



**Isle of Wight
Council**

SPECIAL TREATMENTS REGISTRATION POLICY

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 – Part VIII

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1 Objectives of the Policy

- 1.1 The Local Government (Miscellaneous Provisions) Act 1982 Pt VIII introduced a national scheme of registration of premises and of those persons performing certain procedures to the body.
- 1.2 Special treatments are required by law to be registered with the Council as they can potentially cause harm to the recipient of the treatment, the provider of the treatment and any staff employed at the premises used for providing that treatment.

For this reason, the objectives of this policy are as follows:

- Public Health and Safety
 - to ensure only suitable qualified people, using safe equipment provide special treatments
 - to ensure registered premises have adequate facilities.
 - To provide guidance for prospective applicants who register to carry out 'Special Treatments' within the Isle of Wight. To promote best practice and consistency in approach and standards
- 1.3 This document also sets out the expectations of the Council on the applicant when receiving an application to register.
 - 1.4 Certain treatments may only be provided to customers above a certain age to protect Children. The need for limits on age, and requirements for consent, can be a controversial area because in many circumstances specific requirements have not been made in law. These are not covered in this Policy as they are enforced by Trading Standards and have specific legislation to deal with this.
 - 1.5 Special treatments are in some cases forms of body modification which may cause harm and leave permanent marks which could result in disfigurement. They can therefore be considered as assaults to the body, and so potentially subject to the legislation concerning assault. This means that the question of age and the client's informed consent are very important.
 - 1.6 We will continue to maintain close links and partnership working with other regulators and relevant organisations (See Section 12 for more on Information Management).

2 Purpose of the Policy

- 2.1 Inform the elected Members serving on the Environment and Community Protection Committee.
- 2.2 Inform applicants, business operators, and members of the public of the requirements to register to carry on the practice of special treatments and the procedures to be followed.
- 2.3 Provide a basis for decisions made by the Council if these decisions are challenged.

3 Introduction

- 3.1 This policy will become effective on XXXX.
- 3.2 It is a criminal offence for any person within the Isle of Wight to carry on the business of, or in some instances the practice of, a special treatment without being registered with The Isle of Wight Council (“the Council”).
- 3.3 The Local Government (Miscellaneous Provisions) Act 1982 (“the Act”) is the primary piece of legislation governing the registration of all the special treatments detailed in this policy.
- 3.4 The Local Government (Miscellaneous Provisions) Act 1982 has since been amended by the Local Government Act 2003, which introduced Regulations which came into force on 1 April 2004. The regulations ensured that semi-permanent skin colouring and cosmetic piercing businesses were included in the list of those businesses which the licensing authority has powers to regulate.
- 3.5 As the Council has already resolved to adopt the 1982 Act, the transition arrangements in Schedule 6 of the Local Government Act 2003 enable the authority to automatically apply the registration requirement to cosmetic piercing and semi-permanent skin colouring businesses.
- 3.6 For the purpose of this policy the following practices, procedures and services are classed as a ‘special treatment’ and require registration:
- Acupuncture
 - Cosmetic skin piercing
 - Tattooing
 - Semi-permanent skin colouring
 - Electrolysis
- 3.5 The above activities are defined and explained later in this policy. Fees are payable in order to register and are published in the Council’s table of fees and charges each year.
- 3.6 The Council has passed local conditions for the “Special Treatments” which all registered persons must comply with. These conditions are attached as an appendix to this Policy. It is the responsibility of any person registered with the Council under this Policy to ensure that they comply with these conditions.
- 3.7 Those offering the service of any of the special treatments must have an understanding of numerous other pieces of legislation designed to protect them, their staff and members of the public from harm. In addition to the guidance, which can be found on the Councils webpages.
- 3.8 A breach of these may lead to formal action being taken by the relevant regulator, either the Councils Environmental Health Department or Health and Safety Executive dependant on the premises type. Further advice on complying with the above legislation should be sought from that team before starting such a business and applying to the Council for a registration.

