



METROPOLITAN BOROUGH OF SOLIHULL

BYELAWS

Made under Section 15(7) of the Local Government
(Miscellaneous Provisions) Act 1982 by the Council of the
Metropolitan Borough of Solihull

EAR-PIERCING AND ELECTROLYSIS

**JOHN SCAMPION,
Town Clerk and Chief Executive Officer**

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EAR-PIERCING AND ELECTROLYSIS

1. Interpretation:

- (a) In these byelaws, unless the context otherwise requires -
‘the Act’ means the Local Government (Miscellaneous Provisions) Act 1982;
‘client’ means any person undergoing the treatment;
‘operator’ means any person giving the treatment;
‘premises’ means any premises registered under Part VIII of the Act;
‘proprietor’ means any person registered under Part VIII of the Act;
‘the treatment’ means any operation in effecting ear-piercing or electrolysis;
‘the treatment area’ means any part of premises where the treatment is given to clients.
- (b) The Interpretation Act 1978 shall apply for the interpretation of these byelaws as it applies for the interpretation of an Act of Parliament.

2. For the purpose of securing the cleanliness of premises and fittings therein a proprietor shall ensure that -

- (a) All internal walls, doors, windows, partitions, floors, floor coverings and ceilings in any part of the premises used by clients and operators are kept clean and in such good repair as to enable them to be cleaned effectively;
- (b) All waste material, and other litter, arising from the treatment is placed in suitable covered receptacles, which are washable and leakproof, or use a leakproof liner bag. The receptacles shall be emptied, or the bags removed and changed, at least once every working day, or more frequently as necessary, and the waste material and other litter disposed of safely. Where liner bags are not used, the receptacles shall then be thoroughly cleaned before being brought back into use;
- (c) All needles used in the treatment are placed after use in separate covered and leakproof re-usable boxes, or disposable needle boxes designed for the purpose. Where re-usable boxes are used they shall be emptied at least once every working day or more frequently as necessary, and the contents disposed of safely or sterilised for re-use, as appropriate. The boxes shall then be sterilised before being brought back into use. Where needle boxes are used they shall be disposed of safely at suitable intervals;
- (d) All furniture and fittings in the treatment area are kept clean and in such good repair as to enable them to be cleaned effectively;

THE FOLLOWING NOTES SHOULD BE READ IN CONJUNCTION
WITH THE BYELAWS BUT DO NOT FORM PART OF THEM

- (A) Proprietors shall take all reasonable steps to ensure compliance with these byelaws by persons working on the premises.
- (B) Section 16(9) of the Local Government (Miscellaneous Provisions) Act 1982 (as amended) lays down that a registered person shall cause to be prominently displayed on the premises a copy of these byelaws and a copy of any certificate of registration issued to him under Part VIII of the Act. A person who contravenes this section shall be guilty of an offence and liable on a summary conviction to a fine not exceeding level 2 on the standard scale.
- (C) Section 16(1) and (2) of the Act provides that any person who offends against the requirement for person(s) and premises to be registered by the local authority, and/or any of these byelaws, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (D) If the convicted person is registered under Part VIII of the Act, 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 so convicted.
- (E) Section 16(11) of the Act provides that it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.
- (F) Nothing in these byelaws shall extend to the carrying on of the business of ear-piercing and electrolysis by or under the supervision of a person who is registered as a medical practitioner or to premises on which any such business is carried on by or under the supervision of such a person.

- (e) All tables, couches and seats used by clients or by operators in the treatment area and any surface on which any of the items specified in Byelaw No. 3(b) are placed immediately prior to treatment have a smooth impervious surface which is wiped down regularly with a suitable disinfectant;
- (f) Where tables or couches are used by clients, they shall be covered by a disposable paper sheet which shall be changed for each client;
- (g) A suitable notice or notices prohibiting smoking within the treatment area shall be prominently displayed within and immediately outside the treatment area.

3. For the purpose of securing the cleansing and, so far as is appropriate, the sterilisation of instruments, materials and equipment used in connection with the treatment -

- (a) An operator shall ensure that, before use in connection with the 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 is sterile;
 - (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 any needle, metal instrument, or other item of equipment used in the treatment or for handling instruments and needles used in the treatment, is in a sterile condition and kept sterile until it is used;
- (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/or electrical socket outlets to enable compliance with these byelaws;
 - (iii) an adequate constant supply of clean hot and cold water should be readily available at all times on the premises;
 - (iv) adequate storage for all items mentioned in Byelaw No. 3(a) and (b) so that those items shall be 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) An operator whilst giving the treatment shall ensure that -
 - (i) his hands are clean;
 - (ii) he is wearing clean clothing;
 - (iii) he keeps any open boil, sore, cut or open wound on an exposed part of his body effectively covered by an impermeable dressing;

- (iv) he does not smoke or consume food or drink;
- (b) **A** proprietor shall provide -
 - (i) suitable and sufficient washing facilities for the use of operators, such facilities to have hot and cold water, sanitising soap or detergent, and a nail brush;
 - (ii) suitable and sufficient sanitary accommodation for operators.

GIVEN under the Common Seal of the Metropolitan Borough of Solihull this SIXTEENTH day of MAY **1986**.

THE COMMON SEAL of
THE METROPOLITAN BOROUGH OF
SOLIHULL was hereunto affixed
in the presence of -



P.A.RICHARDSON
Assistant Town Clerk

The foregoing byelaws are hereby
confirmed by the Secretary of
State for Social Services on
17 August 1987 and shall come into
operation on **1 October 1987**



GEORGE J.BRECHIN
Assistant Secretary
Department of Health and
Social Security