

# A G E N D A

## GENERAL PURPOSES COMMITTEE

Wednesday 9 January 2019 at 6.30 pm  
Committee Room A, Town Hall, Royal Tunbridge Wells, Kent TN1 1RS

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**Members:** Councillor Podbury (Chairman), Councillors Hastie (Vice-Chairman), Ellis, Gooda, Dr Hall, Lewis-Grey, Simmons and Mrs Thomas

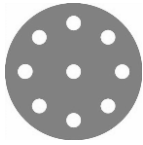
**Quorum:** 3 Members (to include either the Leader or Deputy Leader)

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- 1 Apologies**  
To receive any apologies for absence.
  - 2 Declarations of Interest**  
To receive any declarations of interest by members of the Council in items on the agenda. For any advice on declarations of interest, please contact the Monitoring Officer.
  - 3 Notification of Visiting Members wishing to speak**  
To note any members of the Council wishing to speak, of which due notice has been given in accordance with Council Procedure Rule 18, and which items they wish to speak on.
  - 4 Minutes of the meeting dated 17 October 2018** (Pages 5 - 6)  
To approve the minutes of a previous meeting as a correct record. The only issue relating to the minutes that can be discussed is their accuracy.
  - 5 Consolidated Model Byelaws for Skin Piercing and Other Beauty Treatments** (Pages 7 - 16)
  - 6 Urgent Business**  
To consider any other items which the Chairman decides are urgent, for the reasons to be stated, in accordance with Section 100B(4) of the Local Government Act 1972.
  - 7 Date of Next Meeting**  
To note that the next scheduled meeting is Wednesday 3 April 2019 at 6.30pm.
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**Mark O'Callaghan**  
**Democratic Services Officer**  
**Tel:** (01892) 554219  
**Email:** [mark.ocallaghan@tunbridgewells.gov.uk](mailto:mark.ocallaghan@tunbridgewells.gov.uk)

**Town Hall**  
**ROYAL TUNBRIDGE WELLS**  
**Kent TN1 1RS**



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### **Notes on Procedure**

- (1) A list of background papers appears at the end of each report, where appropriate, pursuant to the Local Government Act 1972, section 100D(i).
- (2) Members seeking factual information about agenda items are requested to contact the appropriate Service Manager prior to the meeting.
- (3) Members of the public and other stakeholders are required to register with the Democratic Services Officer if they wish to speak on an agenda item at a meeting. Places are limited to a maximum of four speakers per item. The deadline for registering to speak is 4.00 pm the last working day before the meeting. Each speaker will be given a maximum of 3 minutes to address the Committee.
- (4) All meetings are open to the public except where confidential or exempt information is being discussed. The agenda will identify whether a meeting or part of a meeting is not open to the public. Meeting rooms have a maximum public capacity as follows:  
Council Chamber: 100, Committee Room A: 20, Committee Room B: 10.
- (5) Please note that the public proceedings of this meeting will be recorded and made available for playback on the Council's website. Any other third party may also record or film meetings, unless exempt or confidential information is being considered, but are requested as a courtesy to others to give notice of this to the Democratic Services Officer before the meeting. The Council is not liable for any third party recordings.

Further details are available on the website ([www.tunbridgewells.gov.uk](http://www.tunbridgewells.gov.uk)) or from Democratic Services.

**If you require this information in another format please contact us, call 01892 526121 or email [committee@tunbridgewells.gov.uk](mailto:committee@tunbridgewells.gov.uk)**

**Accessibility into and within the Town Hall** – There is a wheelchair accessible lift by the main staircase, giving access to the first floor where the committee rooms are situated. There are a few steps leading to the Council Chamber itself but there is a platform chairlift in the foyer.

**Hearing Loop System** – The Council Chamber and Committee Rooms A and B have been equipped with hearing induction loop systems. The Council Chamber also has a fully equipped audio-visual system.

