



Department of  
**Health, Social Services  
and Public Safety**

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An Roinn  
**Sláinte, Seirbhísí Sóisialta  
agus Sábháilteachta Poiblí**

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[www.dhsspsni.gov.uk](http://www.dhsspsni.gov.uk)

# **LOCAL GOVERNMENT (NORTHERN IRELAND) ORDER 2005**

## **REGULATION OF COSMETIC PIERCING AND SKIN-COLOURING BUSINESSES**

### **GUIDANCE ON ARTICLE 31 AND SCHEDULE 2**

Published November 2005

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## Introduction

1. This guidance explains the provisions in Article 31 and Schedule 2 of the Local Government (Northern Ireland) Order 2005 (Annex 1), which amend Article 14 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985, on the regulation of cosmetic piercing and skin-colouring businesses, The measures will come into force on 1 November 2005 at which time district councils will be able to decide whether to implement them locally.
2. The new provisions will give councils specific powers relating to persons carrying on businesses of cosmetic piercing (piercing of the body including the ear) and semi-permanent skin-colouring (including micropigmentation, semi-permanent make-up and temporary tattooing)<sup>a</sup>. Councils will be able to require persons carrying on such businesses:
  - to register themselves and their premises; and
  - to observe byelaws relating to the cleanliness and hygiene of premises, practitioners and equipment.
3. These measures are intended to increase health protection and reduce the risk of transmission of blood-borne virus (BBV) infections such as HIV, hepatitis B and C and other infections. The Department of Health, Social Services and Public Safety (DHSSPS) has produced model byelaws that councils may wish to adopt in their districts to facilitate consistency of enforcement. These are included in **Annex 2** of this document.
4. This document also provides guidance on the procedure for the confirmation of byelaws by DHSSPS (**Annex 2**), sources of further information (**paragraph 23**) and an example of a leaflet that councils may wish to use in informing businesses of the change in the law (**Annex 3**).
5. Councils that have already resolved to adopt the 1985 Order in relation to tattooing, ear-piercing and electrolysis (Article 14) can move straight to the introduction of byelaws. Councils that have not adopted Article 14 in its entirety will need to go through the process of resolving that the new provisions should apply in their districts as required by Article 12 of the 1985 Order. Transitional provisions are explained in **paragraph 12**.

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<sup>a</sup> Micropigmentation, semi-permanent make-up and temporary tattooing are techniques similar to tattooing, which involve injecting vegetable/chemical dyes into the skin, for example, as eye liner or lip liner, for areola reconstruction or to apply tattoo motifs. The pigmentation lasts for several years and is reputed to be non-permanent unlike traditional tattooing.

## **Guidance from the Health and Safety Executive on the enforcement of skin piercing activities.**

6. Councils may find it helpful to read the Health and Safety Executive/Local Authorities Enforcement Liaison Committee (HELA) Local Authority Circular 76/2: *Enforcement of skin piercing activities* (October 2001). This contains comprehensive guidance on issues such as infection control, waste disposal and aftercare advice - <http://www.hse.gov.uk/lau/lacs/76-2.htm>

## **Background**

### **The reason for the change in the law**

7. Cosmetic piercing and semi-permanent skin-colouring carry a potential risk of BBV transmission if infection control procedures are not observed (e.g. the use of sterile equipment for each client). Until the change in the law in the Local Government (Northern Ireland) Order 2005, councils did not have powers to require businesses offering these services to register and observe byelaws relating to the cleanliness and hygiene of premises etc. Councils' powers were limited to regulating ear piercing, tattooing, electrolysis and acupuncture. A Department of the Environment consultation exercise in 2004 elicited widespread support for changing the law to extend those powers.

### **The legal framework**

#### **The Local Government (Northern Ireland) Order 2005 and the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985**

8. Before the new provisions were introduced by the 2005 Order, councils had powers under the 1985 Order to regulate ear piercing, tattooing, acupuncture and electrolysis by requiring registration and observance of byelaws.
9. The 2005 Order amends the 1985 Order to include cosmetic piercing and semi-permanent skin-colouring businesses in the list of those which councils have powers to regulate. The new provisions are explained in more detail below, including the new terminology that the legislation uses i.e. *cosmetic piercing* and *semi-permanent skin-colouring*.

