



Skin Piercing: A Guide to Registration



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Background

There are a number of hazards associated with skin piercing activities, including bacterial infection and the transmission of blood-borne viruses such as hepatitis B/C and HIV. Because of this, any person carrying on the activities of

- acupuncture;
- electrolysis;
- tattooing;
- cosmetic piercing and/or
- semi-permanent skin-colouring

within the city of Exeter is required to register themselves and the premises where the activities are undertaken with Exeter City Council. Registration is required by the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Local Government Act 2003.

Registration is dependent on compliance with skin piercing byelaws which require, amongst other things, cleanliness of the premises, sterility of equipment such as needles etc. and hygiene of the piercer. A copy of the byelaws can be found at the Appendix.

There is a one-off charge for registration of the premises and a smaller fee to issue a personal registration. A person registered with Exeter City Council to carry out one or more particular skin piercing activities may do so only at premises within Exeter that are also registered for those activities; however, if a registered skin piercer sometimes visits people at their request to carry out skin piercing activities (e.g. at their home) that premises does not require registration.

Exemptions

Registration is not required when skin piercing is carried out by, or under the supervision of, a person who is registered as a medical practitioner (or, in the case of acupuncture only, a dentist).

The injection of Botox and cosmetic filler implants are not classed as skin-piercing activities under the 1982 Act. Note that Botox is a prescription only medicine and can only be administered to a defined patient by a doctor, or by a nurse under the supervision of a doctor.

The Registration Process

Registration, for which a one off fee is payable, is required for both the person carrying out the skin piercing activity and the premises where the activity is to take place. Note that the cost of registration is subject to annual review and will be as stated on the application form.

Upon receipt of the completed application form and fee, a visit will be made by an officer from Environmental Health and Licensing to ensure that the conditions specified in the skin piercing byelaws are met. If the officer is satisfied, a certificate of registration will be issued. This should be displayed in a prominent position on the premises where the activities take place.

A visit will not usually be necessary for the issue of a personal registration, provided that premises where the applicant plans to practice is already registered for that activity.

Please note that, as well as complying with the skin piercing byelaws, businesses also have a duty to meet the relevant requirements of the Health and Safety at Work etc. Act 1974 and its associated regulations. Further guidance on these requirements can be found on the Health and Safety Executive's website – www.hse.gov.uk or speak to Environmental Health and Licensing (contact details on the front page) if you have any specific queries

Age of Consent for Cosmetic Piercing

There is no statutory age of consent for cosmetic piercing. Cosmetic piercing of a minor is lawful provided that they are sufficiently mature to understand the nature of the request. If piercers are willing to treat minors, the presence of a parent or guardian is strongly recommended during any such procedure.

A statutory minimum age of consent for tattooing (18 years of age) is specified in the Tattooing of Minors Act 1969.

The Chartered Institute of Environmental Health (CIEH) Tattooing and Body Piercing Toolkit

The CIEH has produced a comprehensive guide to safe and hygienic tattooing and body piercing practices. If you're registering as a tattooist or cosmetic piercer, the toolkit includes a number policies, procedures, leaflets etc. that you can print out and use at your premises. There is also a comprehensive audit tool which allows you to check whether all correct safety and hygiene procedures are in place.

The toolkit can be downloaded at

https://www.cieh.org/policy/Tattooing_and_body_piercing_guidance_toolkit.html

Appendix

BYELAWS FOR THE REGULATION OF 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 practice and businesses made by Exeter City Council in pursuance of sections 14(7) or 15(7) or both of the Act.

Interpretation

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

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

“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 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 sterilized for each treatment, is suitably stored after treatment and is 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 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 section 14(2) (acupuncture) or 15(2) (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the 1982 Act, 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 section 15(2) (tattooing, semi-permanent skin-colouring and cosmetic piercing) of the 1982 Act, 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 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 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 paragraphs 3(1)(a) and 4(1)(a).
6. The byelaws relating to acupuncture, tattooing, ear-piercing and electrolysis that were made by Exeter City Council on the 7 October 1987 and were confirmed by the Secretary of State for Social Services on 28 January 1988 are revoked.

The COMMON SEAL of the
EXETER CITY COUNCIL was
hereunto affixed this 7th day of June
2007 in the presence of:

B. Al-Khafaji
Head of Legal Services



The foregoing byelaws are hereby confirmed by the Secretary of State for Health on 16 August 2007 and shall come into operation on 1 October 2007.

A. L. Wight
Member of the Senior Civil Service
Department of Health