## GENERAL PURPOSES COMMITTEE

Wednesday, 17 October 2018

**Present: Councillor Joy Podbury (Chairman)  
Councillors Hastie (Vice-Chairman), Ellis, Dr Hall and Simmons**

**Officers in Attendance:** Keith Trowell (Team Leader - Corporate Governance (Deputy Monitoring Officer)) and Mark O'Callaghan (Democratic Services Officer)

**Other Members in Attendance:** None

### APOLOGIES

GP1/18 Apologies were received for Councillors Gooda and Mrs Thomas. Councillor Lewis-Grey was not present.

### DECLARATIONS OF INTEREST

GP2/18 There were no disclosable pecuniary or other significant interests declared at the meeting.

### NOTIFICATION OF VISITING MEMBERS WISHING TO SPEAK

GP3/18 There were no Visiting Members who had registered as wishing to speak.

### MINUTES OF THE MEETING DATED 6 JULY 2016

GP4/18 Members reviewed the minutes, no amendments were proposed.

Councillor Hastie referred to minute GP5/16 in which he had enquired whether the Council was a living wage employer, the response had been that "insofar as all salaries paid equated to the living wage". He noted that if someone was part-time that might skew the figures slightly and sought confirmation whether the Council was in a position to declare that it was a living wage employer. In response to a question from Councillor Simmons, he added that it was his intention to include all staff of the Council. It was agreed that a response would be sought outside the meeting.

**RESOLVED** – That the minutes of the meeting dated 6 July 2016 be approved as a correct record.

### CHANGE OF NAME OF BRENCHLEY PARISH COUNCIL

GP5/18 Mr Keith Trowell, Team Leader of Corporate Governance for Mid-Kent Legal Services, introduced the report which included the following comments:

- The request to change the name of the Parish originated from a decision at the annual meeting of the Parish Council on 8 May 2017.
- Section 75 of the Local Government Act 1972 gave the Council the discretionary power to consider the request and Part 3 of the Constitution assigned this function to the General Purposes Committee.

- There was no statutory process for considering the name change, however, it was a requirement that notice of any change be given to the Secretary of State, the Director-General of the Ordnance Survey and the Registrar-General.
- Brenchley Parish also included the village of Matfield and the request of the Parish Council was to recognise the equal importance of the villages it served.
- Community engagement events had been arranged in both villages, there was a Brenchley and Matfield school and a joint Brenchley and Matfield website. The proposed name change would further endorse the connection.
- The request was formally received by the Council on 8 June 2018 and had cleared various stages before being presented to this committee.
- Whilst not required for the process, the Parish Council had undertaken a 3-week public consultation exercise with local residents. All consultation responses were set out at Appendix A to the report.
- No objections to the proposals had been received.

The discussion included consideration of the following additional matters:

- Matfield did not currently have its own parish council.
- There were no costs involved in the name change.
- The effort to consult local residents should be applauded and was over and above what was needed formally.
- One consultee had suggested the name be Matfield and Brenchley but otherwise did not object to the proposed name.

## **RESOLVED –**

1. That the change of name request received from Brenchley Parish Council be noted; and
2. That the name of the Parish of Brenchley be changed to the Parish of Brenchley and Matfield, pursuant to Section 75 of the Local Government Act 1972.

## **URGENT BUSINESS**

GP6/18      There was no urgent business.

## **DATE OF NEXT MEETING**

GP7/18      The next meeting was scheduled for Wednesday 9 January 2019 commencing at 6.30pm.

## **NOTES:**

The meeting concluded at 6.40 pm.

An audio recording of this meeting is available on the Tunbridge Wells Borough Council website.