### **The new provisions**

#### **Article 31 of the 2005 Order**

10. The provisions in Article 31 of the 2005 Order essentially add cosmetic piercing and semi-permanent skin-colouring businesses to Article 14 of the 1985 Order so that councils may compel persons carrying on such businesses to register

themselves and their premises and may make byelaws in respect of matters related to cleanliness of such businesses. Article 31 is reproduced at **Annex 1**.

11. Article 31 introduces new terminology for simplicity and clarity as follows:

- *ear piercing and cosmetic body piercing* are encompassed in the single term "**cosmetic piercing**"; and
- *micropigmentation, semi-permanent make-up and temporary tattooing* are covered by the umbrella term "**semi-permanent skin-colouring**". Semi-permanent skin-colouring is defined as "**the insertion of semi-permanent colouring into a person's skin**" (Article 31(5)). This approach allows for other similar activities to be covered in future.

### **Transitional provisions: Schedule 2 of the 2005 Order**

12. The Schedule is intended to provide for transition from the current legislation to the amended legislation and to avoid disruption to councils and businesses by providing that:

- persons and premises already registered for activities covered by Article 14 of the current legislation (i.e. tattooing, ear piercing and electrolysis) are unaffected;
- pending council resolutions to apply Article 14 of the 1985 Order in their area are unaffected;
- where a council has already resolved that Article 14 of the 1985 Order should be brought into force in its district for tattooing, ear piercing and electrolysis, then the council will be automatically enabled to apply the registration and byelaws regime to cosmetic piercing and semi-permanent skin-colouring;
- a person and premises already registered for ear piercing shall be counted as registered for cosmetic piercing until that person subsequently provides another form of cosmetic piercing (other than ear-piercing) or until those premises are subsequently used to provide another form of cosmetic piercing (other than ear-piercing). In such instances, new registrations will be required.

### **Article 15 of the 1985 Order**

13. Article 15 of the 1985 Order also applies to cosmetic piercing and semi-permanent skin-colouring businesses. It provides for offences and for non-custodial penalties (summary conviction and fine) for trading without council registration or breaching council byelaws. The court may also order suspension, of, or cancellation of, registration (whether of a person or premises) on

conviction. When cancellation of registration happens, the court may order a fine, increased on a daily basis for late surrender of the cancelled registration certificate. There is also an offence of not displaying a certificate of registration or byelaws (in respect of which a person is liable on summary conviction to a fine).

## Registration fees

14. Article 14(6) of the 1985 Order enables councils to charge reasonable fees for the registration of persons and premises carrying on businesses of cosmetic piercing or semi-permanent skin-colouring. The fee might cover initial inspection(s) associated with registration, advising the business about registration and associated administration.

## Byelaws

15. Article 14(7) of the 1985 Order provides for councils to make byelaws for cosmetic piercing and semi-permanent skin-colouring for the purpose of securing:

- The cleanliness of premises and fittings;
- The cleanliness of the operators;
- The cleansing and, so far as is appropriate, sterilisation of instruments, materials and equipment.

16. Model byelaws for cosmetic piercing and semi-permanent skin-colouring businesses are attached at **Annex 2** with a guidance note on the procedure for seeking the Department of Health, Social Services and Public Safety's confirmation of such byelaws under section 91 of the Local Government Act (Northern Ireland) 1972.

## Resources

17. Costs to councils of implementing these new provisions are estimated to be relatively small and will be offset by several factors. As mentioned above, councils will be able to charge reasonable registration fees. They will already be inspecting many of these businesses, as the premises will be registered for other skin piercing activities, such as ear piercing, tattooing or electrolysis. In addition, councils already inspect these businesses under health and safety at work legislation. Therefore additional resources will not be made available by central Government.

