



## Regulation of tattooing and body piercing businesses

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This note sets out the licensing and regulation regime for tattooing and body piercing businesses.

Under the *Local Government (Miscellaneous Provisions) Act 1982*, as amended, local authorities are responsible for regulating and monitoring businesses offering cosmetic body piercing (including ear piercing), permanent tattooing, semi-permanent skin colouring (micropigmentation, semi-permanent make-up and temporary tattooing), electrolysis and acupuncture.

All of these procedures involve some degree of skin piercing and therefore carry a potential risk of skin infections, allergic or toxic reactions to various substances used on or in the skin, and transmission of blood borne viruses (such as hepatitis or HIV).

The focus of legislation covering local authorities in England, Wales and Northern Ireland is on minimising infection risks using compulsory registration of practitioners and premises and optional powers to make byelaws.

Under all current legislation it is a criminal offence to trade without registration (licensing) or to be in breach of the relevant byelaws. The Department of Health has produced [guidance for local authorities regulating piercing and tattooing businesses](#), and [model byelaws](#) for the use of local authorities. Over 100 local authorities have adopted these model byelaws. Contrary to popular belief, there is no formal minimum qualification for tattooists and body piercers.

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## 1 Legislation

Under the *Local Government (Miscellaneous Provisions) Act 1982*, as amended by the *Local Government Act 2003*, local authorities are responsible for regulating and monitoring businesses offering cosmetic body piercing (including ear piercing), permanent tattooing, semi-permanent skin colouring (micropigmentation, semi-permanent make-up and temporary tattooing), electrolysis and acupuncture.

All of these procedures involve some degree of skin piercing and therefore carry a potential risk of skin infections, allergic or toxic reactions to various substances used on or in the skin, and transmission of blood borne viruses (such as hepatitis or HIV).

The focus of legislation covering local authorities in England, Wales and Northern Ireland is on minimising infection risks using compulsory registration of practitioners and premises and optional powers to make byelaws.

Under all current legislation it is a criminal offence to trade without registration (licensing) or to be in breach of the relevant byelaws.

As well as using legislation specifically applying to these businesses, Local Authorities can use enforcement powers under the *Health and Safety at Work etc Act 1974*. The Health and Safety Executive has issued a comprehensive local authority circular covering these powers as they relate to cosmetic piercing and skin colouring businesses.<sup>1</sup>

Additional legislation, the *Tattooing of Minors Act 1969*, makes it an offence to permanently tattoo persons under the age of 18. No such statutory restrictions apply to cosmetic piercing or skin colouring. While there is no requirement for defining age restrictions within byelaws, these have been implemented by some local authorities and are supported by the cosmetic piercing industry.

## 2 Department of Health guidance

The Department of Health has produced guidance for local authorities regulating piercing and tattooing businesses,<sup>2</sup> and model byelaws for the use of local authorities.<sup>3</sup> Over 100 local authorities have adopted these model byelaws, although exactly what the byelaws are in your local area should be checked with the local authority.

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<sup>1</sup> HSE local authority circular, *Health and safety issues related to body piercing, tattooing and scarification*, April 2005

<sup>2</sup> Department of Health, *Local Government Act 2003 Regulation of Cosmetic Piercing and Skin-Colouring Businesses: Guidance on Section 120 and Schedule 6*, February 2004

The model byelaws include, among others, requirements such as:

- Equipment such as needles must be either disposable, or sterilised after each use
- premises must be clean and that body fluids must be cleaned up and couches and other furniture disinfected after each client
- no eating or drinking should be allowed
- all pigments should be sterile and inert
- all jewellery should be sterile

Consult the model byelaws at the web address above to see the full list of recommendations.

### **3 Training**

The Health and Safety Executive advises that managers of tattooing premises should train workers about the risks (especially about blood-borne diseases, for example hepatitis), train workers in the correct working practices and supervise workers. There is no formal minimum qualification for tattooists and body piercers, however. The HSE explains:

An employer is ... required to provide adequate employee training to ensure that they can carry out their work safely. However, there is no recommended period of study for cosmetic piercing training, and LA [local authority] enforcement officers may have to rely on discussion with newly trained people to establish their competence during work activities.

At this time there are no nationally approved training courses available for UK body piercers, although a number of commercially run courses are available. It is recommended that basic first aid training and infection control guidance be provided as part of any cosmetic piercing training course.<sup>4</sup>

### **4 Consumer law**

Consumers also have protection under general consumer law if they are dissatisfied with the art work or the terms and conditions under which the work was done (as opposed to a health or hygiene complaint). For example, the *Supply of Goods and Services Act 1982* requires a trader who agrees to provide a service to carry out that service with reasonable care and skill and in a timely manner. It also stipulates that any materials used are of satisfactory quality. If the trader fails to meet these requirements, the law treats it as breach of contract.

Local authority enforcement officers are responsible for ensuring that businesses comply with these requirements.

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<sup>3</sup> Department of Health, *Updated model byelaws for the regulation of acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis by local authorities*, September 2006

<sup>4</sup> HSE local authority circular, *Health and safety issues related to body piercing, tattooing and scarification*, April 2005