
REGULATION OF COSMETIC PIERCING AND SKIN-COLOURING BUSINESSES

1 SUMMARY

- 1.1 This report recommends the adoption of new byelaws relating to the practice of acupuncture or the businesses of tattooing, semi-permanent skin colouring, cosmetic piercing or electrolysis. The byelaws specify standards of cleanliness of premises, fittings and operators, together with the appropriate cleaning arrangements for instruments, materials and equipment, so as to protect customers from the risk of various infectious diseases.

2 INTRODUCTION

- 2.1 The Council has previously adopted the provisions of Sections 14 and 15 of the Local Government (Miscellaneous Provisions) Act 1982, requiring those carrying on the practice of acupuncture or the business of tattooing, ear piercing or electrolysis to be registered (Minutes 240/86, 307(A)/86, 673/82 and 12/83).
- 2.2 Those carrying on the practice of cosmetic (body) piercing, other than of the ears, or semi-permanent skin colouring, such as micro-pigmentation, semi-permanent make up or temporary tattooing, were not included within these provisions and have therefore been outside the Local Authority's regulatory control, other than by way of application of the Health and Safety at Work Act, 1974.
- 2.3 These treatments have become more popular but pose the same, or in some cases, greater risks than those subject to regulation. Following extensive lobbying by environmental health professionals, the Government has introduced provisions in the Local Government Act 2003 amending the provisions contained within the 1982 Act, to include the activities of cosmetic piercing and semi-permanent skin colouring.
- 2.4 The new provisions are adoptive and require businesses:
- to register the business proprietor and their premises
 - to observe byelaws relating to the cleanliness and hygiene of premises, practitioners and equipment
- 2.5 As the Council has already adopted the provisions contained within the 1982 Act, it need only adopt the byelaws detailed at Appendix 1 in order for the new provisions to be effective. This byelaw will then replace the Council's existing, separate byelaws with respect to acupuncture, tattooists and ear piercers and electrolysisists.

3 IMPACT ON BUSINESSES

- 3.1 Businesses that are already registered to undertake tattooing, electrolysis or acupuncture are unaffected. Businesses registered to undertake ear piercing are unaffected unless they wish to undertake another form of cosmetic piercing, such as body piercing. Prior to providing that service, the business will need to obtain a new registration relevant to cosmetic piercing.
- 3.2 All relevant proprietors in the District will be notified of the proposed adoption of the byelaws and the need to register the relevant activities.

4 RISK IMPLICATIONS

- 4.1 These measures are intended to increase health protection and reduce the risk of transmission of blood-borne virus infections such as Hepatitis B, Hepatitis C and other infections.

5 RESOURCE IMPLICATIONS

- 5.1 A fee is already established for the registration of premises at which ear piercing, electrolysis, tattooing or acupuncture is undertaken: £144 for 2006/2007 (£148 for 2007/2008). It is proposed that the same fee for the new activities of cosmetic piercing and semi-permanent skin colouring will apply.

6 LEGAL IMPLICATIONS

- 6.1 Section 14(7) and 15(7) provides for Local Authorities to make byelaws for acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis for the purpose of securing:
- the cleanliness of premises and fittings
 - the cleanliness of operators
 - the cleansing and, if appropriate, sterilisation of instruments, materials and equipment.
- 6.2 Model byelaws have been produced by the Department of Health and are attached as Appendix 1. It is proposed that these model byelaws be adopted by the Council as those byelaws applicable to the relevant premises in the District.
- 6.3 If Members agree to the adoption of the byelaws and once the process has been completed it will also be an offence to provide the service of cosmetic piercing (other than ear piercing, for which registration has already been obtained) or semi-permanent skin colouring, without the appropriate registration.

7 RECOMMENDATION

7.1 It is proposed that the Committee **RESOLVES**

- (1) That the byelaws outlined in this report be adopted.
- (2) That the necessary procedure be completed and that an application be made to the Secretary of State for confirmation of the byelaws.
- (3) That the fee for registration of premises at which acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing or electrolysis is undertaken is £148 for 2007/2008.

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Background Papers:-

Department of Health Guidance on Regulation of Cosmetic Piercing and Skin-Colouring Businesses

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