## Age of consent for cosmetic piercing

18. There is no statutory age of consent for cosmetic piercing (cosmetic body piercing and ear piercing). Cosmetic piercing of a minor is lawful provided a valid consent is given. Furthermore the courts have held that a parent's right to decide on behalf of his or her child yields to the child's competence to make a decision (i.e. if he or she is capable of understanding the nature of the act to be done). Body piercing for sexual gratification is unlawful. Children under the age of 17 are not able to consent lawfully to a piercing that would be regarded as indecent assault. Genital or nipple piercing performed on someone under the age of 17 might be regarded as an indecent assault under sexual offences legislation depending on the facts of the case. The Tattooing of Minors (Northern Ireland) Order 1979 provides that it is an offence for anyone to tattoo a person under the age of 18.
19. Detailed guidance on issues relating to the age of consent for cosmetic piercing is contained in the Health and Safety Executive's Local Authority Circular (LAC) 76/2 *Enforcement of skin piercing activities*, available on their website at: <http://www.hse.gov.uk/lau/lacs/76-2.htm> There are no current plans to introduce legislation to make the cosmetic piercing of minors a criminal offence. Introducing a minimum age of consent might result in children piercing themselves or each other in an unsafe and unhygienic way and or going to disreputable businesses. The Government prefers that businesses carrying out cosmetic body piercing should be subject to council control so that these activities can be carried out in a safe and hygienic manner.

## Cosmetic piercing and relevant medical conditions

20. The above-mentioned circular from the Health and Safety Executive <http://www.hse.gov.uk/lau/lacs/76-2.htm> recommends that skin piercing businesses ask clients to make a declaration of relevant medical conditions which may indicate that the client should seek medical advice before going ahead with the procedure. A list of relevant medical conditions is included.
21. Recent advice from the British Society from Antimicrobial Chemotherapy is that anyone who has had heart surgery, or who has been diagnosed with a heart condition, should consult their general practitioners before having a piercing involving a mucous membrane (nose, lip, tongue or genitals) as there may be a risk of potentially serious infection. It is recommended that councils inform businesses of this advice so that they ask relevant clients to consult their general practitioners.
22. Where services are provided by certain establishments involving for example, Class 3B or 4 lasers, the district council may wish to consult the Northern Ireland Health and Personal Social Services Regulation and Improvement Authority (HPSSRIA)/Quality and Performance Improvement Unit in DHSSPS for advice.

## Further sources of information

23. Further sources of useful information are:

- Enforcement of skin piercing activities. Health and Safety Executive/Local Authorities Enforcement Liaison Committee (HELA) Local Authority Circular 76/2, October 2001. <http://www.hse.gov.uk/lau/lacs/76-2.htm>
- Cosmetic treatment (Micro-pigmentation / semi-permanent tattooing/ semi-permanent make-up). Health and Safety Executive/Local Authorities Enforcement Liaison Committee (HELA) Local Authority Circular 14/1, October 2003. <http://www.hse.gov.uk/lau/lacs/14-1.htm>
- Blood-borne viruses in the workplace: guidance for employers and employees. Health and Safety Executive <http://www.hse.gov.uk/pubns/indg342.pdf>
- Body art, cosmetic therapies and other special treatments. Chartered Institute of Environmental Health. Barbour Index 2001. [http://www.shop.cieh.net/acatalog/Body\\_Art3.html](http://www.shop.cieh.net/acatalog/Body_Art3.html)
- Hairdressing And Beauty Industry Authority (HABIA) - the standards setting body responsible for the hair, beauty, nails, tattooing and piercing industries. Fraser House, Nether Hall Road, Doncaster, DN1 2PH; Tel 0845 2306080, Fax 01302 623171, Email [enquiries@habia.org](mailto:enquiries@habia.org); Web: <http://www.habia.org> (Approved National Occupational Standards (NOS) are currently available from HABIA for ear piercing and semi – permanent make up, and will be available for cosmetic body piercing within 12 months).

**THE LOCAL GOVERNMENT (NORTHERN IRELAND) ORDER 2005: REGULATION OF COSMETIC PIERCING AND SKIN-COLOURING BUSINESSES**

**Article 31 of the 2005 Order**

31.—(1) Article 14 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 (NI 15) (regulation of tattooing, ear-piercing and electrolysis businesses) is amended as follows.

(2) In paragraph (1) (requirement for person carrying on business to be registered), for sub-paragraph (b) (ear-piercing) substitute—

“(aa) of semi-permanent skin-colouring;

(b) of cosmetic piercing; or”,

(and in the head-note for "ear-piercing" substitute "semi-permanent skin-colouring, cosmetic piercing").

