



BYELAWS

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

ACUPUNCTURE

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 treatment
 - “operator” means any person giving 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 the practice of acupuncture.
 - “the treatment area” means any part of the premises where 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 and floor coverings and ceilings are kept clean and in such good order and repair as to enable them to be cleaned effectively.
- b) The treatment area is used solely for giving treatment.
- c) All waste material and other litter arising from the treatment is placed in suitable covered receptacles, which are washable and leak proof, or use a leak proof litter 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 the waste material and other litter disposed of safely. Where liner bags are not used, the receptacles shall be thoroughly cleaned before being back into use.
- d) All needles used in the treatment are placed, after use, in separate covered and leak proof, re-useable boxes, or disposable needle boxes designed for the purpose. Where re-useable 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 bought back into use. Where needle boxes are used they shall be disposed of safely at suitable intervals.
- e) All furniture and fittings in the premises are kept clean and in such good order and repair as to enable them to be cleaned effectively.
- f) All tables, couches and seats used by clients in the treatment area, and any surface on which the items specified in 3b below 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

- g) Where tables or couches are used by clients, they shall be covered by a disposable paper sheet which shall be changed for each client.
- h) A suitable notice or notices prohibiting smoking within the treatment area shall be prominently displayed with 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 treatment, any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such articles 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 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
- d) adequate facilities and equipment for the purpose of sterilisation unless disposable items are used, and for cleansing as required in pursuance of these byelaws:
 - (i) sufficient and safe gas points and / or electrical socket outlets to enable compliance with these byelaws;
 - (ii) an adequate and constant supply of clean hot and cold water readily available at all times on the premises;
 - (iii) adequate storage for all items mentioned in byelaw 3(a) and (b) above 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 treatment shall ensure that:
 - (i) His hands and nails are clean and nails kept short.
 - (ii) He is wearing clean and washable clothing or alternatively a disposable covering that has not been previously used in connection with any other client.
 - (iii) He or she keeps any open sore, boil, cut or open wound on an exposed part of his or her body effectively covered by an impermeable dressing.
 - (iv) He does not smoke or consume food or drink
- b) A proprietor shall provide:
 - (i) suitable & sufficient washing facilities for the sole 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 FOLLOWING NOTES SHOULD BE READ IN CONJUNCTION WITH THE
BYELAWS BUT DO NOT FORM PART OF THEM**

- A Proprietors must take all reasonable steps to ensure compliance with these byelaws by persons working on the premises. Section 16(9) of the Local Government (Miscellaneous Provisions) Act provides 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.
- B Section 16(2) of the Local Government (Miscellaneous Provisions) Act 1982 provides that any person who contravenes 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. If a person registered under Part VIII of the Act is found guilty of contravening these byelaws 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 sub-sections (1), (2), (8) or (10) of Section 16 to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.
- C Nothing in these byelaws extends to the practice of acupuncture 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.