
STATUTORY INSTRUMENTS

1985 No. 1208

The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985

PART V

**CONTROL BY DISTRICT COUNCILS OF ACUPUNCTURE,
TATTOOING, EAR-PIERCING AND ELECTROLYSIS**

Application of Part V

12.—(1) The provisions of this Part, except this Article, shall come into force in accordance with the following provisions of this Article.

(2) A council may resolve that the provisions of this Part which are mentioned in subparagraph (a), (b) or (c) of paragraph (3) are to apply to its district; and if a council does so resolve, the provisions specified in the resolution shall come into force in its district on the day specified in that behalf in the resolution (which must not be before the expiration of the period of one month beginning with the day on which the resolution is passed).

(3) The provisions that may be specified in a resolution under paragraph (2) are—

- (a) Articles 13, 15 and 16; or
- (b) Articles 14 to 16; or
- (c) Articles 13 to 16.

(4) A resolution which provides that Article 14 is to apply to the district of a council need not provide that it shall apply to all the descriptions of persons specified in paragraph (1) of that Article; and if such a resolution does not provide that Article 14 is to apply to persons of all of those descriptions, the reference in paragraph (2) to the coming into force of provisions specified in the resolution shall be construed, in its application to Article 14 and to Article 15 so far as it has effect for the purposes of Article 14, as a reference to the coming into force of those Articles only in relation to persons of the description or descriptions specified in the resolution.

(5) If a resolution provides for the coming into force of Article 14 in relation to persons of more than one of the descriptions specified in paragraph (1) of that Article, it may provide that that Article, and Article 15 so far as it has effect for the purposes of that Article, shall come into force on different days in relation to persons of each of the descriptions specified in the resolution.

(6) A council shall publish notice that it has passed a resolution under this Article in two consecutive weeks in one or more newspapers circulating in its district.

(7) The first publication shall not be later than 28 days before the day specified in the resolution for the coming into force of the provisions specified in it in the council's district.

(8) The notice shall state which provisions are to come into force in that district.

(9) The notice shall also—

- (a) if the resolution provides for the coming into force of Article 13, explain that that Article applies to persons carrying on the practice of acupuncture; and

(b) if it provides for the coming into force of Article 14, specify the descriptions of persons in relation to whom that Article is to come into force.

(10) Any such notice shall state the general effect, in relation to persons to whom the provisions specified in the resolution will apply, of the coming into force of those provisions.

Acupuncture

13.—(1) A person shall not in any district in which this Article is in force carry on the practice of acupuncture unless he is registered by the council for the district under this Article.

(2) A person shall only carry on the practice of acupuncture in any district in which this Article is in force in premises registered by the council for the district under this Article; but a person who is registered under this Article does not contravene this paragraph merely because he sometimes visits people to give them treatment at their request.

(3) Subject to Article 15(8)(b), on application for registration under this Article, a council shall register the applicant and the premises where he desires to practise and shall issue to the applicant a certificate of registration.

(4) An application for registration under this Article shall be accompanied by such particulars as the council may reasonably require.

(5) The particulars that the council may require include, without prejudice to the generality of paragraph (4),—

(a) particulars as to the premises where the applicant desires to practise; and

(b) particulars of any conviction of the applicant under Article 15,

but do not include information about individual people to whom the applicant has given treatment.

(6) A council may charge such reasonable fees as it may determine for registration under this Article.

(7) A council may make byelaws for the purposes of securing—

(a) the cleanliness of premises registered under this Article and fittings in such premises;

(b) the cleanliness of persons so registered and persons assisting persons so registered in their practice;

(c) the cleansing and, so far as is appropriate, the sterilisation of instruments, materials and equipment used in connection with the practice of acupuncture.

(8) Nothing in this Article shall extend to the practice of acupuncture by or under the supervision of a person who is registered as a medical practitioner or a dentist^[F1] or a chartered physiotherapist or a state registered physiotherapist or a state registered chiropodist] or to premises on which the practice of acupuncture is carried on by or under the supervision of such a person.

[^{F1}(9) In this Article—

“chartered physiotherapist” means a member of the Chartered Society of Physiotherapy;

“state registered physiotherapist” means a person registered as a physiotherapist under section 2 of the Professions Supplementary to Medicine Act 1960;

“state registered chiropodist” means a person registered as a chiropodist under section 2 of that Act of 1960.]

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Tattooing, [^{F2}semi-permanent skin-colouring, cosmetic piercing] and electrolysis

14.—(1) A person shall not in any district in which this Article is in force carry on the business—

- (a) of tattooing;
- [^{F2}(aa) of semi-permanent skin-colouring;
- (b) of cosmetic piercing; or]
- (c) of electrolysis,

unless he is registered by the council for the district under this Article.

(2) A person shall only carry on a business mentioned in paragraph (1) in any district in which this Article is in force in premises registered under this Article for the carrying on of that business; but a person who carries on the business of tattooing, [^{F2} semi-permanent skin-colouring, cosmetic piercing] or electrolysis and is registered under this Article as carrying on that business does not contravene this paragraph merely because he sometimes visits people at their request to tattoo them, or as the case may be, to [^{F2} carry out semi-permanent skin-colouring on them, pierce their bodies] or give them electrolysis.

