

Guidance Notes for Applicants

Civic Government (Scotland) Act 1982 (Licensing of Skin Piercing and Tattooing Order) 2006.

1. Activities Covered by the Legislation

For the purposes of this legislation, skin piercing and tattooing includes:

- a) Acupuncture i.e. the insertion of needles into living tissue for remedial or therapeutic purposes.
- b) Cosmetic Body Piercing i.e. the perforation of the skin and underlying tissue in order to create a tunnel in the skin through which jewellery may be inserted.
- c) Electrolysis i.e. the removal of body hair by electrocution
- d) Tattooing i.e. the insertion into the skin of any colouring material designed to leave a semi permanent or permanent mark including micropigmentation and microblading.

2. Person or Premises – Licensing Requirements

A licence will be required by businesses or self-employed individuals operating either independently within premises or in a peripatetic manner. In order to clarify the requirements for a range of potential circumstances that may arise, the table below provides examples for illustration.

Situation	Requirement
Self-employed operator working alone within a premises	Operator shall require a licence for the carrying on of their business and is required to comply with all conditions of that licence. The licence holder shall be responsible for: <ul style="list-style-type: none"> • ensuring that any changes to the original licence application are notified to the issuing authority within 30 days. • surrendering the licence to the issuing authority if called upon to do so for the purpose of alteration.
Operator who employs a number of other operators within a fixed premises	Employer shall require a licence for the carrying on of their business and shall be responsible for: <ul style="list-style-type: none"> • ensuring that all operators in their employment are sufficiently trained and experienced, commensurate with the procedures they are carrying out • ensuring that any individual undergoing training is continually supervised by a competent individual • ensuring that they, and all those in their employment, comply with all conditions of the licence. • Ensuring that any changes to the original licence application are notified to the issuing authority within 30 days, e.g. change of operators. • Surrendering the licence to the issuing authority if called upon to do so for the purpose of alteration.

<p>Operator who works within a fixed premises and rents space out to self-employed operators</p>	<p>The principal operator, i.e. the one who is in charge of the premises and rents out space to other operators, shall require a licence for the carrying on of their own business and is required to comply with all conditions of that licence.</p> <p>All self-employed operators working within the premises shall require a licence for the carrying on of their business. This is because they are not under the direction of the principal operator and must therefore be considered separately. Where the self-employed operator works from more than one premises, all premises within which they operate should be detailed on that licence. If these premises are different local authority areas the operator requires a licence from each authority.</p> <p>NB Someone who is merely landlord and not an operator will not require a licence. It is the licence holder’s responsibility to ensure that the premises comply with the licence conditions.</p> <p>The licence holder is responsible for:</p> <ul style="list-style-type: none"> • Ensuring that any changes to the original licence application are notified to the issuing authority within 30 days. • Surrendering the licence to the issuing authority if called upon to do so for the purpose of alteration.
<p>Operator who works solely from home</p>	<p>Operator shall require a licence for the carrying on of their business and is required to comply with all conditions of that licence.</p> <p>*The home shall be treated as a premises for the purposes of the licensing process and should meet all requirements of the 2006 order.</p> <p>The licence holder is responsible for:</p> <ul style="list-style-type: none"> • ensuring that any changes to the original licence application are notified to the issuing authority within 30 days. • surrendering the licence to the issuing authority if called upon to do so for the purpose of alteration.
<p>Operator who works peripatetically</p>	<p>Operator shall require a licence from every local authority within which they will operate and is required to comply with all conditions of those licences.</p> <p>The licence holder is responsible for:</p> <ul style="list-style-type: none"> • ensuring that any changes to the original licence application are notified to the issuing authority within 30 days. • surrendering the licence to the issuing authority if called upon to do so for the purpose of alteration.

3. Excluded Persons

a) Regulated Healthcare Professionals

Individuals who are registered with, or regulated by the Council for Healthcare Regulatory Excellence are exempt from the Order. At the date of publication, these bodies are as follows:

- General Medical Council
- General Dental Council
- General Optical Council
- General Osteopathic Council
- General Chiropractic Council
- Royal Pharmaceutical Council of Great Britain
- Pharmaceutical Council of Northern Ireland
- Nursery and Midwifery Council
- Health Professions Council

b) Charities offering services free-of-charge

Given that the Order applies to the carrying on of a business, registered charities offering any of the procedures governed by the Order shall be exempt from licensing requirements. Many charities within Scotland who currently offer acupuncture, or acupuncture detox, are registered with an organisation called NADA-UK which offers training to substance misuse services across the UK in ear acupuncture (using only single-use needles) which is offered to clients free of charge. Upon completion of training, operators receive a permission-to-practice certificate and they are then re-assessed on an annual basis to ensure continued fitness-to-practise.

4. Scope of the Legislation

Applicants should note that if the application relates to premises, the application cannot be granted unless the following conditions are met:

- a) separate rooms are provided for
 - i) the waiting area and
 - ii) the carrying out of skin piercing and tattooing
- b) the waiting area has displayed a notice advising
 - i) that skin piercing and tattooing will not be carried out on any person under the influence of alcohol or drugs;
 - ii) 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
 - iii) that tattooing will not be carried out on any person under the age of 18
- c) the room to be used for the purposes of carrying out the skin piercing or tattooing has the following facilities
 - i) a sink with hot and cold running water which uses non-hand operated taps
 - ii) a paper towel holder containing paper towels

- iii) a soap dispenser containing soap
 - iv) a washable bench or chair with disposable paper sheet
 - v) a dispenser containing alcohol solution
 - vi) a sharps container for storage of needles after use and
 - vii) a first aid kit
- d) where applicable, the following equipment is stored and properly maintained for use on the premises
- i) ultrasonic cleaners
 - ii) instrument baths
 - iii) autoclaves and autoclave pouches and
- e) the premises are well ventilated and illuminated for the purposes of skin piercing and tattooing

5. Miscellaneous

- a) Please ensure you submit the appropriate fee along with your application(s). Failure to do so will result in your application being returned and a delay in the processing of your licence application.
- b) On your application, please state the maximum hours you anticipate trading within. Please note that any future change of trading hours, outwith the hours originally stipulated will require to be officially notified to the Council by way of an application for consent to material change in circumstances.
- c) Please ensure you display the site notice in a part of your premises where it is clearly visible to the public for a period of no less than 21 days from the date the application was lodged with the Council. Following this period, send the entire Site Notice to Licensing, Municipal Chambers, Buccleuch Street, Dumfries
- d) Please note that it is your responsibility to ensure that the activity you request to be licensed is stated specifically on the application form. It is also your responsibility to check your licence after it is issued to ensure that it is accurate.