

Subsidiary Legislation made under ss. 337 and 316.

Skin Treatments (Licensing and Control) Regulations

LN.1997/126

Commencement **30.10.1997**

Amending enactments	Relevant current provisions	Commencement date
LN. 2022/126	r. 7(3)-(4)	21.7.2022
2023/226	r. 7(3)-(4)	1.8.2023

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1997/126 Skin Treatments (Licensing and Control) Regulations

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ARRANGEMENT OF REGULATIONS.

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SCHEDULE

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Part II Application for the licensing of premises to be used for the business of skin piercing, electrolysis, acupuncture or tattooing.

Part III Certificate evidencing the licensing of persons carrying on the business of skin piercing, electrolysis, acupuncture or tattooing.

Title and transitional provisions.

1.(1) These Regulations may be cited as the Skin Treatments (Licensing and Control) Regulations.

(2) Nothing in these Regulations shall apply to –

- (i) persons commercially engaged in the activities of electrolysis, skin-iercing, acupuncture and tattooing; or
- (ii) to premises in which such activities are pursued;

for a period of three months from the date of coming into effect of these Regulations.

Interpretation.

2. In these Regulations and unless the context otherwise requires –

“acupuncture” means a therapeutic procedure consisting of bringing needles into contact with the skin in a sequence and in an order commonly followed by practitioners of such a therapeutic procedure;

“client” means any person undergoing skin treatment;

“electrolysis” means a procedure, which includes treating the skin with an electric current for the destruction of living tissue such as hair roots;

“operator” means any person giving skin treatment;

“premises” means any premises licensed under regulation 3;

“proprietor” means any person licensed under regulation 3;

“tattoo” means the insertion into the skin of any colouring material designed to leave a permanent mark and “tattooing” shall be construed accordingly;

“skin treatment”, means any operation in effecting skin–piercing, electrolysis or tattooing or in the practice of acupuncture;

“the skin treatment area” means any premises or part thereof where skin treatment is given to clients.

Licence in respect of the conduct of skin piercing and electrolysis.

3.(1) A person shall not carry on the practice of –

- (a) skin piercing;
- (b) electrolysis,
- (c) acupuncture, or
- (d) tattooing, unless –
 - (i) he is licensed for this purpose by the Chief Environmental Health Officer; and
 - (ii) he carries on the practice in premises licensed for this purpose by the Chief Environmental Health Officer.

(2) Subject to regulation 8(6)(b) below, if the Chief Environmental Health Officer is satisfied that the applicant is a fit and proper person to be licensed under the provisions of this regulation and that the premises are suitable for the exercise of his practice, the Chief Environmental Health Officer shall license the applicant and the premises and shall issue to the applicant a certificate in evidence thereof.

(3) The provisions of this regulation shall not apply to the carrying on of skin piercing, electrolysis acupuncture or tattooing activities by, or under the supervision of, a medical practitioner registered under the provisions of the Medical and Health Act as amended from time to time, or to the premises in which such a person carries on his professional medical activities.

(4) Notwithstanding the provisions of subregulation (1)(ii) above, a person licensed under subregulation (1)(i) above shall not be deemed to contravene the provisions of subregulation (1)(ii) merely because he occasionally visits people to afford them skin treatment at their request in a location other than the premises licensed for the purposes of these Regulations.

Cleanliness of premises and fittings.

4. For the purpose of securing the cleanliness of premises and fittings therein a proprietor shall ensure that –

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- (a) all internal walls, doors, windows, partitions, floors and floor coverings, and ceilings are kept clean and in such good repair as to enable them to be cleaned effectively;
- (b) the area used for treating persons with acupuncture or tattooing is used solely for that purpose;
- (c) the floor of the skin treatment area is provided with a smooth impervious surface;
- (d) all waste material, and other litter, arising from the skin treatment, is placed in suitable covered receptacles, which –
 - (i) are washable and leakproof, or use a leakproof liner bag;
 - (ii) shall be emptied, or the liner bag therein changed at least once every working day, or more frequently as necessary, and the waste material therein disposed of safely;
 - (iii) shall, where no liner bag is used, be cleaned after being emptied;
- (e) all needles used in skin treatment are placed after use in separate covered and leakproof re-usable boxes, or disposable needle boxes designed for the purpose;
- (f) where re-usable needle boxes are used they are –
 - (i) 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;
 - (ii) sterilised after being emptied;
- (g) where disposable needle boxes are used they are disposed of safely at suitable intervals;
- (h) all furniture and fittings in the premises are kept clean and in such good repair as to enable them to be cleaned effectively;
- (i) all tables, couches and seats used by clients in the skin treatment area, and any surface on which the items specified in regulation 5(b) are placed immediately prior to skin treatment, have a smooth impervious surface which is wiped down with a suitable disinfectant between the skin treatment of each client and is thoroughly cleaned at the end of each working day;

