

**FLINTSHIRE COUNTY COUNCIL**  
**LOCAL GOVERNMENT (MISCELLANEOUS**  
**PROVISIONS) ACT 1982**

Byelaws in respect of acupuncture, tattooing,  
semipermanent skin-colouring, cosmetic piercing and  
electrolysis

Byelaws for the purposes of securing the cleanliness of premises registered under sections 14(2) or 15(2) or both of the Local Government (Miscellaneous Provisions) Act 1982 and fittings in such premises and of persons registered under sections 14(1) or 15(1) or both of the Act and persons assisting them and of securing the cleansing and, so far as appropriate, sterilization of instruments, materials and equipment used in connection with the practice of acupuncture or the business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis, or any two or more of such practice and businesses made by Flintshire County Council in pursuance of sections 14(7) or 15(7) or both of the Act.

**1. Interpretation**

- (a) In these byelaws, unless the context otherwise requires—
- “The Act” means the Local Government (Miscellaneous Provisions) Act 1982;
- “Animal” means any reptile, mammal, and all other living creature belonging to the animal kingdom;
- “client” means any person undergoing treatment;
- “hygienic piercing instrument” means an instrument such that any part of the instrument that touches a client is made for use in respect of a single client, is sterile, disposable and is fitted with piercing jewellery supplied in packaging that indicates the part of the body for which it is intended, and that is designed to pierce either-
- (b) the lobe or
- (c) the upper flat cartilage of the ear;
- “operator” means any person giving treatment, including a proprietor;
- “premises” means any premises registered under sections 14(2) or 15(2) of the Act;

“proprietor” means any person registered under sections 14(1) or 15(1) of the Act;

“treatment” means any operation in effecting acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis;

“the treatment area” means any part of premises where treatment is given to clients.

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

2. (1) For the purpose of securing the cleanliness of premises and fittings in such premises a proprietor shall ensure that—

- (a) any internal wall, door, window, partition, floor, floor covering or ceiling is kept clean and in such good repair as to enable it to be cleaned effectively;
- (b) any waste material, or other litter arising from treatment must be placed immediately after use in an appropriate waste receptacle with a pedal operated lid and be handled and disposed of in accordance with relevant legislation and guidance as advised by the local authority;
- (c) any needle, razor or other sharp item used in treatment is single-use and disposable and is disposed of in a sharps container that is kept out of reach of clients and the general public in accordance with relevant legislation and guidance as advised by the local authority;
- (d) any furniture or fitting in premises is kept clean and in such good repair as to enable it to be cleaned effectively;
- (e) any table, couch or seat used by a client in the treatment area which may become contaminated with blood or other body fluids, and any surface on which a needle, instrument or equipment is placed immediately prior to treatment has a smooth impervious surface which is cleaned and disinfected—
  - (i) immediately after use; and
  - (ii) at the end of each working day.
- (f) any table, couch, or other item of furniture used in treatment is 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 Eating or Drinking” is prominently displayed there. No Smoking signage should be prominently displayed at or near each entrance of the premises in accordance with The SmokeFree Premises (Wales) Regulations 2007.

- (h) all animals are prohibited from registered premises. This will prevent the soiling of the premises and the introduction of vermin. An exemption may be granted for animals used by the sight and/or hearing-impaired.
- (2) (a) Subject to sub-paragraph (b), where premises are registered under section 14(2) (acupuncture) or 15(2) (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the 1982 Act, a proprietor shall ensure that treatment is given in a treatment area used solely for giving treatment;
- (b) Sub-paragraph (a) shall not apply if the only treatment to be given in such premises is ear-piercing using a hygienic piercing instrument.
- (3) (a) Subject to sub-paragraph (b), where premises are registered under section 15(2) (tattooing, semi-permanent skin-colouring and cosmetic piercing) of the 1982 Act, a proprietor shall ensure that the floor of the treatment area is provided with a smooth impervious surface;
- (b) Sub-paragraph (a) shall not apply if the only treatment to be given in such premises is ear-piercing using a hygienic piercing instrument.
- 3. (1) For the purpose of securing the cleansing and so far as is appropriate, the sterilization of needles, instruments, jewellery, materials and equipment used in connection with treatment—
  - (a) an operator shall ensure that—
    - (i) any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such article used in treatment—
      - (aa) is clean and in good repair and, so far as is appropriate, is sterile;
      - (bb) has not previously been used in connection with another client unless it consists of a material which can be and has been adequately cleansed and, so far as is appropriate, sterilized.
    - (ii) any single use needle, metal instrument, or other instrument or equipment used in treatment or for handling such needle, instrument or equipment and any part of a hygienic piercing instrument that touches a client is sterile;
    - (iii) only disposable single use safety razors are used;