(3) In paragraph (2) (requirement to register premises where business carried on)—

(a) for "ear-piercing" substitute "semi-permanent skin-colouring, cosmetic piercing", and

(b) for "pierce their ears" substitute "carry out semi-permanent skin-colouring on them, pierce their bodies".

(4) In paragraph (5) (council may not require particulars about individuals whose ears have been pierced etc.), for "or whose ears he has pierced" substitute ", whose bodies he has pierced or on whom he has carried out semi-permanent skin-colouring".

(5) After paragraph (8) insert—

“(9) In this Article "semi-permanent skin-colouring" means the insertion of semi-permanent colouring into a person's skin.”.

(6) Schedule 2 (which contains transitional provisions) has effect.

## **Schedule 2 of the 2005 Order**

### **Transitional provisions**

Commencement not to affect existing application of Article 14 of the 1985 Order

1. The coming into operation of Article 31 shall not affect the descriptions of person in relation to whom Article 14 of the 1985 Order applies in a district in which that Article is already in force.

Commencement not to affect pending resolutions about the application of Article 14 of the 1985 Order

- 2.—(1) This paragraph applies where immediately before the coming into operation of Article 31—
  - (a) there is in force a resolution under Article 12(2) of the 1985 Order that Article 14 of that Order is to apply to a council's district, and
  - (b) the resolution specifies as the day for the coming into force of that Article the day on which Article 31 comes into operation, or any later day.
- (2) The coming into operation of Article 31 shall not affect—
  - (a) the validity of the resolution, or
  - (b) the descriptions of person in relation to whom Article 14 of that Order applies in pursuance of the resolution.

Additional powers of commencement in relation to Article 14 of the 1985 Order, as amended

- 3.—(1) This paragraph applies where a council has before the coming into operation of Article 31 passed a resolution that provides, or resolutions that between them provide, for Article 14 of the 1985 Order to apply to the council's district in relation to all of the existing descriptions of person.
- (2) Article 12 of that Order shall have effect for the purpose of enabling the council to bring Article 14 of that Order into force in its district—
  - (a) in relation to persons carrying on the business of cosmetic piercing, and

(b) in relation to persons carrying on the business of semi-permanent skin-colouring.

(3) In sub-paragraph (1), the reference to the existing descriptions of person is to the descriptions of person specified in Article 14(1) of that Order immediately before the coming into operation of Article 31.

#### Effect of existing ear-piercing registrations following extension of control to cosmetic piercing

4.—(1) This paragraph applies where, immediately before Article 14 of the 1985 Order comes into force in a council's district in relation to persons carrying on the business of cosmetic piercing—

(a) that Article is in force in the district in relation to persons carrying on the business of ear-piercing, and

(b) a person is registered under that Article by the council to carry on a business of ear-piercing at premises in the district which are registered under that Article for the carrying-on of that business.

(2) From the coming into force of that Article in that district in relation to persons carrying on the business of cosmetic piercing, the registrations of the person and the premises in respect of ear-piercing shall have effect as registrations in respect of cosmetic piercing, subject to sub-paragraph (3).

(3) Sub-paragraph (2) ceases to apply when the business of cosmetic piercing carried on by the person at the premises subsequently first involves cosmetic piercing other than ear-piercing.

#### Interpretation

5.—(1) In this Schedule “the 1985 Order” means the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 (N.I.15).

(2) In this Schedule, except paragraph 2(1)(a) and 3(1), any reference to Article 14 of the 1985 Order includes a reference to Article 15 of that Order so far as it has effect for the purposes of that Article.

### **GUIDANCE ON APPLICATIONS TO THE DEPARTMENT OF HEALTH, SOCIAL SERVICES AND PUBLIC SAFETY FOR CONFIRMATION OF BYELAWS UNDER SECTION 91 OF THE LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1972**

