
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2006 No.

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

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Civic Government (Scotland) Act 1982 (Licensing of Skin Piercing and Tattooing) Order 2006 and shall come into force on the day after the day on which it is made.

(2) In this Order—

“the 1982 Act” means the Civic Government (Scotland) Act 1982;

“acupuncture” means the insertion of needles into living tissue for remedial or therapeutic purposes;

“cosmetic body piercing” means the perforation of the skin and underlying tissue in order to create a tunnel in the skin through which jewellery may be inserted;

“electrolysis” means the removal of body hair by electrocution of the hair roots with an electrified needle;

“hospital” means any health service hospital within the meaning of section 108(1) of the National Health Service (Scotland) Act 1978⁽¹⁾

“independent clinic” has the same meaning as in section 77(1) of the Regulation of Care (Scotland) Act 2001⁽²⁾

“skin piercing” includes any of the following—

- (a) acupuncture;
- (b) cosmetic body piercing; or
- (c) electrolysis; and

“tattooing” means the insertion into the skin of any colouring material designed to leave a semi-permanent or permanent mark including micro pigmentation.

Licensing of activity

2.—(1) The activity specified in paragraph (2) is hereby designated as an activity for which a licence under Part I of the 1982 Act shall be required, but no such licence shall be required—

- (a) in respect of the carrying on of that activity before 1st April 2006; or
- (b) for the carrying on of that activity by a registered medical practitioner within—
 - (i) a hospital; or
 - (ii) an independent clinic.

(1) 1978 c. 29; the definition of “health service hospital” in section 108(1) was amended by the Health Services Act 1980 (c. 53), Schedule 6, paragraph 6(a).
(2) 2001 asp 8.

(2) The activity referred to in paragraph (1) is the carrying on of a business which provides skin piercing or tattooing.

Application of Part I of the 1982 Act

3. Part I of the 1982 Act shall have effect, subject to the modifications specified in the Schedule, for the purposes of the licensing of the activity designated by article 2.

Transitional provision

4.—(1) A person who on or after 1st April 2006 carries on the activity designated by article 2 without a licence under Part I of the 1982 Act shall not be guilty of an offence under section 7(1) of that Act⁽³⁾ if—

- (a) that person made application to the licensing authority before that date for the grant of a licence under Part I of that Act in respect of the activity being carried on by the person; and
- (b) that application has not yet been finally determined.

(2) For the purposes of paragraph (1)(b), an application is finally determined—

- (a) when it is withdrawn by the applicant;
- (b) when it is refused by the licensing authority and the period of 28 days specified in paragraph 18(4) of Schedule 1 to the 1982 Act expires without an appeal against the refusal being made to the sheriff;
- (c) in a case where an appeal is made against a refusal by the licensing authority, when that appeal is disposed of.

(3) For the purposes of paragraph (2)(c), an appeal is disposed of—

- (a) when it is abandoned by the appellant;
- (b) when a decision on it is made by the sheriff or a higher court and any period for making a subsequent appeal to a higher court expires without such a subsequent appeal being made.

St Andrew's House,
Edinburgh
2006

Authorised to sign by the Scottish Ministers

(3) Section 7(1) was amended by the Entertainments (Increased Penalties) Act 1990 (c. 20), section 2(1); the reference in section 7(1) to a fine not exceeding £500 became a reference to a fine not exceeding level 4 on the standard scale by virtue of section 289G of the Criminal Procedure (Scotland) Act 1975 (c. 21), which section by consolidation became section 225 of the Criminal Procedure (Scotland) Act 1995 (c. 46).