- (iv) if petroleum jelly or lubricating gel is to be placed on a client's skin, enough for one client only  
should be removed from the stock container with a clean spatula, and placed in a container that is either disposed of at the end of each treatment or is cleaned and sterilized before re-use;
  - (v) elastic bands or plastic bags used on tattoo machines are disposed of after each client;
  - (vi) any jewellery used for cosmetic piercing by means of a hygienic piercing instrument is sterile;
  - (vii) for the purposes of tattooing or semi-permanent skin-colouring, only sterile inert pigment dispensed into single use pots or pre-packed in single use vials is used.
  - (viii) any container used to hold dye for tattooing or semi-permanent skin-colouring is used for only one client and disposed of together with any unused pigment at the end of each treatment;
- (b) a proprietor shall provide—
- (i) adequate facilities and equipment for—
    - (aa) cleansing and disinfection, including a general purpose sink with hot and cold running water on the premises separate from the wash-hand basin required under 4(b)(i). This should be located out of the treatment area wherever possible; and
    - (bb) sterilisation, unless only pre-sterilised items are used. All sterilisation equipment shall be serviced and maintained at intervals determined by a competent qualified person and periodically tested by the operator to ensure its efficient operation. Records of maintenance, servicing, testing and operating cycles must be retained for the lifetime of the equipment at the premises and retained for a further period of six months. They must be produced upon request for inspection by an authorised council officer.
  - (ii) sufficient and safe gas points and electrical socket outlets;
  - (iii) an adequate and constant supply of clean hot and cold water on the premises;

- (iv) clean and suitable storage which avoids contamination of the articles, needles, instruments and equipment mentioned in paragraphs 3(1)(a)(i), (ii), (iii), (iv), (v), (vi), (vii) and (viii).

4. (1) For the purpose of securing the cleanliness of operators, a proprietor—
- (a) shall ensure that an operator is instructed in appropriate hygienic hand decontamination techniques and—
    - (i) keeps his/her hands and nails clean and his/her nails short and free from nail varnish, nail decoration or any form of nail covering;
    - (ii) keeps any open lesion on an exposed part of the body effectively covered by an impermeable dressing;
    - (iii) wears disposable, well fitting, surgical gloves that have not previously been used with another client, unless giving acupuncture otherwise than in the circumstances described in paragraph 4(3);
    - (iv) 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 another client;
    - (v) does not smoke or consume food or drink in the treatment area; and (b) shall provide—
      - (i) suitable and sufficient wash hand basins with nonhand operated taps appropriately located for the sole use of operators, including an adequate and constant supply of clean hot and cold water, liquid soap and paper towels stored in a wall mounted dispenser next to the wash basin. Hand washing instructions should be clearly displayed at such basins.
      - (ii) suitable and sufficient sanitary accommodation for operators.
  - (2) Where an operator carries out treatment using only a hygienic piercing instrument and a proprietor provides either a hand hygienic gel or liquid cleaner, the washing facilities the proprietor provides need not be for the sole use of the operator.
  - (3) A proprietor must ensure the activity of acupuncture is only carried out by an operator who has washed their hands immediately before carrying out the activity of acupuncture on each client. Where an operator gives acupuncture a proprietor shall ensure that the operator wears disposable, well fitting,

surgical gloves that have not previously been used with another client where—

- (a) the client is bleeding or has an open lesion on an exposed part of his/her body; or
- (b) the client is known to be infected with a blood-borne virus; or
- (c) the operator has an open lesion on his/her hand; or
- (d) the operator is handling items that may be contaminated with blood or other body fluids.

- 5.** A person registered in accordance with sections 14 (acupuncture) or 15 (tattooing) semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the Act who visits people at their request to give them treatment should observe the requirements relating to an operator in paragraphs 3(1)(a) and 4(1)(a).