## General Purposes Committee

**9 January 2019**

Is the final decision on the recommendations in this report to be made at this meeting?	<b>Yes</b>
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## Consolidated Model Byelaws for Skin Piercing and Other Beauty Treatments

<b>Final Decision-Maker</b>	General Purposes Committee
<b>Portfolio Holder(s)</b>	Councillor Dr Ronen Basu – Portfolio Holder for Sustainability
<b>Lead Director</b>	Paul Taylor – Director of Change and Communities
<b>Head of Service</b>	Gary Stevenson – Head of Housing, Health and Environment
<b>Lead Officer/Author</b>	Nollaig Hallihan – Food and Safety Team Leader
<b>Classification</b>	Non-exempt
<b>Wards affected</b>	All

### **This report makes the following recommendations to the final decision-maker:**

That the Department of Health consolidated Model Byelaws for acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis, as set out at Appendix A to the report, be adopted.

### **Explain how this report relates to the Corporate Priorities in the Five Year Plan:**

- A Prosperous Borough – the adoption one consolidated byelaw to replace the two current older byelaws ensures that local businesses comply with nationally set standards.
- A Confident Borough – the byelaws offer better protection to the public health.

### **Timetable**

<b><i>Meeting</i></b>	<b><i>Date</i></b>
Management Board	24 October 2018
Discussion with Portfolio Holder	Before 24 Oct 2018
General Purposes Committee	9 January 2019

Tunbridge Wells Committee Report, version: June 2018

## Consolidated Model Byelaws for Skin Piercing and Other Beauty Treatments

### 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The purpose of requiring businesses to register to offer tattooing, skin piercing and other beauty treatments is to prevent the spread of infectious disease and protect public health. The model Byelaws contain recognised and accepted standards for achieving this protection and Tunbridge Wells Borough Council previously adopted earlier versions of the Department of Health Model Byelaws in 1998 and 2006.
- 1.2 Since then the Department of Health has revised and consolidated the two previous individual Byelaws within one Byelaw to simplify the standards required for a wide range of beauty treatments such as; cosmetic piercing and semi permanent skin colouring, acupuncture, tattooing, electrolysis and ear piercing (referred to as special treatments).
- 1.3 Frequently the registered practitioners and premises undertake more than one type of treatment and so by consolidating the Byelaws it will improve operational efficiency and simplify the standards for local businesses.
- 1.4 In summary this proposal seeks to bring the Tunbridge Wells Borough Council Byelaws for special treatments up to date to reflect the current model Byelaws composed by the Department of Health (Appendix A).

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### 2. INTRODUCTION AND BACKGROUND

- 2.1 The Local Government Act 2003 amended the Local Government (Miscellaneous Provisions) Act 1982 to include cosmetic (body) piercing and semi permanent skin colouring, extending the range of skin piercing activities Tunbridge Wells Borough Council can regulate to protect public health. Previous Byelaws have been adopted by the Council to include these two activities within the Council's remit.
- 2.2 It is important for this industry sector to be effectively regulated due to the risks associated with the type of skin piercing treatments being offered. There is the potential risk of transmission of blood borne viruses (BBV), for example HIV, Hepatitis B and C, as well as other potentially serious skin infections, potential physical damage and bleeding if the treatment is not undertaken correctly.
- 2.3 This is a dynamic industry sector and the range of skin piercing activities offered is constantly evolving. These latest Byelaws consolidate two previous sets of Byelaws and also take into consideration the technological developments within the sector.

- 2.4 These model Byelaws have been adopted by Maidstone Borough Council and are in the process of being adopted by Swale Borough Council, the adoption of these Byelaws by Tunbridge Wells Borough Council would enable best practice and help bring consistency in public health standards expected across the Mid Kent Environmental Health Partnership.
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### **3. AVAILABLE OPTIONS**

#### 3.1 Option One – Do Nothing

Tunbridge Wells Borough Council would continue to have a special treatments regime where there are two different sets of Byelaws in place which reduces clarity for local businesses and results in inconsistency in public health expectations and enforcement across the Partnership. This is not recommended.

