

# **CIVIC GOVERNMENT (SCOTLAND) ACT 1982**

## **(LICENSING OF SKIN PIERCING AND TATTOOING) ORDER 2006**

### **STANDARD CONDITIONS**

#### **GENERAL**

1. The Licence holder must surrender the Licence if and when called upon to do so by the Licensing Authority for the purpose of alteration in accordance with any decision of the Licensing Authority.
2. The Licence holder shall notify the Licensing Authority in writing within 30 days of any change from the information provided in the original licence application.
3. The Licence holder shall ensure that they are covered by an adequate policy of Third Party Liability Insurance with a reputable company and an appropriate certificate shall be displayed at all times on the premises or, where the activity is not carried out mainly from a premises, be available for inspection.
4. The Licence holder shall provide information, in an easy to understand format, to every prospective client to explain –
  - (1) The process of skin piercing or tattooing;
  - (2) The risks of the procedure;
  - (3) The contra-indications to the skin piercing or tattooing procedure and
  - (4) The after care requirements of the procedure.
5. The Licence holder shall ensure that every prospective client has read and understood the above information prior to undertaking skin piercing or tattooing.
6. The Licence holder shall ensure that any client who presents a condition that is a contra-indication to the skin piercing or tattooing procedure be asked to seek medical advice from their GP prior to the treatment being carried out. Written authorisation from the client's GP shall be provided prior to any treatment being undertaken. A copy of this information shall be retained with the written records of the client's personal details.
7. The Licence holder shall ensure that a pre-treatment questionnaire is completed for each client, which has been signed by the operator and countersigned by the client.
8. The Licence holder shall ensure the following written records of the clients personal details are retained for a period of 2 years:
  - (1) Name, address and contact telephone number,
  - (2) Date of birth
  - (3) Relevant medical history

- (4) Procedure undertaken, including position on the body, type of jewellery used (if applicable),
  - (5) Name of the practitioner who carried out the skin piercing or tattooing,
  - (6) Date and time when the skin piercing or tattooing was undertaken.
  - (7) Details of any reported problems associated with skin piercing or tattooing.
9. The Licence holder shall ensure that written information is provided to each client explaining the appropriate aftercare requirements for the skin piercing or tattooing provided. This must include the contact details of the operator.
  10. The Licence holder shall ensure that every operator is capable of demonstrating that they have sufficient knowledge, skill, training and experience commensurate with the skin piercing or tattooing activities they carry out. The Licence holder shall retain a record of the information provided.
  11. The Licence holder shall ensure that persons undergoing training or practical experience in skin piercing or tattooing shall remain under the direct supervision of a competent person at all times.
  12. The Licence holder shall ensure that any person who undertakes skin piercing or tattooing is not under the influence of drugs or alcohol.
  13. The Licence holder shall ensure that only sterile single use disposable needles appropriate to the purpose are used for skin piercing or tattooing. New needles shall be used for each client.
  14. The Licence holder shall ensure that all operators maintain an acceptable standard of personal cleanliness.
  15. The Licence holder shall ensure that the activity of tattooing or skin piercing (other than acupuncture) is carried out by an operator wearing disposable non-latex gloves with sufficient protection for the task being undertaken. The gloves must be changed for each client and as necessary during the skin piercing or tattooing procedure.
  16. The Licence holder shall ensure that any equipment liable to come in to contact with bodily fluids and, which is not disposable and cannot be sterilised (e.g. tattoo motors) shall be protected from such contact, so far as is reasonably practicable and thoroughly cleaned with fresh disinfectant after each use.
  17. The Licence holder shall ensure that tattooing is not carried out on any person under the age of 18.
  18. The Licence holder shall ensure that skin piercing is not carried out on any child under the age of 16 unless accompanied by a person who has parental rights and responsibilities in respect of that child and who has also given their consent in writing to the skin piercing.
  19. Where written consent has been provided, the person having the parental rights and responsibilities shall include in their written consent;
    - (1) their relationship to the client,

