

**ANTRIM AND NEWTOWNABBEY BOROUGH COUNCIL  
BYELAWS FOR THE REGULATION OF SKIN PIERCING 2018**

Byelaws for the purposes of securing the cleanliness of premises registered under Articles 13 and 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 sterilisation of instruments, materials and equipment used in connection with the businesses of

- Tattooing
- Semi-permanent skin-colouring,
- Cosmetic Piercing
- Ear Piercing and electrolysis
- Acupuncture

made by Antrim and Newtownabbey Borough Council in pursuance of section 90(c) of the Local Government Act (Northern Ireland) 1972<sup>b</sup> and Articles 13(7) and 14(7) of the 1985 Order **on insert date of sealing**

1. Interpretation: In these byelaws, unless the context otherwise requires -

“**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; including a proprietor

“**Premises**” means any premises registered under Part V, Articles 13(2) or 14(2) of the 1985 Order;

“**Proprietor**” means any person registered under part V, Articles 13(1) or 14(1) of the 1985 Order;

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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)

**“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 –

- (a) the lobe or upper flat cartilage of the ear, or
- (b) either side of the nose in the mid-crease area above the nostril;

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

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

**“Cosmetic Piercing”** includes ear-piercing and body piercing

*“ear-piercing” means the puncturing of the lobe or flat part of the ear cartilage using an ear piercing system/instrument employing a pre-sterilised single-use stud and clasp which actually pierces the ear or by use of a single use pre-sterilised needle*

*“body piercing” means the perforation of the skin and underlying tissue usually with a single use pre-sterilised needle with the aim of inserting jewellery*

**“Acupuncture”** means a system of healing focusing on improving the overall well-being of the patient using a variety of methods to stimulate acupuncture points, usually fine, solid disposable needles

**“Semi-permanent skin colouring”** which includes micropigmentation, semi-permanent makeup and temporary tattooing is defined in (article 31(5) of the 1985 Order as the insertion of semi-permanent colouring into a person's skin

**“Tattooing”** means marking the skin with permanent pigments by puncturing the skin's outer layer (epidermis) using a needle or needles

**“Electrolysis”** means the use of a small probe to deliver an electrical current to individual hair follicles

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. 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; or otherwise sterilised for each treatment 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, which may become contaminated with blood or other body fluids 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 or other item of furniture used in treatment are used, they are covered by a disposable paper sheet which is changed for each client;
- g. The treatment area is used solely for giving treatment. 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.
- h. The floor of the treatment area is provided with a smooth impervious surface;

(2) (i) sub paragraph (g) shall not apply if the only treatment to be given in such premises is ear-piercing or nose piercing using a hygienic piercing instrument.

(2) (ii) sub-paragraph (h) shall only apply where premises are registered under Article 14(2) (tattooing, semi-permanent skin colouring and cosmetic piercing) of the 1985 Order. It will not apply if the only treatment to be given in such premises is ear-piercing or nose piercing using a hygienic piercing instrument.

3. For the purpose of securing the cleansing and so far as is appropriate, the sterilisation of needles, instruments, jewellery, 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, sterilised;
  - b. An operator shall ensure that –
    - i. Any needle, metal instrument, or other item of equipment, used in treatment or for handling instruments and needles used in the treatment is a sterile condition and kept sterile until it is used; and any part of a hygienic piercing instrument that touches a client is sterile.
    - ii. All dyes used for tattooing and 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 sterilised before re-use
    - iv. Any jewellery used for cosmetic piercing by means of a hygienic piercing instrument is sterile
  - 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 electrical socket outlets to enable compliance with these bye-laws;
    - 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 bye-law 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 in connection with any other client; unless giving acupuncture otherwise than in circumstances described in paragraph 4(d)

- 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 appropriately located for the sole use of operators, including hot and cold water and sanitising soap or detergent;
  - ii. Suitable and sufficient sanitary accommodation for operators
- c. Where an operator carries out a treatment using only a hygienic piercing instrument and a proprietor provides either a hand hygienic gel or liquid cleaner, the washing facilities that the proprietor provided need not be for the sole use of the operator
- d. Where an operator gives acupuncture a proprietor shall ensure that the operator wears disposable examination gloves that have not previously been used with another client if –
- i. the client is bleeding or has an open lesion on an exposed part of his body; or
  - ii. the client is known to be infected with a blood-borne virus; or
  - iii. the operator has an open lesion on his hand; or
  - iv. the operator is handling items that may be contaminated with blood or other body fluids.
5. A person registered in accordance with Article 13 (acupuncture) or 14 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the Order who visits people at their request to give them treatment should observe the requirements relating to an operator in paragraphs 3(a) and 4(a)

COUNCIL'S SIGNATURE

COUNCIL'S SEAL

Chief Executive .....

Mayor .....

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

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

Signature

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

## **NOTE – THE FOLLOWING DOES NOT FORM PART OF THE BYE-LAWS**

- A. Proprietors shall take all reasonable steps to ensure compliance with these bye-laws 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 bye-laws 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 bye-laws 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 bye-laws 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 bye-laws extends to the practice of acupuncture or the business of tattooing, semi-permanent skin colouring, cosmetic piercing or electrolysis 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.
- D. Nothing in these Bye-Laws extends to the practice of acupuncture by or under the supervision of a person who is registered as a dentist; chartered physiotherapist; state registered physiotherapist or a state registered chiropodist, or to premises in which the practice of acupuncture is carried out by or under the supervision of such a person.
- E. The legislative provisions relevant to acupuncture are those in Article 13. The provisions relevant to treatment other than acupuncture are in Article 14.
- F. The key differences in the application of requirements in respect of the various treatments are as follows:

*The reference in the introductory text to provisions of Article 13 (acupuncture) of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 **only apply to acupuncture.***

*The references in the introductory text to provisions of Article 14 (tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis) of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 **do not apply to acupuncture.***

The reference in paragraph 1 in the definition of “premises” to provisions of Article 13 (acupuncture) **only apply to acupuncture**

The reference in paragraph 1 in the definition of “premises” to provisions of Article 14 (tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis) **do not apply to acupuncture.**

The requirement in paragraph 2(g) that treatment is given in a treatment area used solely for giving treatment **applies to acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis but not to ear-piercing or nose-piercing using a hygienic piercing instrument.**

The requirement in paragraph 2(h) that the floor of the treatment area be provided with a smooth impervious surface **applies to tattooing, semi-permanent skin colouring and cosmetic piercing but not to acupuncture or electrolysis or ear piercing or nose piercing using a hygienic piercing instrument.**

The requirements relating to dye or a container used to hold dye used for treatment in paragraphs 3(a)(ii) and (iii) **apply to tattooing and semi-permanent skin colouring**

The provisions of paragraph 4(c) in relation to washing **facilities apply to cosmetic piercing using only a hygienic piercing instrument**

The requirement in paragraph 4(a) (ii) that an operator wears disposable examination gloves that have not previously been used with another client **does not apply to acupuncture otherwise that in the circumstances described in 4(d)**

- G. Nothing in this byelaw shall make any requirement of the Health & Safety at Work (Northern Ireland) Order 1978 of no effect.