



St. Helens Council

BYELAWS

**For Acupuncture, Tattooing, Ear Piercing and Electrolysis made
under Sections 14 and 15 of the Local Government
(Miscellaneous Provisions) Act 1982 by the Council of St. Helens**

Environmental Health
Health and Safety Team
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BYLAWS FOR THE PRACTICE OF ACUPUNCTURE

Bylaws for the purpose 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 acupuncture made by St. Helens Council in pursuance of Section 14(7) of the Local Government (Miscellaneous Provision) Act 1982.

1. Interpretation:

(a) In these bylaws, 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 the practice of acupuncture;

"The Treatment Area" means any part of premises where treatment is given to clients.

(b) The Interpretation Act 1978 shall apply for the interpretation of these bylaws as it applies for the interpretation of the 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 floorcoverings and ceilings are kept clean and in such good repair as to enable them to be cleaned effectively.

(b) The treatment area is used solely for giving treatment.

(c) 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.

(d) All needles used in treatment are placed after use in separate covered and leakproof reusable boxes, or disposable needle boxes designed for the purpose. Where reusable 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 reuse, as appropriate. The box shall be then sterilised. Where needle boxes are used, they shall be disposed of safely at suitable intervals.

(e) All furniture and fittings in the premises are kept clean and in such good repair as to enable them to be cleaned effectively.

(f) 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.

(g) Where tables or couches are used, they shall be covered by a disposable paper sheet which shall be changed for each client.

(h) 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; and

(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, 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 on the client.

(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 bylaws;

(ii) sufficient and safe gas points and/or electrical socket outlets to enable compliance with these bylaws;

(iii) a suitable sink, together with an adequate constant supply of clean hot and cold water, conveniently accessible at all times on the premises; and

(iv) adequate storage for all items mentioned in Bylaw 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 and nails are clean and nails kept short.

(ii) he is wearing clean and washable, protective over-clothing or alternatively, a disposable covering that has not previously been 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; and

(iv) he does not smoke or consume food or drink.

(b) A proprietor shall provide -

(i) suitable and sufficient washing facilities for the sole use of operators, such facilities to have hot and cold water, sanitising soap or detergent and a nail brush; and

(ii) suitable and sufficient sanitary accommodation for operators.

THE COMMON SEAL of
THE COUNCIL OF THE METROPOLITAN
BOROUGH OF ST. HELENS was hereunto
affixed this Fourth day of
July 1985 in the presence of the Mayor

The foregoing bylaws are hereby confirmed
by the Secretary of State for Social Services on
27 September 1985 and shall come into
operation 1 November 1985.

A.B Barton,
Assistant Secretary,
Department of Health and Social Security.

NOTE - THE FOLLOWING DOES NOT FORM
PART OF THE BYLAWS

(A) Proprietors shall take all reasonable steps to ensure compliance with these bylaws by persons working on the premises. Section 16(9) of the Act lays down that a registered person shall cause to be prominently displayed on the premises a copy of these bylaws and a copy of any certificate of registration issued to him under Part VIII of the Act.

(B) Section 16(1) and (2) of the Local Government (Miscellaneous Provisions) Act 1982 provides that any person who offends against any of these bylaws shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400. If the convicted person is registered under Part VIII of the Act, the Court may, instead of or in addition to imposing a fine, order the suspension or cancellation of his registration and of the registration of the premises in which the offence was committed if such premises are occupied by the person convicted. Section 16(11) of the Act provides that it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(C) Nothing in these bylaws shall extend to the practice of acupuncture by or under the supervision of a person who is registered as a medical practitioner or a dentist, or to premises on which any such business is carried on by or under the supervision of such a person.

BYLAWS FOR THE BUSINESS OF TATTOOING

Bylaws for the purpose 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 business of tattooing made by St. Helens Council, in pursuance of Section 15(7) of the Local Government (Miscellaneous Provisions) Act 1982.

1. Interpretation:

(a) In these bylaws, 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 tattooing;

"The Treatment Area" means any part of premises where treatment is given to clients.

(b) The Interpretation Act 1978 shall apply for the interpretation of these bylaws 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 floorcoverings and ceilings are kept clean and in such good repair as to enable them to be cleaned effectively.

(b) The treatment area is used solely for giving treatment.

(c) The floor of the treatment area is provided with a smooth impervious surface.

(d) 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 be cleaned.

(e) All needles used in treatment are placed after use in separate covered and leakproof reusable boxes, or disposable needle boxes designed for the purpose. Where reusable 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 reuse, as appropriate. The box shall be then sterilised. Where needle boxes are used, they shall be disposed of safely at suitable intervals.

(f) All furniture and fittings in the premises are kept clean and in such good repair as to enable them to be cleaned effectively.

(g) 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 with a suitable disinfectant between the treatment of different clients, and thoroughly cleaned at the end of each working day.

(h) Where tables or couches are used, they shall be covered by a disposable paper sheet which shall be changed for each client.

(i) 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 treatment -

(a) An operator shall ensure that, before use in connection with treatment, any gown 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; and

(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, 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 on the client;

(ii) all dyes used for tattooing are bacteriological clean and inert; and

(iii) the containers used to hold the dyes for each customers are either disposed of at the end of each session of treatments for that customer or are sterilised before reuse.

(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 bylaws;

(ii) sufficient and safe gas points and/or electrical socket outlets to enable compliance with these bylaws;

(iii) a suitable sink, together with an adequate constant supply of clean hot and cold water, conveniently accessible at all times on the premises; and

(iv) adequate storage for all items mentioned in Bylaws 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 and nails are clean and nails kept short;

(ii) he is wearing clean and washable protective over-clothing or alternatively a disposable covering that has not previously been 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; and

(iv) he does not smoke or consume food or drink.

