



**Herefordshire
Council**

**Tattooing, Body Piercing
and
Skins Policy**

1. Introduction

Tattooing and body piercing procedures have become more popular and fashionable in the last decade. The range of procedures has also increased.

There are well known health risks which can be attributed to these procedures, as well as associated legal issues. Improper and unhygienic practices may result in localised skin infections and there is also the risk of transmission of blood-borne viruses, for example Hepatitis B, Hepatitis C, Hepatitis D or HIV which can have more serious and long term health consequences. It is therefore important that practitioners apply safe working practice and good infection control at all times so that both client and practitioner are protected. Furthermore, the effects of alcohol in the body clouds judgment and thins the blood which increases bleeding

This policy details the legislation and associated guidance to encourage and support safe practice and sets out Herefordshire Council's requirements for the registration of businesses that carry out skin piercing activities including acupuncture, ear piercing, electrolysis, tattooing, cosmetic piercing and/or semi-permanent skin colouring.

2. Legislation & Guidance

The aim of the legislation is to ensure that infection control arrangements are adequate and effectively applied wherever tattooing or skin piercing activities are carried out.

Part VIII of [the Local Government \(Miscellaneous Provisions\) Act 1982](#) requires the registration of premises and persons carrying on the practices of acupuncture, tattooing, ear piercing or electrolysis.

Section 120 of [The Local Government Act 2003](#) added semi-permanent skin-colouring and cosmetic piercing to this list of activities for which registration can be required.

The Act allows for the adoption of [byelaws](#) covering all activities that are regulated by the Local Government (Miscellaneous Provisions) Act 1982 for the purpose of securing:

- a. The cleanliness of premises and fittings in such premises
- b. The cleanliness of persons so registered and persons assisting persons so registered in their practice and;
- c. The cleansing and, so far as is appropriate, the sterilization of instruments, materials and equipment used in connection with the registered practices.
- d. These byelaws were adopted by Herefordshire Council on 26th September 2023.

The [Health and Safety at Work etc. Act 1974](#) applies to all persons engaged in tattooing and skin piercing activities for gain or reward. It provides a means of securing effective infection control under the general duty to ensure the health, safety and

welfare of their employees and a duty of care to ensure their activities do not expose them or the general public to risks to their health and safety.

The [Management of Health and Safety at Work Regulations 1999](#) require employers to undertake a risk assessment of their work activities and remove or implement controls to reduce these risks. The risk assessment is a careful examination of what work activities could cause harm to people and this then guides decisions about precautions that need to be implemented, including infection prevention and control measures. It is recommended that such risk assessment should be in writing, should be regularly reviewed and amended as necessary.

The [Control of Substances Hazardous to Health Regulations 2002](#) require that a specific risk assessment is carried out by employers or self employed persons who work with substances hazardous to health, which includes biological agents. It is recommended that such risk assessment should be in writing, should be regularly reviewed and amended as necessary.

The [Health Protection \(Part 2A Orders\) Regulations 2010](#) provide updated local authority powers to deal with incidents or emergencies where infection or contamination presents a significant risk to human health. These include powers to secure cooperation to avoid a health risk where other controls are ineffective to protect public health.

[Tattooing and body piercing guidance toolkit](#)- this guidance provides robust and consistent guidance on standards of hygiene and safety. The guidance has been written as a key point of reference for use nationally by tattoo and body piercing practitioners who work in regulated premises, local authority officers and health protection staff.

The Licensing Authority have in place a set of Byelaws which have been signed off by the Secretary of State for Health.

3. Registration Requirements

A business that undertakes one or more of the following practices will be required to register with the Authority:

- Acupuncture
- Ear piercing
- Cosmetic piercing
- Electrolysis
- Semi-permanent skin colouring/making
- Tattooing
- Micro-blading/Micro needling

The premises being used for that purpose along with all persons undertaking that activity must be registered by the Council.

Business operators must complete a registration form and submit it with the correct fee at least 28 days prior to commencing the proposed activity.

