

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

ACUPUNCTURE, TATTOOING, EAR-PIERCING AND ELECTROLYSIS

GUIDANCE NOTES

1. Registration Requirements

Any person conducting the practice of acupuncture or the business of tattooing, ear-piercing or electrolysis in the Bassetlaw area is required, subject to the exemptions mentioned below, to be registered with Bassetlaw District Council. Individuals working under the control or supervision of the person conducting the practice or business do **not** require separate registration. Each of the premises at which any such practice or business is carried on within the Bassetlaw area must also be registered in respect of each activity, although registered persons may visit people at their home to give treatment at their request without additional registration. The registration provisions do not apply 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 their premises. Nor do they apply to the carrying out of tattooing, ear-piercing and electrolysis by or under the supervision of a person registered as a medical practitioner.

2. Registration Procedure

Application for registration should be made on the form of application available from Bassetlaw District Council.

A person must apply for **separate** registration in respect of **each** of the activities carried on by him/her. The premises at which the activity is carried out must also be registered **separately**.

The following fees are payable on applications for registration:

	Person	Premises
Acupuncture	£49.00	£123.00
Tattooing	£49.00	£123.00
Ear-piercing	£49.00	£123.00
Electrolysis	£49.00	£123.00

Example

Registration of Premises (£123.00) + Tattooing (£49.00)	£172.00
Registration of Premises (£123.00) + Tattooing (£49.00) + Ear-piercing (£49.00)	£221.00

The application form/forms should be fully completed and signed by the person conducting the practice or business. The Council will then issue the appropriate Certificates of Registration, generally following an inspection by an environmental health inspector. The Certificate issued **MUST** be prominently displayed at the place where the practice or business is carried on.

3. Byelaws

The Act empowers the Council to make byelaws for the purposes of securing the cleanliness of premises registered under the Act, the cleanliness of persons so registered and persons assisting them, and the cleansing and sterilisation of instruments and materials used in connection with various activities.

Byelaws are in force and copies will be supplied to persons registered. A copy of such byelaws **MUST** be prominently displayed at the place where the practice or business is carried on.

4. Offences and Enforcement

The Act creates a number of offences arising out of the above requirements. These are listed below together with the current maximum penalty in respect of each offence:

Offence	Current Maximum Penalty
Non-registered person carrying on the practice of acupuncture or the business of tattooing, ear-piercing and electrolysis	£1,000.00
Person carrying on the practice of acupuncture or the business of tattooing, ear-piercing or electrolysis otherwise than on registered premises	£1,000.00
Failure to display at the place of the practice or business the Certificate of Registration or a copy of the relevant byelaws	£1,000.00
Contravention of any byelaw relating to acupuncture, tattooing, Ear-piercing or electrolysis	£ 500.00

Where a person registered under the Act is convicted of an offence involving the contravention of a byelaw, the Court may instead of or in addition to imposing a fine, order the suspension or cancellation of that person's registration under the Act and the registration of the premises in which the offence was committed if they are occupied by the person found guilty of the offence.

If a registration is cancelled by the Court the person must, within seven days, return to the Council the Certificate of Registration concerned. A person can then only become re-registered under the Act with the consent of the Magistrates' Court which convicted him.

Offence	Current Maximum Penalty
Failure to deliver to the Council a Certificate of Registration cancelled by the Court	Initial fine not exceeding £500 and thereafter a daily fine not exceeding £5.00

It is a defence for a person charged with any of the above offences to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.

5. Power to Enter Premises

An officer authorised by the Council may, on being granted a warrant by a Justice of the Peace, enter any premises in the Bassetlaw area if he has reason to suspect the commission of any of the above offences. Such a warrant will be granted if admission has been refused or such refusal apprehended, if the case is one of urgency, or if an application for admission would defeat the object.

Any person who, without reasonable excuse, refuses to permit an authorised officer to exercise the power entry will be guilty of an offence and shall for **every** refusal be liable to a fine not exceeding £1,000.00.

6. Tattooing of Minors Act 1969

It shall be an offence to tattoo a person under the age of eighteen except when the tattoo is performed for medical reasons by a duly qualified medical practitioner or by a person working under his direction.

1 April 2014