4 Definitions

- 4.1 The Act does not define any of the special treatments listed in this policy and instead rely, in the first instance on the Council's interpretation of them.
- 4.2 Since the legislation was passed in the 1980's the beauty and cosmetics industry has evolved. Therefore, the Council has chosen to define clearly the activities that require registration under this policy in the parts below.

4.3 Acupuncture

The word "Acu" in Latin means "with a needle" and when added to the phrase "puncture" means puncturing with a needle.

For public safety and public health reasons any practice of puncturing the skin of another person with a needle for remedial, cosmetic or financial gain is registerable with the Council.

4.4 Cosmetic Skin Piercing

The Local Government Act 2003 amended the Act to replace the activity of "ear piercing" with the more generic term of "cosmetic piercing".

Therefore, any piercing of any person's skin for cosmetic and beauty reasons or the insertion of any foreign material into or under the skin, whether permanent or temporary, for cosmetic or beauty reasons must be registered with the Council if carried out for profit, consideration or reward.

4.5 Tattooing

Tattooing is the process of making a permanent mark, design or pattern onto the skin of a person by pricking and ingraining an indelible pigment or ink into the skin, or any other similar process designed to change the complexion of human skin for cosmetic purposes or artistic purposes.

Where this is done for profit, consideration or reward it falls within the definition of tattooing under the Act and requires registration.

4.6 Semi-permanent Skin Colouring

Semi-permanent skin colouring encompasses the cosmetic procedures known as of micropigmentation, semi-permanent makeup and temporary tattooing.

Any process or procedure where skin colouring is inserted into a person's skin without breaching the skin's outer layer (the epidermis) for cosmetic purposes falls within the definition and requires a registration with the Council if carried out for profit, consideration or reward.

4.7 Electrolysis

Electrolysis is generally known to be a procedure for removing unwanted body hair through the use of an electric current inserted into the skin to destroy hair roots.

Electrolysis is, however, also a scientific term to describe the process of changing the composition of an object through the use of an electric current.

For the purpose of this policy any form of electric current inserted into the skin for cosmetic purposes carried out for profit, consideration or reward requires registration with the Council.

4.8 Medical Practitioner

A qualified health professional, who is responsible for the diagnosis, care, and treatment of illnesses, diseases, and injuries.

4.9 Other Cosmetic Procedures

The special treatments detailed in this policy are the only ones that are required to be registered with the Council.

Some treatments exist that do not require any form of registration, inspection or licensing process by any authority or public body as they have not been considered to be prejudicial to health.

Other treatments are not required to be registered with the Council as they are governed by other bodies under other legislation and require a registration with that authority.

The onus is upon the person carrying on the business or practice to ensure that they have made the appropriate enquiries to ascertain who is the appropriate registering authority for their activity.

5 Who and what needs to be registered

5.1 The legislation requires two registrations for each specific special treatment, these are:

- **Personal** - the individual carrying out the treatment (Practitioner)
- **Premises** where the treatment is taking place

A fee is payable for each separate registration. The appropriate fees for applications can be found on the council's website. Registration fees must be paid in full at the time of submission of the application unless otherwise agreed with the Licensing Authority.

5.2 Personal Individual Registration

Any person who carries on the business of any special treatment must be registered with the Council. This includes students/apprentices who are working under direct supervision of a registered practitioner and from a registered premises.

5.3 Premises Registration

Any premises from which a special treatment is carried out must be registered with the Council for use by the person(s) carrying on the business or practice for that treatment from those premises.

As the council is also the local planning authority it will only issue licences to premises that have appropriate planning permission in place. Applicants are advised to ensure the correct planning permission is in place before submitting a registration.

5.4 Exemptions

Registration is not required for the 'carrying on of a business' of special treatments by or under the supervision of a person who is registered as a medical practitioner or a

dentist. In addition, the registration of a premises on which any such business is carried on by or under the supervision of such a medical person is also not required.

