities Enforcement Liaison Committee (HELA) Local Authority Circulars:

*76/2: Enforcement of skin piercing Activities* (April 2005) –  
<http://www.hse.gov.uk/lau/lacs/76-2app.htm>

*14/1: Micro-pigmentation, semi-permanent tattooing and semi-permanent make-up* (August 2006) <http://www.hse.gov.uk/lau/lacs/14-1.htm>

These contain comprehensive guidance on issues such as infection control, waste disposal and aftercare advice-

<http://www.hse.gov.uk/lau/lacs/14-1.htm#Cleaning and disinfection>