- (2) the name, address and age of the person to be pierced,
  - (3) the type of piercing,
  - (4) the type of body jewellery to be used and
  - (5) the consent must be signed and dated by them.
20. The Licence holder shall ensure that only sterile pigment for dispensing into single-use pots or ink pre-packed in single use vials is supplied to them and used for tattooing purposes. Pots and ink shall be renewed for each client.
  21. The Licence holder shall ensure that all inks used for tattooing purposes have an indication of their durability on all labels and that they are used and stored in accordance with any manufacturers instructions.
  22. All products such as antiseptic creams, petroleum jelly, inks, tattoo stencils, etc. used for skin piercing or tattooing must be single use or dispensed using a sterile single use instrument to a sterile single use receptacle. Products, instruments and receptacles shall be renewed for each client.
  23. All used forceps, kidney dishes, needle bars, ink capsule holders, clamps and other equipment in close contact with a break in the skin or mucous membranes shall be cleaned, ultrasonically cleaned and autoclaved prior to use on the next client.
  24. The Licence holder shall ensure that equipment with hollow cavities, equipment wrapped or enclosed in pouches or porous loads are sterilised using an appropriate vacuum autoclave that is deemed appropriate for that purpose by the manufacturer
  25. The Licence holder shall ensure that for tongue piercing, a sterilised clamp is used.
  26. The Licence holder shall ensure that for ear piercing only, ear piercing guns and a sterile cartridge is used.
  27. The Licence holder shall ensure that piercing guns are not used for piercing the ear or nose cartilage unless it is designed to do so.
  28. The Licence holder shall ensure that only pre-sterilised jewellery supplied in packaging, which indicates the part of the body for which it is intended, is used with the ear piercing and nose piercing guns, and that jewellery must only be inserted into the part of the body for which it is intended.
  29. The Licence holder shall ensure that only single use disposable razors are used to assist with skin piercing or tattooing.
  30. The Licence holder shall ensure that where applicable supplies of the following items are available at all times –
    - (1) Disposable non-latex gloves;
    - (2) Disposable razors where tattooing is provided;

- (3) Sterile single use disposable needles;
  - (4) Appropriate cleaning, disinfection and sterilisation products.
  - (5) Autoclave pouches (where an appropriate vacuum autoclave is used for sterilisation of instruments).
31. The Licence holder shall ensure that all jewellery to be inserted in the skin created by skin piercing must be sterile prior to insertion.
  32. The licence holder shall ensure that all jewellery is compliant with the Dangerous Substances and Preparations (Nickel) Safety Regulations.
  33. The Licence holder shall ensure that all equipment used in conjunction with skin piercing or tattooing is stored in such a way as to ensure their cleanliness.
  34. The Licence Holder shall ensure that, unless only disposable instruments and equipment are used for skin piercing and tattooing, the following equipment is provided and properly maintained for use –
    - (1) Ultrasonic cleaner(s);
    - (2) Instrument bath(s); and
    - (3) Autoclaves and autoclaves pouches where appropriate.
  35. The Licence holder shall ensure that prior to skin piercing or tattooing all operators shall thoroughly wash with a suitable soap and hot water and dry with clean disposable paper towels.
  36. Prior to any treatment being carried out, the area of the body to be treated shall be cleaned using an appropriate skin safe antiseptic.
  37. For skin piercing, if the area to be pierced requires to be marked, a single use water based marker pen or single use markers must be used.
  38. The Licence holder shall make available to every operator inoculations against Hepatitis B.
  39. The Licence holder shall ensure that suitable recorded risk assessments are undertaken of their activities.
  40. The Licence holder shall ensure all operators hold a current first aid certificate to foundation (1-Day) level.
  41. A first aid kit, which is readily available and appropriately stocked, shall be provided.
  42. The Licence holder shall ensure that waste that comprises clinical waste as defined in the current Controlled Waste Regulations shall be disposed of by a contractor licensed under the Waste Management Licensing Regulations. Records of the disposal of all waste shall be retained on the premises.