6 Carrying on the Business of...

- 6.1 The Act refers to “Carrying on the business of...” takes its meaning of = providing that service for reward, whether financial or payment in kind.
- 6.2 Often the person carrying on the business will be obvious and can be any person (an individual, partnership or limited company). For example, the person who owns the business and profits from its takings. However, this is not always the case.
- 6.3 Self-employed people are also considered by the Council to be carrying on their own business. A test of whether someone is self-employed will consider if that person rents a chair or a room or other space or equipment from the owner of the business, keeps their own income and pay's their own tax. This test is not absolute and merely an indicator of the Council's thought process in assessing who is or is not carrying on a business and requires a registration.

7 Carrying on the ‘Practice of Acupuncture’

- 7.1 Acupuncture is considered differently to the other special treatments by the Act and does not require the person carrying on the business to be registered but the person carrying on the practice.
- 7.2 Sometimes the person practicing acupuncture will be the same person carrying on the business, but it is possible, and common, for them to be different people. For the purpose of the legislation any person who physically inserts needles into the skin requires registration with the Council whether or not they are employed by the business owner.
- 7.3 The Act permits an individual who holds a personal registration to carry out acupuncture on people who they may visit outside of any registered business premises without contravening Section14(2) of the Local Government (Miscellaneous Provisions) Act 1982.

8 The Premises

- 8.1 Premises are not defined in the legislation but for the purpose of this Policy any area, whether enclosed or an open space, in which the service requiring registration is provided to the public is classed as the premises.
- 8.2 This could be a salon or a room in a domestic home or in a temporary space as a part of an event or convention. The decision on whether registration can be granted for a temporary event or home salon will be considered on a ‘case by case’ basis, the premises must be able to comply fully with the conditions (see Appendix A).
- 8.3 A mobile premises such as a van can be registered within the district providing it can suitably comply with the conditions and legislation, this will therefore be on a ‘case by case basis’.

- 8.4 Please note for home salons or studios the Council and the Health and Safety Executive (HSE) are both enforcing authorities, as classified under the Health and Safety (Enforcing Authority) Regulations 1998.
- 8.5 A registered practitioner is permitted from 'time to time' to carry on the business of special treatments, in other local authority districts as a guest practitioner only if giving treatment in a registered premises, and only if notification to that local authority is given and proof of registration. In addition, practitioners can also occasionally give treatment within their 'home' district when requested by the client in a non-registered premises namely the clients own home.
- 8.6 Mixed businesses". We recognise that many businesses may also provide treatments that do not require registration under the Act – for example, hairdressing or waxing. These businesses will still need to meet requirements under other legislation such as health and safety.

9 Registering with the Council

- 9.1 The application forms for both an individual and a premises are available on the Council's website. The forms should be completed and will be submitted to the Environmental Health Team along with the relevant fee and any other documentation or information that may be requested. This will include:
- the submission of a photographic proof of identity and provide proof of the right to work in the UK for all individual applicants.
 - a scale-plan of the premises, showing the locations where licensable treatments will be provided, washbasins, toilets, treatment rooms, entrances.
- 9.2 Please note a registration for an individual must state the names and address of the registered premises from which they will be working.
- 9.3 Following the receipt of any application for registration either individual or a premises, the Council's Environmental Health Team will arrange to inspect the premises, interview the individual in addition to view documented procedures and systems in place for infection control.
- 9.4 The council will normally arrange for an inspection of the premises within ten working days of receiving the valid registration.
- 9.5 The inspection will be to check that the premises are safe, and suitable, to be used for special treatments. Premises will be expected to be compliant with minimum workplace health and safety standards such as the Workplace (Health, Safety and Welfare) Regulations 1992 and the Electricity at Work Regulations 1989.
- 9.6 The Environmental Health Team will make an assessment of the compliance with the relevant legislation and conditions. Any remedial action will be confirmed in writing and an agreed period to rectify. In addition, and where appropriate, recommendations will also be made to improve existing conditions.
- 9.7 Risk-rated and intelligence-led enforcement will be used to proactively search for and investigate premises where it is alleged that unregistered special treatments may be carried out, within the resources available to it.

