

BYELAWS



The byelaws are made under Sections 14(7) and 15(7) of the Local Government (Miscellaneous Provisions) Act 1982 by the Council of the former Borough of Medina, Isle of Wight with respect to:

- Ear Piercing and Electrolysis
- Acupuncture
- Tattooing

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, Acupuncture and Tattooing made by the Council of the Borough of Medina 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 the practice of Ear Piercing and Electrolysis, Acupuncture or Tattooing;

“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 are kept cleaned and in such good repair as to enable them to be cleaned effectively;

b. For Acupuncture and Tattooing the treatment area is used solely for giving treatment;

c. For tattooing only 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 then be cleaned;

e. All needles used in treatment are placed after use in separate covered and leakproof re-useable boxes, or disposable needle boxes designed for the purpose. Where re-useable 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;

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 below are placed immediately prior to treatment have a smooth impervious surface which is wiped down regularly with a suitable disinfectant (Tattooing only – 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 it 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 –

i. any needle, metal instrument or other item of equipment used in treatment for handling instruments and needles used in treatment is in a sterile condition and kept sterile until it is used

ii. (Tattooing only) All dyes used for tattooing are bacteriologically clean and inert;

iii. (Tattooing only) the containers used to hold the dyes for each customer are either disposed of at the end of each session of 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 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 3a 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/her hands are clean (For Acupuncture - his/her nails are kept short, for Tattooing - his/her hands are clean and nails are clean and nails are kept short);

ii. he/she is wearing clean clothing (For Acupuncture and Tattooing – clean and washable clothing or alternatively a disposable covering that has not been previously used in connection with any other client);

iii. he/she keeps any open boil, sore, cut or open wound on an exposed part of his/her body effectively covered by an impermeable dressing;

iv. he/she 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.

Given under the common seal of the Medina Borough Council this 24th day of April One thousand nine hundred and eighty six in the presence of J.G. Pearcey (signed), Deputy Secretary.

The foregoing byelaws are hereby confirmed by the Secretary of State for Social Services on 22nd July 1986 and shall come into operation on 1st September 1986. A.B. Barton (signed), Assistant Secretary, Department of Health and Social Security.

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. Section 16(9) of the Act lays down that a registered person shall cause to be permanently displayed on the premises a copy of these byelaws and a copy of any certificate of registration issued to him under Part VIII of the Act.

B. Section 16(2) of the Local Government (Miscellaneous Provisions) Act 1982 provides that any person who offends against any of these byelaws shall be guilty of an offence and liable on summary conviction to a fine not exceeding £500. 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/her registration and of the registration of the premises in which the offence was committed if such premises are occupied by the person so 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 byelaws shall extend to the carrying on of the business of Ear Piercing and Electrolysis, Acupuncture and Tattooing as the case may be 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.