

Civic Government (Scotland) Act 1982

Section 44(1)(b), 2 and Schedule 1

Licence for Ear Piercing

Conditions

GENERAL

1. The Licence holder must surrender the Licence if and when called upon to do so by the Licensing Authority for the purpose of alteration in accordance with any decision of the Licensing Authority.
2. The Licence holder shall notify the Licensing Authority in writing within 30 days of any change from the information provided in the original licence application.
3. The Licence holders shall ensure that they are covered by an adequate policy of Third Party Liability Insurance with a reputable company and an appropriate certificate shall be displayed at all times on the premises or, where the activity is not carried out mainly from a premises, be available for inspection.
4. The Licence holder shall provide information, in an easy to understand format, to every prospective client to explain –
 - (1) The process of ear piercing;
 - (2) The risks of the procedure;
 - (3) The contra-indications to the ear piercing procedure and
 - (4) The after care requirements of the procedure.
5. The Licence holder shall ensure that every prospective client has read and understood the above information prior to undertaking ear piercing.
6. The Licence holder shall ensure that any client, who presents a condition that is a contra-indication to the ear piercing procedure, be asked to seek medical advice from their GP prior to the treatment being carried out. Written authorisation from the client's GP shall be provided prior to any treatment being undertaken. A copy of this information shall be retained with the written records of the client's personal details.
7. The Licence holder shall ensure that a pre-treatment questionnaire is completed for each client, which has been signed by the operator and countersigned by the client.
8. The Licence holder shall ensure the following written records of the clients personal details are retained for a period of 2 years:
 - (1) Name, address and contact telephone number,
 - (2) Date of birth
 - (3) Relevant medical history

- (4) Procedure undertaken, including position on the body, type of jewellery used (if applicable),
 - (5) Name of the practitioner who carried out the ear piercing,
 - (6) Date and time when the ear piercing was undertaken.
 - (7) Details of any reported problems associated with ear piercing.
9. The Licence holder shall ensure that written information is provided to each client explaining the appropriate aftercare requirements for the ear piercing provided. This must include the contact details of the operator.
 10. The Licence holder shall ensure that every operator is capable of demonstrating that they have sufficient knowledge, skill, training and experience commensurate with ear piercing activities they carry out. The Licence holder shall retain a record of the information provided.
 11. The Licence holder shall ensure that persons undergoing training or practical experience in ear piercing shall remain under the direct supervision of a competent person at all times.
 12. The Licence holder shall ensure that any person who undertakes ear piercing is not under the influence of drugs or alcohol.
 13. The Licence holder shall ensure that all operators maintain an acceptable standard of personal cleanliness.
 14. The Licence holder shall ensure that the activity of ear piercing is carried out by an operator wearing disposable non-latex gloves with sufficient protection for the task being undertaken. The gloves must be changed for each client and as necessary during the ear piercing procedure.
 15. The Licence holder shall ensure that any equipment liable to come in to contact with bodily fluids and, which is not disposable and cannot be sterilised shall be protected from such contact, so far as is reasonably practicable, and thoroughly cleaned with fresh disinfectant after each use.
 16. The Licence holder shall ensure that ear piercing is not 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.
 17. Where written consent has been provided, the person having the parental rights and responsibilities shall include in their written consent;
 - (1) their relationship to the client,
 - (2) the name, address and age of the person to be pierced,
 - (3) the type of piercing,
 - (4) the type of body jewellery to be used and
 - (5) the consent must be signed and dated by them.

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18. The Licence holder shall ensure that for ear piercing only, ear piercing guns and a sterile cartridge is used.
19. The Licence holder shall ensure that piercing guns are not used for piercing the ear or nose cartilage unless it is designed to do so.
20. The Licence holder shall ensure that only pre-sterilised jewellery supplied in packaging, which indicates the part of the body for which it is intended is used with the ear piercing and nose piercing guns, and that jewellery must only be inserted into the part of the body for which it is intended.
21. The Licence holder shall ensure that where applicable supplies of the following items are available at all times –
 - (1) Disposable non-latex gloves;
 - (2) Appropriate cleaning, disinfection and sterilisation products.
22. The Licence holder shall ensure that all jewellery to be inserted in the skin created by ear piercing must be sterile prior to insertion.
23. The licence holder shall ensure that all jewellery is compliant with the Dangerous Substances and Preparations (Nickel) Safety Regulations.
24. The Licence holder shall ensure that all equipment used in conjunction with ear piercing is stored in such a way as to ensure their cleanliness.
25. The Licence holder shall ensure that prior to ear piercing all operators shall thoroughly wash their hands with a suitable soap and hot water and dry with clean disposable paper towels.
26. Prior to any treatment being carried out, the area of the body to be treated shall be cleaned using an appropriate skin safe antiseptic.
27. The Licence holder shall make available to every operator inoculations against Hepatitis B.
28. The Licence holder shall ensure that suitable recorded risk assessments are undertaken of their activities.
29. The Licence holder shall ensure there is sufficient first aid cover within the premises and that an operator holds a current first aid certificate to foundation (1-Day) level.
30. A first aid kit, which is readily available and appropriately stocked, shall be provided.

AMENDED CONDITIONS APPLICABLE TO A BUSINESS PROVIDING ONLY EAR PIERCING WHERE THE ACTIVITY IS TO BE CARRIED OUT WITHIN A DESIGNATED AREA OF THE PREMISES

31. The Licence holder-undertaking ear piercing with the use of an ear-piercing gun shall ensure that a separate area with a washable chair with disposable paper sheet has been designated for the carrying out of that activity within the premises.

32. The Licence holders shall ensure that they display notices in the designated area of the premises:-

- (1) advising that ear piercing will not be carried out on any person under the influence of alcohol or drugs;
- (2) advising that ear 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 ear piercing; and
- (3) listing the names of licensed and authorised practitioners.
- (4) advising of the risks associated with ear piercing

33. The Licence holder shall ensure a full-face photograph of each operator is clearly displayed in the designated area so that all customers may easily identify him or her.

34. The Licence holder-undertaking ear piercing only shall ensure that the premises has the following facilities conveniently located to the designated area:

- (1) a wash hand basin with hot and cold running water;
- (2) a paper towel holder containing paper towels,
- (3) a soap dispenser containing soap,
- (4) a dispenser containing alcohol solution for cleaning purposes,
- (5) a waste bucket with a pedal operated lid

35. The Licence holder shall ensure that the designated area is effectively ventilated and illuminated for the purposes of ear piercing.

36. The Licence holder shall require completing a suitable and sufficient Fire Risk assessment under the Fire (Scotland) Act 2005 as amended. Detailed guidance on how to carry out the assessment is contained in a book called "Fire Safety Guidance Booklet". Published by the Scottish Executive. Information can also be obtained from the internet site: <http://www.infoscotland.com/firelaw>

37. Definitions.

"Licence Holders" means the person, persons, company, firm, public body or voluntary organisation named in the Licence;

"Premises" means the premises specified in the Licence.

"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;

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

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

“skin piercing” includes any of the following –

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

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