(3) Subject to Article 15(8)(b), on application for registration under this Article, a council shall register the applicant and the premises where he desires to carry on his business and shall issue to the applicant a certificate of registration.

(4) An application for registration under this Article shall be accompanied by such particulars as the council may reasonably require.

(5) The particulars that the council may require include, without prejudice to the generality of paragraph (4)—

- (a) particulars as to the premises where the applicant desires to carry on his business; and
- (b) particulars of any conviction of the applicant under Article 15,

but do not include information about individual people whom the applicant has tattooed or given electrolysis [^{F2}, whose bodies he has pierced or on whom he has carried out semi-permanent skin-colouring].

(6) A council may charge such reasonable fees as it may determine for registration under this Article.

(7) A council may make byelaws for the purposes of securing—

- (a) the cleanliness of premises registered under this Article and fittings in such premises;
- (b) the cleanliness of persons so registered and persons assisting persons so registered in the business in respect of which they are registered;
- (c) the cleansing and, so far as is appropriate, the sterilisation of instruments, materials and equipment used in connection with a business in respect of which a person is registered under this Article.

(8) Nothing in this Article shall extend to the carrying on of a business such as is mentioned in paragraph (1) by or under the supervision of a person who is registered as a medical practitioner or to premises on which any such business is carried on by or under the supervision of such a person.

[^{F2}(9) In this Article “semi-permanent skin-colouring” means the insertion of semi-permanent colouring into a person's skin.]

Provisions supplementary to Articles 13 and 14

15.—(1) Any persons who contravenes—

- (a) Article 13(1) or (2); or
- (b) Article 14(1) or (2),

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) Any person who contravenes a byelaw made—

- (a) under Article 13(7); or
- (b) under Article 14(7),

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) If a person registered under Article 13 is found guilty of an offence under paragraph (2) (a), the court, instead of or in addition to imposing a fine under paragraph (2), may order the suspension or cancellation of his registration.

(4) If a person registered under Article 14 is found guilty of an offence under paragraph (2) (b), the court, instead of or in addition to imposing a fine under paragraph (2), may order the suspension or cancellation of his registration.

(5) A court which orders the suspension or cancellation of a registration by virtue of paragraph (3) or (4) may also order the suspension or cancellation of any registration under Article 13 or, as the case may be, Article 14 of the premises in which the offence was committed, if they are occupied by the person found guilty of the offence.

(6) Subject to paragraph (7), a court ordering the suspension or cancellation of registration by virtue of paragraph (3) or (4) may suspend the operation of the order until the expiration of the period for giving notice of appeal to the county court.

(7) If notice of appeal is given within the period referred to in paragraph (6), an order under paragraph (3) or (4) shall be suspended until the appeal is finally determined or abandoned.

(8) Where the registration of any person under Article 13 or 14 is cancelled by order of the court under this Article—

- (a) he shall within 7 days deliver up to the council the cancelled certificate of registration, and, if he fails to do so, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 1 on the standard scale and thereafter to a daily fine not exceeding £5; and
- (b) he shall not again be registered by the council under Article 13 or, as the case may be, Article 14 except with the consent of the court which convicted him.

(9) A person registered under this Part shall keep a copy—

- (a) of any certificate of registration issued to him under this Part; and
- (b) of any byelaws under this Part relating to the practice or business in respect of which he is so registered,

prominently displayed at the place where he carries on that practice or business.

(10) A person who contravenes paragraph (9) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 1 on the standard scale.

(11) It shall be a defence for a person charged with an offence under paragraph (1), (2), (8) or (10) to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.

(12) Nothing in this Part applies to anything done to an animal.

Power to enter premises

16.—(1) Subject to paragraph (2), an authorised officer of a council may enter any premises in the council's district if he has reason to suspect that an offence under Article 15 is being committed there.

(2) The power conferred by this Article may be exercised by an authorised officer of a council only if he has been granted a warrant by a justice of the peace.

(3) A justice may grant a warrant under this Article only if he is satisfied—

(a) that admission to any premises has been refused, or that refusal is apprehended, or that the case is one of urgency, or that an application for admission would defeat the object of the entry; and

(b) that there is reasonable ground for entry under this Article.

(4) A warrant shall not be granted unless the justice is satisfied either that notice of the intention to apply for a warrant has been given to the occupier, or that the case is one of urgency, or that the giving of such notice would defeat the object of the entry.

(5) A warrant shall continue in force—

(a) for seven days; or

(b) until the power conferred by this Article has been exercised in accordance with the warrant, whichever period is the shorter.

(6) Where an authorised officer of a council exercises the power conferred by this Article, he shall produce his authority if required to do so by the occupier of the premises.

(7) Any person who without reasonable excuse refuses to permit an authorised officer of a council to exercise the power conferred by this Article shall be guilty of an offence and shall for every such refusal be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Changes to legislation:

There are currently no known outstanding effects for the The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985, PART V.