43. The Licence holder shall ensure that all waste designated as clinical waste shall be stored, collected and disposed of in accordance with the Environmental Protection Act and the Controlled Waste Regulations.
44. The Licence holder shall ensure that a suitable sharps container for the storage of needles after use is provided which conforms to the British Standard requirements and is stored out of reach of the client.
45. The Licence holder shall ensure that domestic waste and clinical waste is appropriately segregated and stored in appropriately marked bags.
46. The Licence holder shall ensure that pressure systems used, which fall within the scope of the Pressure Systems Safety Regulations, shall be subject of a written scheme of examination and shall be examined in accordance with that written scheme of examination, as required by the Pressure Systems Safety Regulations. A copy of the written scheme of examination and the examination results shall be available for inspection.
47. In addition to the calibration and pressure tests required by the Pressure Systems Safety Regulations, autoclaves shall be subject to regular tests as recommended by the manufacturers or other appropriate guidance to ensure their effective operation. The results of the tests shall be recorded in a logbook for the autoclave and this shall be retained by the Licence holder and be available for inspection.

**ADDITIONAL CONDITIONS APPLICABLE WHERE THE ACTIVITY IS TO BE CARRIED OUT WHOLLY OR MAINLY FROM PREMISES**

48. The Licence permits the use of the Premises specified therein as a place for the carrying on of a business, which provides skin piercing or tattooing, as defined in the Licence. The Licence must be exhibited in the Premises in such a place and in such a manner as to be easily read by the public.
49. The Licence holders or, in the absence of the Licence holders, a person authorised by them, must be in charge of the premises during licensed activities and must not be engaged in duties which might prevent the exercising of general supervision of the premises.
50. The Licence holders shall ensure that separate rooms are provided for a waiting area and the carrying out of skin piercing or tattooing.
51. The Licence holders shall ensure that they display notices in the waiting area of the premises:-
  - (1) advising that skin piercing and tattooing will not be carried out on any person under the influence of alcohol or drugs;
  - (2) advising that skin piercing will not be carried out on any child under the age of 16 unless accompanied by a person who has parental rights and responsibilities in respect of that child and who has also given their consent in writing to the skin piercing; and
  - (3) advising that tattooing will not be carried out on any person under the age of 18.
  - (4) listing the names of licensed and authorised operators.
  - (5) advising of the risks associated with skin piercing and/or tattooing.

52. The Licence holder shall ensure a full-face photograph of each operator is clearly displayed in the waiting area so that all customers may easily identify him or her.
53. The Licence holder shall ensure that the room used for the purposes of carrying out the skin piercing or tattooing has the following facilities –
  - (1) A wash hand basin with hot and cold running water and which uses non-hand operated taps. Hand washing notices to be displayed at the wash hand basin;
  - (2) Smooth and impervious floor and wall surfaces capable of being easily cleaned
  - (3) A paper towel holder containing paper towels;
  - (4) A soap dispenser containing soap.
  - (5) A dispenser containing alcohol solution for cleaning purposes;
  - (6) A washable bench or chair with disposable paper sheet;
  - (7) Waste buckets with pedal operated lids for clinical waste and general waste;
  - (8) A sharps container for storage of needles after use that is stored out of reach from the client; and
54. The Licence holder shall ensure a general-purpose sink with hot and cold running water is provided on the premises for cleaning and sterilisation purposes, separate from the required wash hand basin. This should be located out-with the treatment area wherever possible.
55. The Licence holder shall ensure the tables, couches and seats used for the purposes of skin piercing and tattooing shall be thoroughly disinfected between treatments and at the end of each working day.
56. The Licence holder shall ensure that all skin piercing and tattooing activities are undertaken in conditions of appropriate privacy.
57. The Licence holder shall ensure that the accommodation and facilities within the premises are maintained in good repair and in a good state of cleanliness appropriate to the activities undertaken.
58. The Licence holder shall ensure that the premises are effectively ventilated and illuminated for the purposes of skin piercing and tattooing.
59. Electrical systems at the premises shall comply with the current legislation and with the Institute of Electrical Engineers Wiring Regulations (BS7671:2001) applicable at the time of the installation or any subsequent replacement or renewal. Electrical systems shall include both fixed installations and electrical equipment. The Council may, at any time, require the Licence holder, within a reasonable period of time, to effect such remedial works as may be necessary to ensure that the said installations comply with the current legislation and regulations.
60. The Licence holder shall produce electrical certificates for the electrical systems and will make them available upon request.