(b) A proprietor shall provide -

(i) suitable and sufficient washing facilities for the sole use of operators, such facilities to have hot and cold water, sanitising soap or detergent and a nail brush; and

(ii) suitable and sufficient sanitary accommodation for operators.

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(B) Section 16(1) and (2) of the Local Government (Miscellaneous Provisions) Act 1982 provides that any person who offends against any of these bylaws shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400. If the convicted person is registered under Part VIII of the Act, the Court may, instead of or in addition to imposing a fine, order the suspension or cancellation of his registration and of the registration of the premises in which the offence was committed if such premises are occupied by the person convicted. Section 16(11) of the Act provides that it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(C) Nothing in these bylaws shall extend to the carrying on of the business of tattooing by or under the supervision of a person who is registered as a medical practitioner or to premises on which any such business is carried on by or under the supervision of such a person.

BYLAWS FOR
THE BUSINESS OF EAR PIERCING
AND ELECTROLYSIS

Bylaws for the purpose 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 business of ear piercing and electrolysis made by St. Helens Council, in pursuance of Section 15(7) of the Local Government (Miscellaneous Provisions) Act 1982.

1. Interpretation:

(a) In these bylaws, 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 premises where treatment is given to clients.

(b) The Interpretation Act 1978 shall apply for the interpretation of these bylaws as it applies for the interpretation of the 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 floorcoverings and ceilings in any part of the premises used by clients and operators are kept clean and is such good repair as to enable them to be cleaned effectively.

(b) The treatment area is used solely for giving treatment.

(c) 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 be cleaned.

(d) All needles used in treatment are placed after use in separate covered and leakproof reusable boxes, or disposable needle boxes designed for the purpose. Where reusable 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 reuse, as appropriate. The box shall then be sterilised. Where needle boxes are used, they shall be disposed of safely at suitable intervals.

(e) All furniture and fittings in the treatment area are kept clean and in such good repair as to enable them to be cleaned effectively.

(f) 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 regularly with a suitable disinfectant.

(g) Where tables or couches are used, they shall be covered by a disposable paper sheet which shall be changed for each client.

(h) 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 treatment -

(i) is clean and in good repair and, so far as is appropriate, is sterile; and

(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, 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 on the client.

(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 bylaws;

(ii) sufficient and safe gas points and/or electrical socket outlets to enable compliance with these bylaws;

(iii) a suitable sink together with a constant supply of clean hot and cold water conveniently accessible at all times on the premises; and

(iv) adequate storage for all items mentioned in Bylaw 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 and washable protective over-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; and

(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; and

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(B) Section 16(1) and (2) of the Local Government (Miscellaneous Provisions) Act 1982 provides that any person who offends against any of these bylaws shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400. If the convicted person is registered under Part VIII of the Act, the Court may, instead of or in addition to imposing a fine, order the suspension or cancellation of his registration and of the registration of the premises in which the offence was committed if such premises are occupied by the person convicted. Section 16(11) of the Act provides that it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(C) Nothing in these bylaws shall extend to the carrying on of the business of ear piercing or of electrolysis as the case may be under the supervision of a person who is registered as a medical practitioner or to premises on which any such business is carried on by or under the supervision of such a person.

NOTES

Introduction

Under the provisions of the Local Government (Miscellaneous Provisions) Act 1982 all those who practice acupuncture, tattooing, ear piercing and hair electrolysis, are required to be registered, together with the premises from which they practice, with the Local Authority.

All persons carrying out the aforementioned practices are also advised to consult "A Guide to Hygienic Skin Piercing" by Dr. N.D. Noah, published by P.H.L.S. Communicable Disease Surveillance Centre, 61 Colindale Avenue, London NW9 5EQ.

Dr. Noah's guide has been generally accepted as a suitable standard for enforcement under the Health and Safety at Work, etc. Act 1974.

Health and Safety at Work, etc. Act 1974

This Act requires that, in general, self-employed persons, employees and manufactures shall have regard to the manner in which they conduct their work and this includes a responsibility towards members of the public who may be affected by their actions.

It is necessary to provide a safe system of work and these bylaws are produced with that in mind. Any employer of more than four persons, where skin piercing is carried out, should therefore make provisions in his or her written Safety Policy for this particular work activity.

Hepatitis

The spread of hepatitis is not the only risk, but is one of the main risks in any skin piercing operation. Hepatitis is an unpleasant infection of the liver which causes patients to be ill for several weeks or even months.

The organism of most concern to practitioners of skin piercing is the Hepatitis B virus. This virus spreads readily from person to person by contact with small amounts of infected blood, serum or tissue fluid. It has been known to survive for eight years on

inanimate surfaces in a laboratory. Less than a thimbleful of blood from a carrier could infect 12,500 persons. Tiny abrasions on the skin, or procedures such as ear piercing, cause a clear serum to exude; this serum is equally infectious.

The source of Hepatitis B virus is man and in most cases long term carriers are symptomless. At least one person has died of hepatitis contracted as a result of unsatisfactory ear piercing techniques. Blood or serum does not have to be visible on the needle or instrument to transmit infection.

Health of Customer

Enquires should be made as to whether your customer is suffering from any infectious disease, or the non-infectious condition known as psoriasis. In either case skin piercing should not be undertaken without consulting a doctor.

Health of the Practitioner

A practitioner must ensure that his own health, including personal hygiene, does not endanger in any way the health of the patient.

Personal Hygiene - observance of a high standard of personal hygiene is essential.

Application forms are available on request from Environmental Health, Health and Safety Team, Wesley House, Corporation Street, St. Helens, Merseyside, WA10 1HF. Tel:- 01744 676338.