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- (j) where tables or couches are used, they are covered by a disposable paper sheet which shall be changed for each client;
- (k) a notice or notices reading “No Smoking” are prominently displayed within the skin treatment area.

Cleansing and sterilisation of instruments etc.

5. For the purposes of securing the cleansing and, so far as is appropriate, the sterilisation of instruments, materials and equipment used in connection with the skin treatment –

- (a) an operator shall ensure that, before use in connection with skin treatment, any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such articles used in connection with the skin 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 –
 - (i) any needle, metal instrument, or other item of equipment, used in skin treatment or for handling instruments and needles used in skin treatment, is in a sterile condition and kept sterile until it is used;
 - (ii) all dyes used for tattooing are bacteriologically clean and inert;
 - (iii) the containers used to hold dyes for tattooing each customer are either disposed of at the end of each session of skin treatment, or are sterilised before re-use;
- (c) a proprietor shall provide –
 - (i) adequate facilities and equipment for the purpose of sterilisation (unless pre-sterilised items are used) and of cleansing, as required in pursuance of these Regulations;
 - (ii) sufficient and safe electrical socket outlets to enable compliance with these Regulations;

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- (iii) 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 paragraphs (a) and (b), 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.

Cleanliness of operators.

6. For purpose of securing the cleanliness of operators –

(a) an operator whilst giving skin treatment shall ensure that –

- (i) his hands and nails are clean and nails kept short;
- (ii) he is wearing clean and washable clothing, or alternatively a disposable covering that has not been previously used in connection with any other client;
- (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 properly connected to the drainage system for the sole use of operators, such facilities to have hot and cold water, sanitising soap or detergent, nailbrushes and clean towels or other suitable drying facilities;
- (ii) Suitable and sufficient sanitary accommodation for operators.

Licensing applications and certificates.

7.(1) Every application for the licensing of persons carrying on the business of skin piercing, electrolysis acupuncture or tattooing under section 3 shall be made in the form prescribed in Part I of the Schedule to these Regulations.

(2) Every application for the licensing of premises to be used for the business of skin piercing, electrolysis acupuncture or tattooing under regulation 3 shall be made in the form prescribed in Part II of the Schedule to these Regulations.

(3) A certificate evidencing the licensing of a person carrying on the business of skin piercing, electrolysis acupuncture or tattooing shall be in the form prescribed in part III of the Schedule to these Regulations for the purpose and shall be issued on payment of a fee of £34.50.

(4) A certificate evidencing the licensing of premises to be used for the business of skin piercing, electrolysis acupuncture or tattooing shall be in the form prescribed in Part IV of the Schedule to these Regulations for the purpose and shall be issued on payment of a fee of £34.50.

(5) The certificate evidencing the licensing of premises to be used for the business of skin piercing, electrolysis acupuncture or tattooing shall be kept affixed in a conspicuous place in the premises to which it relates.

Offences and penalties.

8.(1) Any person who contravenes any provision of these Regulations shall be guilty of an offence and liable on summary conviction to a fine at level 3 on the standard scale.

(2) Where a person licensed under regulation 3 is guilty of an offence under subregulation (1), the court, in addition to imposing a fine, may order the suspension or cancellation of his licence.

(3) A court which orders the suspension or cancellation of a licence under subregulation (2), may also order the suspension or cancellation of the licence of the premises in which the offence was committed if they are occupied by the person found guilty of the offence.

(4) Subject to subregulation (5), a court ordering the suspension or cancellation of a licence by virtue of subregulation (2) or (3), may suspend the operation of the order until the expiration of the period prescribed by the Magistrates' Court Act for giving notice of appeal to the Supreme Court.

(5) If notice of appeal is given within the period prescribed in accordance with subregulation (4), an order under subregulation (2) or (3) shall be suspended until the appeal is finally determined or abandoned.

