



Listening Learning Leading



## **Food and Workplace Safety Team**

### **Skin Piercing Policy**

#### **Local Government (Miscellaneous Provisions) Act 1982**

#### **Local Government Act 2003**

Date of issue: 1 August 2015  
Amended on: 1 December 2022



# **Skin Piercing Policy**

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## **1.0 Introduction**

- 1.1 Skin piercing activities carry a potential risk of blood borne virus transmission such as HIV, hepatitis B, hepatitis C and other infections. The purpose of this policy is to set out how South Oxfordshire and Vale of White Horse District Councils will control these risks by registering all skin piercing activities detailed in the Local Government (Miscellaneous Provisions) Act 1982 and enforcing the byelaws.

## **2.0 Definition of skin piercing**

- 2.1 For the purposes of this policy skin piercing includes the following activities:

- Acupuncture (including dry needling)
- Tattooing
- Semi permanent skin colouring including:
  - Micro pigmentation
  - Semi permanent make up
  - Temporary tattooing
- Cosmetic piercing including:
  - Body piercing
  - Ear piercing
- Electrolysis

## **3.0 Exemptions**

- 3.1 This policy does not apply where skin piercing is undertaken by or under the supervision of a registered medical practitioner (i.e. a fully registered person within the meaning of the Medical Act 1983 who holds a licence to practice under the Act)

## **4.0 Registration of premises and operatives**

- 4.1 Section 14 of the Local Government (Miscellaneous Provisions) Act 1982 sets out the requirements for carrying out the practice of acupuncture, whilst section 15 of the Act sets out the requirements for carrying out, tattooing, semi permanent skin colouring, cosmetic piercing, and electrolysis.
- 4.2 Registration is required for all premises and persons, including apprentices who undertake any of the activities listed in 2.1.

- 4.3 A fully completed application form must be submitted for the premises and for every operative who will be undertaking any skin piercing activity. The application fee must be submitted at the same time as the application. The council is unable to process any incomplete application forms which will be returned to the applicant.
- 4.4 Applicants are advised to check that they have suitable planning permission to undertake the proposed activities.
- 4.5 Applicants are requested to check that all the required information is provided at the time of making the application to avoid any delays in the process.
- 4.6 Where a premises application is received the applicant will be contacted by an officer to, where necessary, arrange an inspection of the premises. This will need to take place before the certificate of registration can be issued for the operator at the premises.
- 4.7 Where a business moves to a new premises, the certificate of registration is not transferable. A new premises and operator(s) application must be made and registration fee paid before a certificate of registration can be issued.
- 4.8 The council will endeavour to process all completed applications and issue the certificate of registration within 28 days of receipt. Tacit consent does not apply to skin piercing applications.
- 4.9 Each operator must be registered at each premises that he/she regularly practices at. The certificate of registration for the premises and each person undertaking skin piercing shall be prominently displayed in the premises along with a copy of the byelaws.
- 4.10 Businesses and operators issued premises and operator certificates before 1 December 2022 are still authenticated providing the details (activity, name and address) displayed are accurate. If the details are inaccurate, then new registrations will be required.

Businesses and operators registered under the previous byelaws (registered before 1 July 2013) for ear piercing will be counted as registered for cosmetic piercing until another form of cosmetic piercing is provided when a new registration will be required.

- 4.11 Where skin piercing is to be carried out in additional rooms that are not registered within the premises, a new premises application will be required.
- 4.12 Where the operator wishes to undertake additional skin piercing activities which they are not registered for, a new premises (includes one operator) application will be required. If this affects more than one operator, then individual operator applications will be required.

- 4.13 Where an operator has taken over the premises of an existing skin piercing business, the new operator will need to register the premises and its operators.
- 4.14 Where an operator rents a room in an existing registered premises for the activity, then the operator will need to apply for an operator licence. The licenced room used must already be covered by the premises licence and not be a new room within the premises.

## **5.0 Mobile skin piercers**

- 5.1 It is not permissible to register operators who operate solely from other people's premises without having their own treatment room. Operators must be registered at a registered premises. However, having registered, they can sometimes carry out a mobile service at request, they must be able to demonstrate that Legislative and Byelaw requirements will be met at any location where they operate, such as; They must have suitable facilities for sterilising and storing equipment and for storing clinical waste. They must have safe and suitable means for transporting equipment. The client's treatment room/area should be suitable for carrying out the treatment, handwashing facilities with hot and cold running water, clean and dirty areas, decontamination and sterilisation etc). If this cannot be achieved, then mobile/home visits should not be carried out.

## **6. Temporarily operating within the district / conventions**

- 6.1 If a skin piercing operator wishes to temporarily operate within the district for example, at events and conventions they will still need to register the premises-and every practicing operator.  
If the event/convention is repeated in the same location the premises will not need to re-register. Any returning operators, providing the certificates are still valid with accurate details of the activity, name and address will not need to re-register. Operators will only need to register if they are carrying out the skin piercing as a business rather than just demonstrating their art.
- 6.2 Operators must display their certificates in each premises they operate in, the certificate must display the correct name, address and activity.

## **7.0 Fees**

- 7.1 Section 15(6) of the Local Government (Miscellaneous Provisions) Act 1982 enables local authorities to charge reasonable registration fees. The councils charge a fee for the registration of each premises and one operator where skin piercing takes place. There is a separate registration

fee for each additional operative at a premises to undertake skin piercing.

- 7.2 All registration fees are a one-off payment (i.e. not a renewable fee each year) for each premises and operator. The fee covers the initial inspection(s) associated with registration, advising the business about registration and associated administration.
- 7.3 Applicants can withdraw the application after submission and request for a refund providing no visit has been undertaken. An administration cost applies.
- 7.4 Operators must display their operator skin piercing certificates in each premises they operate in. The certificate must display the correct name, address and activity.
- 7.5 Adding additional rooms to a premises certificate will need to be applied for via premises registration, there is no deduction to the fee.
- 7.6 There is an administration fee for minor changes to the certificate such as amending marital name.
- 7.7 Replacement certificate(s) can be requested free of charge online provided there are no changes to the certificate.
- 7.8 The fees are reviewed and set each April in line with the councils' fees and charges process.

## **8.0 Offences**

- 8.1 Unless the exemptions in 3.0 apply, it is an offence to undertake any skin piercing activity unless the person undertaking the piercing is registered and the premises it is undertaken is registered.
- 8.2 It is an offence to carry out the practice of skin piercing in contravention of the byelaws.
- 8.3 Where the council becomes aware of an unregistered business or operator, or that the byelaws have or are being contravened, we will work with the business and/or operator to address the issue in line with the Food and Workplace Safety Team's enforcement policy.