- 3.2 Option Two – Adopt the latest Model Byelaws (Appendix A) to ensure clear and consistent public health controls are implemented within businesses within this sector across the Partnership in line with the Department of Health's expectations.
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### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 Option Two – Adopt the latest model Byelaws from the Department of Health for the reasons given above. The expected outcomes include clarity to local businesses and consistency across the Partnership.
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### **5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 5.1 The power to adopt Byelaws is delegated to the General Purposes Committee by Full Council; therefore it has not been necessary to consult other committees.
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### **6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 6.1 All registered practitioners will be sent the relevant updated Byelaws with a covering explanatory letter. This is to ensure that registered practitioners are aware of the standards at which their business will be assessed. The updated byelaws will also be available on the Council's website. There will potentially be a Health and Safety Project run next year with regard to this and visits will be undertaken to all practitioners to assess compliance with the byelaws.
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## 7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Legal</b> including Human Rights Act	The existing registration requirement and byelaws for tattooing, semi-permanent skin colouring, electrolysis, cosmetic piercing and acupuncture have proved to be effective controls at protecting public health. If these latest model byelaws are not adopted the Council will continue to have two separate sets of dated byelaws which are confusing to local businesses and inconsistent with other authorities within the Mid Kent Partnership.	Keith Trowell, Team Leader (Corporate Governance), MKLS 4 December 2018
<b>Finance</b> and other resources	None. Officer time is already spent undertaking visits to establishments who have applied for registration. Adopting the byelaws would give a consolidated and consistent hygiene criterion for businesses to meet.	Jane Fineman Head of Finance and Procurement 30 November 2018
<b>Staffing establishment</b>	None	Nicky Carter Head of HR, Customer Service and Culture 30 November 2018
<b>Risk management</b>	The adoption of the latest model byelaws will assist in protecting the health and safety of all people associated with non-medical skin piercing. The proposed byelaws reflect the model byelaws provided by the Department of Health.	Nollaig Hallihan Food and Safety Team Leader 30 November 2018
<b>Data Protection</b>	None	Jane Clark Head of Policy and Governance 29 November 2018
<b>Environment and sustainability</b>	None	Karin Grey Sustainability Manager 29 November 2018
<b>Community safety</b>	The existing byelaws have proved to be effective controls in protecting public health; however, they are somewhat piecemeal and dated. Adoption of the latest model Byelaws ensures we are following the latest standards expected by the Department of Health and as such will be protecting the public as far as possible who have these treatments undertaken.	Terry Hughes Community Safety Manager 29 November 2018



<b>Health and Safety</b>	None. Officers are already visiting these premises regarding new registrations, complaints etc.	Mike Catling Corporate health and Safety Advisor 29 November 2018
<b>Health and wellbeing</b>	Adopting the latest Department of Health model Byelaws will ensure we are able to enforce the latest standards which in turn will help to protect public health.	Stuart Smith Health Team Leader 29 November 2018
<b>Equalities</b>	Adoption of the preferred option will ensure that all businesses offering any type of non-medical skin piercing will have to comply with the latest model byelaws.  No detrimental impact on the protected characteristics of individuals has been identified.	Jane Clark Head of Policy and Governance 29 November 2018

## 8. REPORT APPENDICES

The following documents are to be published with and form part of the report:

- Appendix A: Model Byelaws for acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis: Department of Health

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## 9. BACKGROUND PAPERS

- None
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## BYELAWS

### Acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis

Byelaws for the purposes of securing the cleanliness of premises registered under sections 14(2) or 15(2) or both of the Local Government (Miscellaneous Provisions) Act 1982 and fittings in such premises and of persons registered under sections 14(1) or 15(1) or both of the Act and persons assisting them and of securing the cleansing and, so far as appropriate, sterilization of instruments, materials and equipment used in connection with the practice of acupuncture or the business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis, or any two or more of such practice and businesses made by Tunbridge Wells Borough Council in pursuance of sections 14(7) or 15(7) or both of the Act.