(6) Where the licence of any person under regulation 3 is cancelled by order of the court under this section –

- (a) that person shall, within seven days, deliver up to the Chief Environmental Health Officer the cancelled certificate evidencing his licence and, if he fails to do so,

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shall be guilty of an offence and liable on summary conviction to a fine at level 2 on the standard scale and thereafter to a daily fine of one tenth of the amount at level 2 on the standard scale for each day on which he fails to deliver up the cancelled certificate; and

(b) he shall not again be licensed under regulation 3 except with the consent of the Magistrates' Court.

(7) A person licensed under regulation 3 shall keep prominently displayed at the premises licensed for the purposes of these Regulations a copy of –

(a) the certificate evidencing the licence issued to him under regulation 3; and

(b) a copy of these regulations.

(8) A person who contravenes subregulation (7) shall be guilty of an offence and liable on summary conviction to a fine at level 2 on the standard scale.

Prohibition of tattooing of minors.

9.(1) Any person who tattoos a person under the age of 18, except where the tattoo is performed for medical reasons by a qualified medical practitioner or by a person working under this direction, shall be guilty of an offence and liable on summary conviction to a fine at level 2 on the standard scale or, in the case of a second or subsequent conviction, to a fine at level 3 on the standard scale.

(2) It shall be a defence for a person charged with an offence under subregulation (1) to show that at the time the tattoo was performed, he had reasonable cause to believe and did believe that the person tattooed was of or over the age of 18.

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SCHEDULE

Regulation 7

PART I

APPLICATION FOR LICENSING OF PERSONS CARRYING ON THE BUSINESS OF SKIN PIERCING, ELECTROLYSIS ACUPUNCTURE OR TATTOOING.

In pursuance of regulation 3 of the Skin Treatments, (Licensing and Control) Regulations, I hereby apply for a licence to carry on the business of [skin piercing] [electrolysis] [tattooing] [acupuncture] (*delete as appropriate*).

NAME.....

ADDRESS.....

DATE OF BIRTH.....

NATIONALITY.....

Name (if any) and address of premises where practice will be carried on:

.....

Have you ever been found guilty by a Court of an offence under the above-mentioned Regulations?

.....

I declare that –

- (a) I am not suffering from any disease; and
- (b) as far as I am aware I am not a carrier of any infectious disease;
- (c) the above particulars are true in every respect.

Date..... Signature.....

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PART II

APPLICATION FOR THE LICENSING OF PREMISES TO BE USED FOR THE BUSINESS OF SKIN PIERCING, ELECTROLYSIS ACUPUNCTURE OR TATTOOING.

In pursuance of regulation 3 of the Skin Treatments (Licensing and Control) Regulations, I hereby apply for the licensing of the following premises to be used for the business of [skin piercing] [electrolysis] [tattooing] [acupuncture] (delete as appropriate).

ADDRESS.....

NAME OF BUSINESS (if any).....

NAME AND ADDRESS OF OCCUPIER OF PREMISES.....

I DECLARE that the above particulars are true in every respect.

Date.....

Signature.....

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PART III

**CERTIFICATE EVIDENCING THE LICENSING OF PERSONS CARRYING ON
THE BUSINESS OF SKIN PIERCING, ELECTROLYSIS ACUPUNCTURE OR
TATTOOING.**

Register No.....

It is hereby certified that
has been duly licensed under the provisions of Skin Treatments (Licensing and Control)
Regulations to carry on the business of [skin piercing] [electrolysis] [tattooing] [acupuncture]
(*delete as appropriate*).

Dated the day of 20

.....
Chief Environmental Health Officer

This certificate expires (subject to regulation 8 of the Skin Treatments (Licensing and Control)
Regulations) on the 31st day of March next following the date set out above.

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PART IV

CERTIFICATE EVIDENCING THE LICENSING OF PREMISES TO BE USED FOR THE BUSINESS OF SKIN PIERCING, ELECTROLYSIS ACUPUNCTURE OR TATTOOING.

It is hereby certified that premises
known as..... have been duly licensed under
the provisions of the Skin Treatments (Licensing and Control) Regulations to be used for the
business of skin piercing, tattooing, acupuncture or electrolysis.

Dated the day of 20

.....
Chief Environmental Health Officer

This certificate must be kept affixed in a conspicuous place in the premises and (subject to regulation 8 of the Skin Treatments (Licensing and Control) Regulations) expires on the 31st day of March next following the date set out above.