1. The Council shall pass a resolution:-
  - a. authorising the affixing of the common seal to the byelaws and
  - b. authorising the clerk to carry out the necessary procedure and apply to the Department of Health, Social Services and Public Safety for confirmation.
2. The seal should be affixed and duly attested, and the date of sealing inserted in the attestation. The date of sealing, and not the date of the resolution, is the date on which the byelaws are made, and until they are made the council have no power to carry out the rest of the statutory procedure.
3. Draft byelaws may be sent to the Department of Health, Social Services and Public Safety for informal approval in advance of any council resolution. At least one clear calendar month before applying to the Department of Health, Social Services and Public Safety for final confirmation:
  - a. Notice of the council's intention to apply for confirmation must be given in at least two newspapers circulating in the district to which the byelaws will apply. **(A suggested form of notice is at Appendix A.** If the byelaws are to apply to part only of the council's district, the notice should explain which part will be affected.
  - b. A copy of the byelaws having been subject to the procedures at 2 above, must be deposited at the council's offices and be open to public inspection without charge at all reasonable times during that month
  - c. On application a copy of the byelaws, or of any part thereof, must be made available to any person on payment of such reasonable sum as the council may determine.
4. The byelaws may be submitted for confirmation any time after the month has elapsed. They should be printed to conform to the wording of the approved model without addition, omission or amendment. Councils should note that where there is a substantive error in byelaws that have been sealed and advertised, the byelaws cannot simply be amended either by the Council or by the Department: they must be made and sealed again and re-advertised. It is therefore important that the byelaws are checked in detail before sealing. (Very minor typographical

errors may, however, be corrected by a Council officer if the corrections carry a clear official mark). The Department of Health, Social Services and Public Safety's seal and confirmation should be printed below the council's seal and a space of at least 10 centimetres should be left. It would be helpful if the following could be typed on the left-hand side of the page, as indicated:

The foregoing byelaws are hereby confirmed by the Department of Health, Social Services and Public Safety

on \_\_\_\_\_ and shall come into operation on \_\_\_\_\_

**[leave space for printed name]**

A senior officer of the Department of Health, Social Services and Public Safety

**The notes which do not form part of the byelaws should be printed after both the Council's and Department of Health, Social Services and Public Safety's seals.**

5. The application should be accompanied by: -
  - a) a copy of the full council's resolution (**a model notice of council resolution is at Appendix B**), including confirmation of its adoption in compliance with the provisions of Article 12 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985, particularly regarding the publishing of notice in one or more newspapers.
  - b) the newspapers containing the notice;
  - c) the newspapers containing the notice of the council's intention to have byelaws confirmed;
  - d) confirmation from the council as to the date and duration of deposit of a copy of the byelaws;
  - e) the sealed byelaws (2 sets) and a photocopy; and
  - f) confirmation, where applicable, that the byelaws are identical to the model byelaws
6. DHSSPS will only confirm byelaws where if the procedure laid down is properly carried out. DHSSPS has the right to refuse to confirm under section 91(5) of the Local Government Act (Northern Ireland) 1972.
7. DHSSPS has the power under section 91(7) of the 1972 Act to fix the date on which the byelaws come into operation, if no date is fixed, then at the expiration of one month from the date of confirmation.

DISTRICT OF [NAME OF COUNCIL].....

**CONFIRMATION OF BYELAWS**

Notice is hereby given that the..... Council intends, after the expiry of the period mentioned below, to apply to the Department of Health, Social Services and Public Safety for confirmation of byelaws made by the Council **(insert title of byelaws made under section 14 of Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985.**

Copies of these byelaws will be kept at the offices of the Council at .....  
....., and will be open to public inspection without payment on any week day, not being a public holiday, during the usual office hours, for one month from the date of the publication of this notice.

Copies of the byelaws or any part thereof will be supplied on payment of such reasonable sum as determined by the Council.

Any objection to the confirmation of the byelaws should be made by letter addressed to:

Health Protection Team  
Department of Health, Social Services and Public Safety  
Room C4.22  
Castle Buildings  
Stormont  
Belfast  
BT4 3SQ

(signed)

Town Clerk/Chief Executive

**(Insert date of signature)**

**MODEL NOTICE OF COUNCIL RESOLUTION**

1. [NAME OF COUNCIL] resolved on [date] that the following provisions of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 shall apply to the area of this Council:  
  