#### Interpretation

1.—(1) In these byelaws, unless the context otherwise requires—

“The Act” means the Local Government (Miscellaneous Provisions) Act 1982;

“client” means any person undergoing treatment;

“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;

“operator” means any person giving treatment, including a proprietor;

“premises” means any premises registered under sections 14(2) or 15(2) of the Act;

“proprietor” means any person registered under sections 14(1) or 15(1) of the Act;

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

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

(2) The Interpretation Act 1978 shall apply for the interpretation of these byelaws as it applies for the interpretation of an Act of Parliament.

2.—(1) For the purpose of securing the cleanliness of premises and fittings in such premises a proprietor shall ensure that—

- (a) any internal wall, door, window, partition, floor, floor covering or ceiling is kept clean and in such good repair as to enable it to be cleaned effectively;
- (b) any waste material, or other litter arising from treatment is handled and disposed of in accordance with relevant legislation and guidance as advised by the local authority;
- (c) any needle used in treatment is single-use and disposable, as far as is practicable, or otherwise is sterilized for each treatment, is suitably stored after treatment and is disposed of in accordance with relevant legislation and guidance as advised by the local authority;
- (d) any furniture or fitting in premises is kept clean and in such good repair as to enable it to be cleaned effectively;
- (e) any table, couch or seat used by a client in the treatment area which may become contaminated with blood or other body fluids, and any surface on which a needle, instrument or equipment is placed immediately prior to treatment has a smooth impervious surface which is disinfected—
  - (i) immediately after use; and
  - (ii) at the end of each working day.
- (f) any table, couch, or other item of furniture used in treatment is covered by a disposable paper sheet which is changed for each client;

# Appendix A

(g) no eating, drinking, or smoking is permitted in the treatment area and a notice or notices reading “No Smoking”, and “No Eating or Drinking” is prominently displayed there.

(2)(a) Subject to sub-paragraph (b), where premises are registered under section 14(2) (acupuncture) or 15(2) (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the 1982 Act, a proprietor shall ensure that treatment is given in a treatment area used solely for giving treatment;

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

(3)(a) Subject to sub-paragraph (b), where premises are registered under section 15(2) (tattooing, semi-permanent skin-colouring and cosmetic piercing) of the 1982 Act, a proprietor shall ensure that the floor of the treatment area is provided with a smooth impervious surface;

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

**3.—(1)** For the purpose of securing the cleansing and so far as is appropriate, the sterilization of needles, instruments, jewellery, materials and equipment used in connection with treatment—

(a) an operator shall ensure that—

(i) any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such article used in treatment—

(aa) is clean and in good repair and, so far as is appropriate, is sterile;

(bb) has not previously been used in connection with another client unless it consists of a material which can be and has been adequately cleansed and, so far as is appropriate, sterilized.

(ii) any needle, metal instrument, or other instrument or equipment used in treatment or for handling such needle, instrument or equipment and any part of a hygienic piercing instrument that touches a client is sterile;

(iii) any jewellery used for cosmetic piercing by means of a hygienic piercing instrument is sterile;

(iv) any dye used for tattooing or semi-permanent skin-colouring is sterile and inert;

(v) any container used to hold dye for tattooing or semi-permanent skin-colouring is either disposed of at the end of each treatment or is cleaned and sterilized before re-use.

(b) a proprietor shall provide—

(i) adequate facilities and equipment for—

(aa) cleansing; and

(bb) sterilization, unless only pre-sterilized items are used.

(ii) sufficient and safe gas points and electrical socket outlets;

(iii) an adequate and constant supply of clean hot and cold water on the premises;

(iv) clean and suitable storage which enables contamination of the articles, needles, instruments and equipment mentioned in paragraphs 3(1)(a)(i), (ii), (iii), (iv) and (v) to be avoided as far as possible.