**ADDITIONAL CONDITIONS APPLICABLE WHERE THE ACTIVITY IS NOT TO BE CARRIED OUT WHOLLY OR MAINLY FROM PREMISES**

61. The Licence holder shall carry at all times a copy of their skin piercing/tattooing licence when undertaking such activities and this must be made available to clients or Officers from the local authority upon request.
62. The Licence holder shall have appropriate means of identification at all times, including photographic evidence so that all customers may easily identify him or her.
63. The licence holder shall ensure that any seating used for the skin piercing or tattooing is washable and covered with a disposable paper sheet, which shall be renewed after each use.
64. The Licence holder shall ensure that any equipment, which is disposable, is disposed of immediately after each use in an appropriate waste receptacle.
65. The Licence holder shall produce electrical certificates for all portable electrical appliances and will make them available upon request.

**CONDITIONS APPLICABLE TO A BUSINESS PROVIDING ONLY EAR PIERCING WHERE THE ACTIVITY IS TO BE CARRIED OUT WHOLLY OR MAINLY FROM PREMISES**

66. The Licence holder-undertaking ear piercing with the use of an ear-piercing gun shall ensure that a separate area with a washable chair with disposable paper sheet has been designated for the carrying out of that activity within the premises.
67. The Licence holders shall ensure that they display notices in the designated area of the premises:-
  - (1) advising that ear piercing will not be carried out on any person under the influence of alcohol or drugs;
  - (2) advising that ear piercing will not be carried out on any child under the age of 16 unless accompanied by a person who has parental rights and responsibilities in respect of that child and who has also given their consent in writing to the ear piercing; and
  - (3) listing the names of licensed and authorised practitioners.
  - (4) advising of the risks associated with ear piercing
68. The Licence holder shall ensure a full-face photograph of each operator is clearly displayed in the designated area so that all customers may easily identify him or her.
69. The Licence holder-undertaking ear piercing only shall ensure that the premises has the following facilities conveniently located to the designated area:
  - (1) a wash hand basin with hot and cold running water;
  - (2) a paper towel holder containing paper towels,
  - (3) a soap dispenser containing soap,

(4) a dispenser containing alcohol solution for cleaning purposes,

(5) a waste bucket with a pedal operated lid

70. The Licence holder shall ensure that the designated area is effectively ventilated and illuminated for the purposes of ear piercing.

### **CONDITIONS APPLICABLE TO ACUPUNCTURE ONLY**

71. The Licence holder shall ensure that operators wash their hands immediately before carrying out the activity of acupuncture on each client.

72. The Licence holder shall ensure that the activity of acupuncture is carried out by an operator wearing disposable non-latex gloves that have not been previously used with another client where:

(1) the operator has an open lesion on their hands,

(2) the operator is handling items that may be contaminated with blood or other body fluids,

(3) the client is bleeding or has an open lesion on an exposed part of the client's body,

(4) the client is known by the operator to be infected with a blood-borne virus.

### **73. Definitions.**

“Licence Holders” means the person, persons, company, firm, public body or voluntary organisation named in the Licence;

“Premises” means the premises specified in the Licence.

“acupuncture” means the insertion of needles into living tissue for remedial or therapeutic purposes;

“cosmetic body piercing” means the perforation of the skin and underlying tissue in order to create a tunnel in the skin through which jewellery may be inserted;

“electrolysis” means the removal of body hair by electrocution of the hair roots with an electrified needle;

“hospital” means any health service hospital within the meaning of section 108(1) of the National Health Service (Scotland) Act 1978;

“independent clinic” has the same meaning as in section 77(1) of the Regulation of Care (Scotland) Act 2001;

“skin piercing” includes any of the following –

(a) acupuncture;

(b) cosmetic body piercing; or

(c) electrolysis.



“tattooing” means the insertion into the skin of any colouring material designed to leave a semi-permanent or permanent mark including micro-pigmentation.

“autoclave” means a pressure vessel in which the lid is sealed by the internal pressure in the vessel and which is used to steam sterilise equipment used for skin piercing or tattooing.

“sharps container” means a container used for holding medical waste and devices, which can cause physical injury.

“ultrasonic cleaner” means a cleaning device, which uses sound waves propagated through an aqueous medium at frequencies higher than the audible range.