Article 14 - Tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis  
  
Article 15 - Provisions supplementary to Articles 13 and 14  
  
Article 16 - Power to enter premises
2. The date [s]\* on which these provisions will come into force will be [insert dates]: (see note 3 below).
3. The general effect of this resolution is that, subject to the exceptions detailed below, persons who carry on the business(es) of [tattooing]; [semi-permanent skin-colouring]; [cosmetic piercing]; or [electrolysis] must be registered with this Council, and they can only carry on their business(es) in premises which have also been registered. Certificates of registration must be prominently displayed at the places where the businesses are carried on. The Council is empowered to charge fees for registration. Applications for registration must be accompanied by the following information [to be specified by the Council – see Article 14 (4) and (5) of the 1985 Order], in particular, details of the premises concerned and particulars of any conviction of the applicants under Article 15 of the 1985 Order. A person who contravenes Article 14 will be guilty of an offence, and liable, on conviction, to a fine not exceeding level 3 on the standard scale, or suspension or cancellation of registration or both. An authorised officer of the Council may apply to a Justice of the Peace for a warrant to enter premises on suspicion that an offence under Article 15 is being committed there.
4. The Council [may apply in due course/will be applying in the near future]\* for confirmation of byelaws under this Order with regard to the cleanliness of premises, fittings, persons, instruments, materials and equipment connected with the businesses of [tattooing], [semi-permanent skin-colouring], [cosmetic piercing] [electrolysis]\* in the Council district.
5. Exceptions:
  - i These provisions of the 1985 Order do not extend to the carrying on of the

business of [tattooing], [semi-permanent skin-colouring], [cosmetic piercing] or [electrolysis]\* by or under the supervision of a registered medical practitioner.

- ii A person who is registered under the provision of the 1985 Order specified in paragraph 1 above will not be committing an offence by engaging in the activity otherwise than at registered premises merely because he/she sometimes visits people at their request to provide his/her services.

**NOTES - not to form part of the model notice**

1. Passages marked [ ]\* to be modified by the Council according to the scope of Council's resolution.
2. The Council should publish this notice in two consecutive weeks in one or more newspapers circulating in its district.
3. The Council should specify the date or dates in paragraph 2. These can be the same for all sections listed in paragraph 1, or different, but
  - a. One month must pass between the day the resolution was passed and the day of coming into force; and
  - b. First publication of the notice must not be later than 28 days before the day specified in the resolution for the coming into force of the provisions.

**[INSERT TITLE OF BYELAWS = COUNCIL NAME (COSMETIC PIERCING)  
BYELAWS [YEAR]**

**DRAFT MODEL BYELAWS**

**Cosmetic piercing**

Byelaws for the purposes of securing the cleanliness of premises registered under Article 14 of Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985<sup>a</sup> and fittings in those premises and of registered persons and persons assisting them and the cleansing and so far as appropriate sterilization of instruments, materials and equipment used in connection with the business of cosmetic piercing made by ..... Council in pursuance of section 90(c) of the Local Government Act (Northern Ireland) 1972<sup>b</sup> and Article 14(7) of the 1985 Order on [insert making date].

1. Interpretation:

a. In these byelaws -

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

"The 1997 Order" means the Waste and Contaminated Land (Northern Ireland) Order 1997<sup>c</sup>

"Client" means any person undergoing treatment;

"Operator" means any person giving treatment;

"Premises" means any premises registered under Part V of the 1985 Order;

"Proprietor" means any person registered under Part V of the 1985 Order;

"Treatment" means any operation in effecting cosmetic piercing;

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

2. For the purpose of securing the cleanliness of premises and fittings in such premises a proprietor shall ensure that -

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<sup>a</sup> S.I. 1985/1208 (N.I.15) as amended by Article 31 and Schedule 2 of the Local Government (Northern Ireland) Order 2005 (S.I. 2005/1968 N.I.18)

<sup>b</sup> 1972 c.9 (N.I.)

<sup>c</sup> S.I. 1997/2778 (N.I.19)