**4.—(1)** For the purpose of securing the cleanliness of operators, a proprietor—

(a) shall ensure that an operator—

(i) keeps his hands and nails clean and his nails short;

(ii) keeps any open lesion on an exposed part of the body effectively covered by an impermeable dressing;

(iii) wears disposable examination gloves that have not previously been used with another client, unless giving acupuncture otherwise than in the circumstances described in paragraph 4(3);

(iv) 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 another client;

(v) does not smoke or consume food or drink in the treatment area; and

# Appendix A

(b) shall provide—

- (i) suitable and sufficient washing facilities appropriately located for the sole use of operators, including an adequate and constant supply of clean hot and cold water, soap or detergent; and
- (ii) suitable and sufficient sanitary accommodation for operators.

(2) Where an operator carries out 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 provides need not be for the sole use of the operator.

(3) 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—

- (a) the client is bleeding or has an open lesion on an exposed part of his body; or
- (b) the client is known to be infected with a blood-borne virus; or
- (c) the operator has an open lesion on his hand; or
- (d) the operator is handling items that may be contaminated with blood or other body fluids.

**5.** A person registered in accordance with sections 14 (acupuncture) or 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the Act who visits people at their request to give them treatment should observe the requirements relating to an operator in paragraphs 3(1)(a) and 4(1)(a).

**6.** The byelaws relating to acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis that were confirmed by Tunbridge Wells Borough Council are revoked.

COUNCIL'S SIGNATURE

COUNCIL'S SEAL

The foregoing byelaws are hereby confirmed by the Secretary of State for Health  
on \_\_\_\_\_ and shall come into operation on \_\_\_\_\_

Member of the Senior Civil Service

Department of Health

## **NOTE – THE FOLLOWING DOES NOT FORM PART OF THE BYELAWS**

Proprietors shall take all reasonable steps to ensure compliance with these byelaws by persons working on premises. Section 16(9) of the Local Government (Miscellaneous Provisions) Act 1982 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. A person who contravenes section 16(9) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale (see section 16(10)).

Section 16 of the Local Government (Miscellaneous Provisions) Act 1982 also provides that any person who contravenes 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 the person's registration. A court which orders the suspension of or cancellation of a person's registration may also order the suspension or cancellation 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 the relevant sub-sections of section 16 to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.

Nothing in these byelaws 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 in which the practice of acupuncture, or business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis is carried out by or under the supervision of such a person.

Nothing in these byelaws extends to the practice of acupuncture by or under the supervision of a person who is registered as a dentist, or to premises in which the practice of acupuncture is carried out by or under the supervision of such a person.

The legislative provisions relevant to acupuncture are those in section 14. The provisions relevant to treatment other than acupuncture are in section 15.

The key differences in the application of requirements in respect of the various treatments are as follows:

*The references in the introductory text to provisions of section 14 (acupuncture) of the Local Government (Miscellaneous Provisions) Act 1982 **only apply to acupuncture.***

*The references in the introductory text to provisions of section 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the Local Government (Miscellaneous Provisions) Act 1982 **do not apply to acupuncture.***

*The references in paragraph 1(1) in the definition of "premises" to provisions of section 14 (acupuncture) **only apply to acupuncture.***

*The references in paragraph 1(1) in the definition of "premises" to provisions of section 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) **do not apply to acupuncture.***

*The requirement in paragraph 2(2) 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(3) 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(1) (a) (iv) and (v) **apply to tattooing and semi-permanent skin-colouring.***

*The requirement in paragraph 4(1)(a)(iii) that an operator wears disposable examination gloves that have not previously been used with another client **does not apply to acupuncture otherwise than in the circumstances described in paragraph 4(3).***

*The provisions of paragraph 4(2) in relation to washing facilities **apply to cosmetic piercing using only a hygienic piercing instrument.***

*The exception whereby the byelaws do not apply to treatment carried out by or under the supervision of a dentist **applies only to acupuncture (see section 14(8) of the Act).***