10 Once Registered

- 10.1 Any premises registered with the Council may be periodically inspected by the Environmental Health Team subject to their service plan. This takes into consideration, to National or Local Priorities Surveys or UK Health Security Agency (UKHSA) Guidance. In addition, to any intelligence or complaints relating to the premises and/or individual.
- 10.2 The failure to comply with the conditions at appendix A or the relevant legislation may result in action being taken in line with our Enforcement Policy.
- 10.3 If the decision is made to prosecute this will be with a view to asking the court to cancel the registration. This will mean that the applicant cannot operate legally and may be prevented from registering their business with the Council and any other local authority in the future.
- 10.4 All enforcement action will be undertaken in accordance with the [Isle of Wight Council's Community Services Enforcement Policy](#).
- 10.5 The person carrying on the business or practice of any of the special treatments must always keep a copy of their certificate of registration and the applicable conditions on display at all premises they practice at. Failure to do so is an offence and can result in a fine not exceeding level 3 on the standard scale (Sentencing Act 2020)
- 10.6 Both the premises and individual practitioner registrations do not expire unless cancelled by the court, but this typically happens after a person is convicted of an offence related to the registered activity. However, please note the following scenarios which may result in a new registration being required or the amendment of an existing one:
- If the registered premises closes and then either reopens in the same premises after a period of three months or in a new premises, completion of full registration of the premises is required including payment of the fees.
 - If the registered premises changes name but is still operating at the same address and the person carrying on the business remains unchanged amendment of the certificate is required, the business must contact the Council to update their details and be provided with an amended certificate, this will incur an administrative fee. This is also the same if a registered individual changes their name.
 - If after an initial premises registration further 'Special Treatments' are being added to an existing business, an additional cost would incur, as an additional inspection would need to be carried out.

11 Validity of this Policy

- 11.1 This policy shall remain in effect until this policy has been reviewed and re-adopted by the Council.

- 11.2 Any legislative or minor changes i.e. grammatical errors, within the policy can be updated without the need for Environment and Community Protection Committee.
- 11.3 Any change will be documented, and the policy will be updated within the version history section of this policy.

12 Information Management

- 12.1 The Licensing Authority will process personal information in accordance with the UK General Data Protection Regulation (UK GDPR) and Data Protection Act 1998. Personal details will be held on a database and where the law allows, may be shared with other departments within the Council to update details they hold about you. The Council may also be required to disclose personal information to third parties (such as Police, Department for Work and Pensions or Audit Commission for the National Fraud Initiative) for the purposes of preventing or detecting crime or apprehending or prosecuting offenders.
- 12.2 The authority may from time to time exercise its powers under section 115 of the Crime and Disorder Act 1998 to exchange data and information with the police and other partners to fulfil its statutory objective of reducing crime in the area.
- 12.3 Complaints procedure applicants and others may use the council's customer complaints procedure where we have not provided an adequate service.

13 Related Documents

Corporate Plan	Corporate Plan 2021 - 2025 (iow.gov.uk)
Local Government (Miscellaneous Provisions) Act 1982 Part 8	Local Government (Miscellaneous Provisions) Act 1982 (legislation.gov.uk)
Local Government Act 2003 Regulation 120	Local Government Act 2003 (legislation.gov.uk)
The Health and Safety at Work etc. Act 1974	Health and Safety at Work etc. Act 1974 (legislation.gov.uk)
The Management of Health and Safety at Work Regulations 1999	The Management of Health and Safety at Work Regulations 1999 (legislation.gov.uk)
Health and Safety (Enforcing Authority) Regulations 1998.	The Health and Safety (Enforcing Authority) Regulations 1998
Isle of Wight Council – Community Services Enforcement Policy	Standards and Policies

Appendix A - Conditions

Conditions with respect to

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

Conditions 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 the Act.

Interpretation

1. (1) In these conditions, 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 conditions 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 council
 - (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 council;
- (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;
 - (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 –
 - (a) is clean and in good repair and, so far as is appropriate, is sterile;
 - (b) 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 sockets 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
 - (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 no 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).

NOTE – THE FOLLOWING DOES NOT FORM PART OF THE CONDITIONS

Proprietors shall take all reasonable steps to ensure compliance with these conditions 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 conditions 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 conditions 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 conditions 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 conditions 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 conditions 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 test 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 conditions 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).***