- 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. All waste materials, and other litters, arising from the treatment should be handled and disposed of in accordance with the relevant provisions of the 1997 Order and any instruments made under that Order;
  - c. All needles used in treatment are single-use, never re-used, and disposable, as far as is practicable; and are stored and disposed of as clinical waste in accordance with the relevant provisions of the 1997 Order and any instruments made under that Order;
  - d. All furniture and fittings in the premises 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 3b are placed immediately prior to treatment, have a smooth impervious surface which is disinfected immediately after use and at the end of each working day;
  - f. Where tables and couches are used, they are 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", "No Eating or Drinking" is prominently displayed there.
3. For the purpose of securing the cleansing and so far as is appropriate, the sterilization 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 article used in the treatment -
    - i. is clean and in good repair, and so far as is appropriate 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, sterilized;
  - 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 the 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 sterilization (unless pre-sterilized items are used) and of cleansing, as required in pursuance of these byelaws;
  - ii. sufficient and safe gas points and 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 3a and b, so that those items are 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. A proprietor shall ensure that -
    - i. any operator keeps his hands and nails clean and his nails short;
    - ii. any operator wears disposable surgical gloves that have not previously been used with any other client;
    - iii. any operator of the premises 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 any other client;
    - iv. any operator keeps any open boil, sore, cut or open wound on an exposed part of his body effectively covered by an impermeable dressing;
    - v. any operator does not smoke or consume food or drink in the treatment area.
  
  - b. A proprietor shall provide;
    - i. suitable and sufficient washing facilities for the sole use of operators, including hot and cold water and sanitising soap or detergent;
    - ii. suitable and sufficient sanitary accommodation for operators.

COUNCIL'S SIGNATURE

COUNCIL'S SEAL

The foregoing byelaws are hereby confirmed by the Department of Health, Social Services and Public Safety

on \_\_\_\_\_ and shall come into operation on \_\_\_\_\_

**[leave space for printed name]**

A senior officer of the Department of Health, Social Services and Public Safety

**NOTE - THE FOLLOWING DOES NOT FORM PART OF THE BYELAWS**

- A. Proprietors shall take all reasonable steps to ensure compliance with these byelaws by persons working on the premises. Article 15(9) of the 1985 Order 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 1985 Order.
- B. Article 15(2) of the 1985 Order provides that any person who contravenes any of 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 1985 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 his registration and 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 paragraphs (1), (2), (8) or (10) of Article 15 to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.
- C. Nothing in these byelaws extends to the practice of cosmetic piercing by or under the supervision of a person who is registered as a medical practitioner or to premises on which the practice of cosmetic piercing is carried on by or under the supervision of such a person.

**[INSERT TITLE OF BYELAWS = COUNCIL NAME (SEMI-PERMANENT SKIN-COLOURING) BYELAWS [YEAR]**

**DRAFT MODEL BYELAWS**

**Semi-permanent skin-colouring**

Byelaws for the purposes of securing the cleanliness of premises registered under Article 14 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 and fittings in those premises and of registered persons and persons assisting them and<sup>a</sup> the cleansing and so far as appropriate sterilisation of instruments, materials and equipment used in connection with the business of semi-permanent skin-colouring, made by ..... in pursuance of section 90(c) of the Local Government Act (Northern Ireland) 1972<sup>b</sup> and Article 14(7) of the 1985 Order on [insert making date].

1. Interpretation:

a. In these byelaws -

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

"The 1997 Order" means the Waste and Contaminated Land (Northern Ireland) Order 1997<sup>c</sup>

"Client" means any person undergoing treatment;

"Operator" means any person giving treatment;

"Premises" means any premises registered under Part V of the 1985 Order;

"Proprietor" means any person registered under Part V of the 1985 Order;

"Treatment" means any operation in effecting semi-permanent skin-colouring;

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

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<sup>a</sup> S.I. 1985/1208 (N.I.15) as amended by Article 31 and Schedule 2 of the Local Government (Northern Ireland) Order 2005 (S.I. 2005/1968 N.I.18)

<sup>b</sup> 1972 c.9 (N.I.)

<sup>c</sup> S.I. 1997/2778 (N.I.19)

