

SCHEDULE

Article 3

APPLICATION OF PART I OF THE 1982 ACT

1. Part I of the 1982 Act shall have effect subject to the modifications in paragraphs 2 to 7 of this Schedule.
2. In section 3 (discharge of functions of licensing authorities)—
 - (a) in subsection (1), for “6 months” substitute “12 months”; and
 - (b) in subsections (2) and (4), for “6 month” substitute in each place “12 month”.
3. In section 6 (powers of entry to and search of unlicensed premises)—
 - (a) in subsections (1) and (2), after “constable” in each place insert “(or any authorised officer of the licensing authority)”; and
 - (b) in subsection (3)—
 - (i) after “uniform” insert “(and where the person executing the warrant is an authorised officer of a licensing authority, that officer)”; and
 - (ii) after “constable” where it second occurs insert “(or such authorised officer of the licensing authority)”; and
 - (c) in subsection (4)(1)—
 - (i) after “constable” where it first occurs insert “(or authorised officer of the licensing authority)”; and
 - (ii) after “constable” where it second occurs insert “(or such authorised officer)”.
4. In paragraph 4 of Schedule 1—
 - (a) before sub paragraph (1) insert—

“(A1) Where the application for the grant or renewal of a licence which is made for the carrying on of a business which provides skin piercing or tattooing specifies the address of the premises from which the activity is to be carried on as required by paragraph 1(2)(d) above, the licensing authority shall not make a final decision upon the application unless an authorised officer of the licensing authority has visited and inspected the premises.”; and
 - (b) in sub paragraph (1) at the beginning insert “Without prejudice to the requirement at sub paragraph (A1) above.”.
5. In paragraph 5 of Schedule 1—
 - (a) in sub-paragraph (1)(a) at the beginning insert “subject to sub-paragraphs (2C) and (2D) below.”;
 - (b) after sub-paragraph (2) insert—

“(2A) Where the licensing authority is considering an application for the grant or renewal of a licence—

 - (a) for the carrying on of a business which provides skin piercing or tattooing; and
 - (b) where the activity is to be carried out wholly or mainly in premises,

the licensing authority shall not grant the licence unless it is satisfied that the conditions in sub-paragraph (2B) below are met.

(2B) The conditions referred to in sub-paragraph (2A) above are that—

(1) The reference in section 6(4) to a fine not exceeding £200 became a reference to a fine not exceeding level 3 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).

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- (a) separate rooms are provided for—
 - (i) the waiting area; and
 - (ii) the carrying out of skin piercing or 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 and 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 waste bucket with a pedal operated lid;
 - (vii) a sharps container for storage of needles after use; and
 - (viii) a first aid kit;
- (d) the following equipment is stored and properly maintained for use on the premises—
 - (i) ultrasonic cleaners;
 - (ii) instrument baths; and
 - (iii) autoclaves and autoclaves pouches; and
- (e) the premises are well ventilated and illuminated for the purposes of skin piercing and tattooing.

(2C) Without prejudice to the generality of sub-paragraph (2) above or the requirements of sub-paragraphs (2A) and (2B) above, where a licensing authority grants or renews a licence for the carrying on of a business which provides skin piercing or tattooing and the activity is to be carried out wholly or mainly in premises, the following conditions shall be imposed—

- (a) the accommodation and facilities within the premises are to be maintained in good repair and in a good state of cleanliness;
- (b) only sterile single use disposable needles may be used for skin piercing or tattooing;
- (c) for the purposes of tattooing, only sterile pigment or ink pre-packed in single use vials may be used;
- (d) the activity of tattooing or skin piercing must be carried out by an operator wearing disposable vinyl or latex gloves, which must be changed for each client;
- (e) a supply of the following must be maintained—

- (i) disposal vinyl or latex gloves;
- (ii) disposable razors; and
- (iii) disposable single use needles;
- (f) any equipment which is not disposable shall be thoroughly cleaned with fresh disinfectant after each use;
- (g) skin piercing shall not be carried out on a 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;
- (h) any equipment which is disposable must be disposed of immediately after use in an appropriate waste receptacle;
- (i) for ear piercing, a sterile cartridge for ear piercing must be used;
- (j) for tongue piercing, a sterilised clamp must be used; and
- (k) information, in an easy to understand format, must be provided to prospective clients to explain–
 - (i) the process of the skin piercing or tattooing;
 - (ii) the risks of the procedure; and
 - (iii) the after care requirements of the procedure.

(2D) Without prejudice to the generality of sub-paragraph (2) above or the requirements of paragraphs (2A) and (2B) above, where a licensing authority grants or renews a licence for the carrying on of a business which provides skin piercing or tattooing and the activity is not to be carried out wholly or mainly in premises, the following conditions shall be imposed–

- (a) disposable vinyl or latex gloves must be worn and changed for each client;
 - (b) the skin piercing or tattooing may only be carried out through use of disposable razors or single use needles;
 - (c) any seating used for the skin piercing or tattooing must be washable and covered with a disposable paper sheet which shall be renewed after each use;
 - (d) any equipment which is not disposable shall be thoroughly cleaned with fresh disinfectant after each use;
 - (e) any equipment which is disposable must be disposed of immediately after use in an appropriate waste receptacle;
 - (f) for tongue piercing, a sterilised clamp must be used;
 - (g) for ear piercing, a sterile cartridge for ear piercing must be used;
 - (h) skin piercing shall not be carried out on a 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
 - (i) information, in an easy to understand format, must be provided to prospective clients to explain–
 - (i) the process of the skin piercing or tattooing;
 - (ii) the risks of the procedure; and
 - (iii) the after care requirements of the procedure.”;
- (c) at the beginning of sub-paragraph (3) insert “Subject to sub-paragraph (3A) below,”;
- (d) after sub-paragraph (3) insert–

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“(3A) For the purposes of sub-paragraph (3)(a)(ii) above, where the licence applied for is for the carrying on of a business which provides skin piercing or tattooing, the licensing authority, when determining whether the applicant is a fit and proper person to be the holder of the licence, shall have regard to the knowledge, skill, training and experience which the applicant (or, where the applicant is not a natural person, those individuals who will be carrying on the activity or activities) can demonstrate in relation to the activity or activities which are to be carried on.”;

(e) after sub-paragraph (7) insert–

“(7A) Where a licensing authority makes out a licence under sub-paragraph (7) above for the carrying on of a business which provides skin piercing or tattooing, the licence shall specify–

- (a) the name and address of the person to whom the licence is granted;
- (b) the address of the premises (if any) in which the activity is to be carried out; and
- (c) where the premises are used for the carrying on of any trade or business, the name of that business.”.

6. In paragraph 8(3) of Schedule 1 after “Act” insert “or in the case where a licence has been granted for the carrying on of a business which provides skin piercing or tattooing”.

7. After paragraph 19 of Schedule 1 insert–

“20. In this Schedule, “parental responsibilities” in relation to a child has the meaning given by section 1(3) of the Children (Scotland) Act 1995(2) and “parental rights” in relation to a child has the meaning given by section 2(4) of that Act.

21. In this Schedule–

“autoclave” means a pressure vessel in which the lid is sealed by the internal pressure in the vessel and which is used to steam sterilise equipment used for skin piercing or tattooing;

“sharps container” means a container used for holding medical waste and devices which can cause physical injury;

“skin piercing” and “tattooing” have the same meanings as in the Civic Government (Scotland) Act 1982 (Licensing of Skin Piercing and Tattooing) Order 2006; and

“ultrasonic cleaner” means a cleaning device which uses sound waves propagated through an aqueous medium at frequencies higher than the audible range.”.

(2) 1995 c. 36.