Upon receipt of application the premises will be allocated to an officer who will carry out an inspection prior to the opening date. If registration is for a new practice within an existing business then registration must be made 28 days prior to the new practice being offered to the public, an inspection will be carried out within the 28 days.

Registration forms will be available to either download from the Council's website or can be posted out on request.

An up to date passport photograph must be provided with the application for each operator wishing to register.

If a business moves premises they must re-apply for a full premises licence as a new inspection will be required. If an operator moves premises they must re-apply so a registration certificate can be issued for their new place of work.

Anyone wishing to carry out a mobile service must be able to demonstrate that Legislative, Byelaw and policy requirements will be met at any location where they operate.

Exemptions include practices carried out by or under the supervision of a person who is registered as a medical practitioner or for acupuncture by a dentist, or their respective premises.

4. Registration Fees

The current registration fees can be found on the webpage in relation to making application for a skin licence.

Fees have been set according to officer costs and administration involved in processing applications and will be revised annually in accordance with officer costs. They are based on a full cost recovery.

If a business moves premises the full registration fee will payable which will include an inspection of the new premises and re-issuing of registration certificates for existing operators.

If an operator moves premises, there will be a fee for the re-issuing of a registration certificate to cover them at their new place work.

5. Restrictions

Medical evidence shows that Alcohol, in low to moderate amounts, thins the blood, reducing the risk of clots. This means that where any procedure, which breaks the skin the risk, the risk of bleeding is increased.

In addition to this the effects of alcohol interferes with the brain's communication pathways and can affect the way the brain looks and works. Alcohol makes it harder for the brain areas controlling balance, memory, speech, and judgment, resulting in a higher likelihood of injuries and other negative outcomes.

Undergoing certain procedures when drunk, such as tattooing, can be life changing and have a long term effect.

For this reason, the Licensing Authority will not issue a skin licence to any premises used for the sale or supply of alcohol. A licence issued to any premises covered by a mobile skin licence, will cease to have effect, where the activity takes place at/or near any premises, where alcohol is available, sold or supplied. Licensed operators are expected to refuse their services to people who are under either the influence of drink or drugs.

6. Enforcement

Proprietors must take all reasonable steps to ensure persons working on the premises comply with the byelaws along with health and safety legislation as detailed in section 2.

The proprietor of a business will be informed in writing detailing any areas of noncompliance along with the remedial work required and the timescale in which it is to be undertaken. Enforcement powers, including improvement or prohibition notices, under the Health and Safety at Work etc Act 1974 may be used to secure compliance. Any enforcement action will be in line with the Council's Enforcement Procedure.

It is a criminal offence to trade without registration or to be in breach of the relevant byelaws. Any person that contravenes the Byelaws shall be guilty of an offence and liable to a fine. A person's registration may also be suspended or cancelled by a Magistrate in addition or instead of imposing a fine. A premises registration may also be suspended or cancelled if such premises are occupied by the person found guilty of an offence.

7. Registration Certificates

Once a satisfactory inspection has been carried out the operator(s) will be issued with a registration certificate authorising them to undertake the procedures listed at the registered premises.

Registration certificates must be prominently displayed along with a copy of the byelaws, in a public area within the premises. Registration certificates are only valid at the premises stated on them.

The registration is mandatory in that the local authority must issue a registration if the application has been appropriately made. A registration can only be refused where a person has previously been convicted of an offence under section 16(1) or (2) of the Act and the convicting Magistrate cancelled the previous registration. A registration can only be cancelled by a Magistrate upon conviction of an offence, and this is in lieu of a fine.

Once a business and/or operator cease trading they should notify the Authority and return their registration certificate.

8. Right of Appeal

Anyone wishing to appeal a decision made must do so in writing to the Council's Licensing Services Manager.

9. Review

The policy will be reviewed every three years or earlier should there be any changes in law and practice. The fees section shall be updated following the annual review of the Council's fees and charges.