2. For the purpose of securing the cleanliness of premises and fittings in such premises a proprietor shall ensure that -
  - 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 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 materials, and other litters, arising from the treatment should be handled and disposed of as clinical waste in accordance with the relevant provisions of the 1997 Order and any instruments made under that Order.
  - e. All needles used in treatment are single-use, never re-used, and disposable, as far as is practicable; and are stored and disposed of as clinical waste in accordance with the relevant provisions of the 1997 Order and any instruments made under that Order;
  - 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 3b are placed immediately prior to treatment, have a smooth impervious surface which is disinfected immediately after use and at the end of each working day;
  - h. Where tables and couches are used, they are covered by a disposable paper sheet which is changed for each client;
  - i. No eating, drinking or smoking is permitted in the treatment area and a notice or notices reading "No Smoking", "No Eating or Drinking" are prominently displayed there.
3. For the purpose of securing the cleansing and so far as is appropriate, the sterilization 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, sterilized;
  - b. An operator shall ensure that -
    - i. any needle, metal instrument, or other item or 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;
    - ii. all dyes used for semi-permanent skin-colouring are sterile and inert;
    - iii. the containers used to hold the dyes for each customer are either disposed of at the end of each session of treatment, or are cleaned and sterilized before re-use;
  - c. A proprietor shall provide -
    - i. adequate facilities and equipment for the purpose of sterilization (unless pre-sterilised items are used) and of cleansing, as required in pursuance of these byelaws;
    - ii. sufficient and safe gas points and 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 items mentioned in byelaw 3a and b, so that those items are 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. A proprietor shall ensure that -
    - i. any operator keeps his hands and nails clean and his nails short;
    - ii. any operator wears disposable surgical gloves that have not previously been used with any other client;

- iii. any operator of the premises 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 any other client;
  - iv. any operator keeps any open boil, sore, cut or open wound on an exposed part of his body effectively covered by an impermeable dressing;
  - v. any operator does not smoke or consume food or drink in the treatment area.
- b. A proprietor shall provide -
- i. suitable and sufficient washing facilities for the sole use of operators, including hot and cold water, sanitising soap or detergent;
  - ii. suitable and sufficient sanitary accommodation for operators.

COUNCIL'S SIGNATURE

COUNCIL'S SEAL

The foregoing byelaws are hereby confirmed by the Department of Health, Social Services and Public Safety

on \_\_\_\_\_ and shall come into operation on \_\_\_\_\_

**[leave space for printed name]**

A senior officer of the Department of Health, Social Services and Public Safety

**NOTE - THE FOLLOWING DOES NOT FORM PART OF THE BYELAWS**

- A. Proprietors shall take all reasonable steps to ensure compliance with these byelaws by persons working on the premises. Article 15(9) of the 1985 Order 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 1985 Order.

- B. Article 15(2) of the 1985 Order provides that any person who contravenes any of 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 1985 Order is found guilty of contravening these byelaws the Court may instead of or in addition to imposing the 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 found guilty of the offence. It shall be a defence for the person charged under paragraphs (1), (2), (8) or (10) of Article 15 to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.
  
- C. Nothing in these byelaws extends to the practice of semi-permanent skin-colouring by or under the supervision of a person who is registered as a medical practitioner or to premises on which the practice of semi-permanent skin-colouring is carried on by or under the supervision of such a person.

**EXAMPLE OF LEAFLET FOR DISTRICT COUNCILS TO USE IN INFORMING BUSINESSES WHEN THE LOCAL GOVERNMENT (NORTHERN IRELAND) ORDER 2005 IS BROUGHT INTO FORCE IN THEIR AREA**

**New requirements for [cosmetic body piercing] [micropigmentation, semi-permanent make-up and temporary tattooing] businesses**

The Local Government (Northern Ireland) Order 2005 has introduced new requirements for [cosmetic piercing (piercing of parts of the body, including the ear)] [semi-permanent skin-colouring (micropigmentation, semi-permanent make-up and temporary tattooing)] businesses.

From [insert date on which requirement to register and observe byelaws comes into operation in the Council's district, [cosmetic piercing] [semi-permanent skin-colouring] businesses will have to:

- register with their district councils; and
- follow byelaws on the cleanliness and hygiene of practitioners, premises and equipment to protect customers against the risk of infection.

It will be an offence to carry on such a business without being registered, to carry on such a business in premises that are not registered for that purpose or to breach byelaws.

The new legislation uses the terminology "cosmetic piercing" to include piercing of any part of the body, including the ear and "semi-permanent skin-colouring" as an umbrella terms to include activities such as micropigmentation, semi-permanent make-up and temporary tattooing.

Please contact [insert name of district council officer] at [insert name of district council] for advice about registration and byelaws [or see] [insert district council website address].

The Department of Health, Social Services and Public Safety's guidance to district councils on the new requirements is available on its website in the Health Protection section of the public health page at <http://www.dhsspsni.gov.uk/phealth/index.asp>

[ ] = delete as appropriate