

# Byelaws

## Ear Piercing and Electrolysis

Made under Section 15 of the Local Government  
(Miscellaneous Provisions) Act 1982



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Byelaws for the purposes of securing the cleanliness of registered premises and fittings therein and registered persons and persons assisting them and the cleansing and so far as appropriate sterilisation of instruments, materials and equipment used in connection with the practice of ear piercing and electrolysis made by Wigan Borough Council in pursuance of section 15(7) of the Local Government (Miscellaneous Provisions) Act 1982.

### 1 Interpretation

(a) 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;

“Premises” means any premises registered under Part VIII of the Act;

“Proprietor” means any person registered under Part VIII of the Act;

“Treatment” means any operation in effecting ear piercing or electrolysis

"The treatment area" means any part of the premises where treatment is given to clients.

(b) The Interpretation Act 1978 shall apply for the interpretation of these byelaws as it applies for the interpretation of an Act of Parliament.

### 2 For the purpose of securing the cleanliness of premises and fittings therein a proprietor shall ensure that -

(a) All internal walls, doors, windows, partitions, floors and floor coverings and ceilings in any part of the premises used by clients and operators are kept clean and in such good repair as to enable them to be cleaned effectively;

(b) All waste material and other litter, arising from the treatment, is placed in suitable covered receptacles, which are washable and leakproof, or use a leakproof liner bag. The receptacles shall be emptied, or the bags changed, at least once every working day, or more frequently as necessary and the material disposed of safely. Where liners are not used, the receptacles shall then be cleaned;

- (c) All needles used in treatment are placed after use in separate covered and leakproof re-usable boxes, or disposable needle boxes designed for the purpose. Where re-usable boxes are used they shall be emptied at least once every working day or more frequently as necessary and the contents disposed of safely or sterilised for re-use, as appropriate. The box shall then be sterilised. Where needle boxes are used they shall be disposed of safely at suitable intervals;
- (d) All furniture and fittings in the treatment area are kept clean and in such good repair as to enable them to be cleaned effectively;
- (e) All tables, couches and seats used by clients in the treatment area and any surface on which the items specified in 3(b) below are placed immediately prior to treatment, have a smooth impervious surface which is wiped down at least daily with a suitable disinfectant;
- (f) Where tables or couches are used, they shall be covered by a disposable paper sheet which shall be changed for each client;
- (g) A notice or notices reading "No Smoking" are prominently displayed within the treatment area.

**3 For the purpose of securing the cleansing and, so far as is appropriate, the sterilisation of instruments, materials and equipment used in connection with the treatment -**

- (a) An operator shall ensure that before use in connection with treatment, any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such articles used in the treatment -
  - i is clean and in good repair and, so far as is appropriate, is sterile;
  - ii has not previously been used in connection with any other client unless it consists of a material which can be and has been adequately cleaned and, so far as is appropriate, sterilised;
- (b) An operator shall ensure that any needle, metal instrument, or other item of equipment, used in treatment or for handling instruments and needles used in treatment, is in a sterile condition and kept sterile until it is used;
- (c) A proprietor shall provide -
  - i adequate facilities and equipment for the purpose of sterilisation (unless pre-sterilisation items are used) and of cleansing, as required in pursuance of these byelaws;
  - ii sufficient and safe gas points and/or electrical socket outlets to enable compliance with these byelaws;
  - iii an adequate constant supply of clean hot and cold water readily available at all times on the premises;

- iv adequate storage for all items mentioned in byelaw 3(a) and (b) above, so that those items shall be properly stored in a clean and suitable place so as to avoid, as far as possible, the risk of contamination.

**4 For the purpose of securing the cleanliness of operators -**

- (a) An operator whilst giving treatment shall ensure that -
  - i his hands are clean;
  - ii he is wearing clean clothing;
  - iii he keeps any open boil, sore cut or open wound on an exposed part of his body effectively covered by an impermeable dressing;
  - iv he does not smoke or consume food or drink;
- (b) A proprietor shall provide -
  - i suitable and sufficient washing facilities for the use of operators, such facilities to have hot and cold water, sanitising soap or detergent and a nail brush;
  - ii suitable and sufficient sanitary accommodation for operators.

**The Byelaws were confirmed by The Secretary of State for Health and came into operation on 1 February 1998.**

## **Additional Information – Your Responsibilities under the Equality Act 2010**

### **Tattooing / Piercing of clients with HIV**

The Equality Act 2010 prohibits discrimination against a range of ‘protected characteristics’: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation. Under the Act, any person with HIV is protected under the category of ‘disability’ and so it is illegal to discriminate against anyone based on their HIV status.

Protection from discrimination covers a range of circumstances including the provision of services such as offering a tattoo to clients. As a registered tattoo artist and/or semi-permanent skin colouring operator, and/or piercer, you must by law practice universal infection control precautions with all clients which prevent the spread of HIV but also other blood borne viruses such as Hepatitis B & C.

All tattoo and piercing operators must make sure that a fully informed consent procedure is adopted. This means gathering information from the client about their health and suitability for the tattoo or piercing. Clients should be given enough information about the possible complications that could arise, so that they can make their own informed decision.

If you are undertaking tattooing, semi-permanent skin colouring, or piercing procedures then the following procedures must be followed: -

- New and sterilised equipment must be used on each and every person,
- New ink must be used for each and every person,
- Jewellery that pierces the skin must never be shared or re-used,
- Any sharps (e.g. needles) must be disposed of in a sharps bin and suitable arrangements in place for safe collection and disposal.

For more comprehensive details on infection control measures please refer to ‘Tattooing and Body Piercing Toolkit’ produced by the Chartered Institute of Environmental Health. It is available on the internet and is free to download at

<https://www.cieh.org/media/2004/tattooing-and-body-piercing-guidance-toolkit-july-2013.pdf>

Further advice on the Equality Act 2010 and its implications for you as a service provider are available at the Equality and Human Rights Commission website:

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-guidance>