

# Armagh City Banbridge & Craigavon Borough Council (Acupuncture, Tattooing, Semi-permanent skin-colouring, Cosmetic Piercing and Electrolysis) Byelaws 2017

Byelaws for the purposes of securing the cleanliness of premises registered under Articles 13(2) or 14(2) or both of the Local Government (Miscellaneous Provisions)(Northern Ireland) Order 1985 and fittings in such premises and of persons registered under Article 13(1) or 14(1) or both of the Order 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 Armagh City Banbridge & Craigavon Borough Council in pursuance of Article 13(7) or 14(7) or both of the Order on 27 November 2017.

## Interpretation

1.—(1) In these byelaws, unless the context otherwise requires—

“The Order” means the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985;

“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 or upper flat cartilage of the ear, or

(b) 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 Part V, Articles 13(2) or 14(2) of the Order;

“proprietor” means any person registered under Part V, Articles 13(1) or 14(1) of the Order;

“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.—(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 The Waste and Contaminated Land (Northern Ireland) Order 1997 and guidance as advised by the Borough Council;

(c) any needle used in treatment is single-use and disposable, as far as is practicable, or otherwise is sterilized for each treatment, is suitably stored after treatment and is disposed of in accordance with The Waste and Contaminated

Land (Northern Ireland) Order 1997 and guidance as advised by the Borough Council;

- (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 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)(a) Subject to sub-paragraph (b), where premises are registered under Article 13(2) (acupuncture) or 14(2) (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the Order, a proprietor shall ensure that treatment is given in a treatment area used solely for giving treatment;

(b) Sub-paragraph (a) shall not apply if the only treatment to be given in such premises is ear-piercing or nose-piercing using a hygienic piercing instrument.

(3)(a) Subject to sub-paragraph (b), where premises are registered under Article 14(2) (tattooing, semi-permanent skin-colouring and cosmetic piercing) of the Order, a proprietor shall ensure that the floor of the treatment area is provided with a smooth impervious surface;

(b) Sub-paragraph (a) shall not apply if the only treatment to be given in such premises is ear-piercing or nose-piercing using a hygienic piercing instrument.

3.—(1) 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) an operator shall ensure that—

- (i) 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 cleansed and, so far as is appropriate, sterilized.
- (ii) any 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;
- (iii) any jewellery used for cosmetic piercing by means of a hygienic piercing instrument is sterile;
- (iv) any dye used for tattooing or semi-permanent skin-colouring is sterile and inert;
- (v) 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 sterilized before re-use.

(b) a proprietor shall provide—

- (i) adequate facilities and equipment for—

- (aa) cleansing; and
- (bb) sterilization, unless only pre-sterilized 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 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), (iv) and (v) 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) wears disposable examination gloves that have not previously been used with another client, unless giving acupuncture otherwise than in the circumstances described in paragraph 4(3);
- (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 appropriately located for the sole use of operators, including an adequate and constant supply of clean hot and cold water, soap or detergent; and
- (ii) suitable and sufficient sanitary accommodation for operators.

(2) Where an operator carries out treatment using only a hygienic piercing instrument and a proprietor provides either a hand hygienic gel or liquid cleaner, the washing facilities that the proprietor provides need not be for the sole use of the operator.

(3) 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. A person registered in accordance with Articles 13 (acupuncture) or 14 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the Order who visits people at their request to give them treatment should observe the requirements relating to an operator in paragraphs 3(1)(a) and 4(1)(a).

6. The following byelaws relating to the practice of Acupuncture, Tattooing, Electrolysis, Cosmetic Piercing and Semi-permanent skin-colouring as detailed hereunder, shall be revoked from and after the date on which these byelaws shall come into operation:-

### **REVOCATIONS**

#### **Armagh City and District Council Byelaws for**

Acupuncture	1988
Tattooing	1988
Ear piercing or Electrolysis	1988
Cosmetic Piercing	2009
Semi-permanent skin-colouring	2009

#### **Banbridge District Council Byelaws for**

Acupuncture	1989
Tattooing	1989
Ear Piercing or Electrolysis	1989
Cosmetic Piercing	2006
Semi-permanent skin-colouring	2006

#### **Craigavon Borough Council Byelaws for**

Acupuncture	1989
Tattooing	1989
Ear Piercing or Electrolysis	1989
Cosmetic Piercing	2006
Semi-permanent skin-colouring	2006

Dated this 27 day of November 2017

COUNCIL'S SIGNATURE

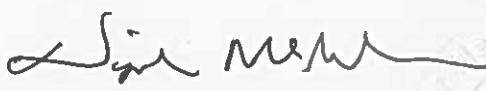
Lord Mayor 

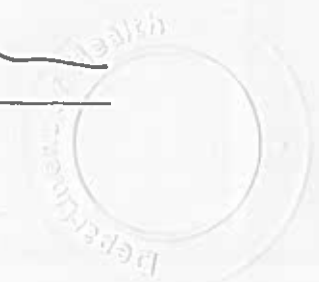
Chief Executive 

COUNCIL'S SEAL



The foregoing byelaws are hereby confirmed by the Department of Health on 1 March 2018 and shall come into operation on 1 March 2018

A Senior Officer of the Department of Health 



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

Proprietors shall take all reasonable steps to ensure compliance with these byelaws by persons working on premises. Article 15(9) of the Local Government (Miscellaneous Provisions)(Northern Ireland) Order 1985 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 V of the Order. A person who contravenes Article 15(9) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 1 on the standard scale (see Article 15(10)).

Article 15(2) of the Local Government (Miscellaneous Provisions)(Northern Ireland) Order 1985 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 V of the Order 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 shall be a defence for the person charged under the relevant sub-sections of Article 15 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; chartered physiotherapist; state registered physiotherapist or a state registered chiropodist, 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 Article 13. The provisions relevant to treatment other than acupuncture are in Article 14.

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 Article 13 (acupuncture) of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 only apply to acupuncture.*

*The references in the introductory text to provisions of Article 14 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the Local Government (Miscellaneous Provisions)(Northern Ireland) Order 1985 do not apply to acupuncture.*

*The references in paragraph 1(1) in the definition of "premises" to provisions of Article 13 (acupuncture) only apply to acupuncture.*

*The references in paragraph 1(1) in the definition of "premises" to provisions of Article 14 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) do not apply to acupuncture.*

*The requirement in paragraph 2(2) 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 ear-piercing or nose-piercing using a hygienic piercing instrument.*

*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 or ear-piercing or nose-piercing using a hygienic piercing instrument.*

*The requirements relating to dye or a container used to hold dye used for treatment in paragraphs 3(1) (a) (iv) and (v) 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 otherwise than in the circumstances described in paragraph 4(3).*

*The provisions of paragraph 4(2) in relation to washing facilities apply to cosmetic piercing using only a hygienic piercing instrument.*