



Local Government (Miscellaneous Provisions) Act 1982

1982 CHAPTER 30

PART VIII

ACUPUNCTURE, TATTOOING, EAR-PIERCING AND ELECTROLYSIS

16 Provisions supplementary to ss. 14 and 15.

- (1) Any person who contravenes—
 - (a) section 14(1) or (2) above; or
 - (b) section 15(1) or (2) above,shall be guilty of an offence and liable on summary conviction to a fine not exceeding [^{F1}level 3 on the standard scale].
- (2) Any person who contravenes a byelaw made—
 - (a) under section 14(7) above; or
 - (b) under section 15(7) above,shall be guilty of an offence and liable on summary conviction to a fine not exceeding [^{F1}level 3 on the standard scale].
- (3) If a person registered under section 14 above is found guilty of an offence under subsection (2)(a) above, the court, instead of or in addition to imposing a fine under subsection (2) above, may order the suspension or cancellation of his registration.
- (4) If a person registered under section 15 above is found guilty of an offence under subsection (2)(b) above, the court, instead of or in addition to imposing a fine under subsection (2) above, may order the suspension or cancellation of his registration.
- (5) A court which orders the suspension or cancellation of a registration by virtue of subsection (3) or (4) above may also order the suspension or cancellation of any registration under section 14 or, as the case may be, 15 above of the premises in which the offence was committed, if they are occupied by the person found guilty of the offence.

Changes to legislation: There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) Act 1982, Section 16. (See end of Document for details)

- (6) Subject to subsection (7) below, a court ordering the suspension or cancellation of registration by virtue of subsection (3) or (4) above may suspend the operation of the order until the expiration of the period prescribed by [^{F2}Criminal Procedure Rules] for giving notice of appeal to the Crown Court.
- (7) If notice of appeal is given within the period so prescribed, an order under subsection (3) or (4) above shall be suspended until the appeal is finally determined or abandoned.
- (8) Where the registration of any person under section 14 or 15 above is cancelled by order of the court under this section—
- (a) he shall within 7 days deliver up to the local authority 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 £50 and thereafter to a daily fine not exceeding £5; and
 - (b) he shall not again be registered by the local authority under section 14 or, as the case may be, 15 above except with the consent of the magistrates' court which convicted him.
- (9) A person registered under this Part of this Act shall keep a copy—
- (a) of any certificate of registration issued to him under this Part of this Act; and
 - (b) of any byelaws under this Part of this Act 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 subsection (9) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding [^{F1}level 2 on the standard scale].
- (11) It shall be a defence for a person charged with an offence under subsection (1), (2), (8) or (10) above to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.
- (12) Nothing in this Part of this Act applies to anything done to an animal.

Textual Amendments

- F1** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **s. 46**
- F2** Words in [s. 16\(6\)](#) substituted (1.9.2004) by [The Courts Act 2003 \(Consequential Amendments\) Order 2004 \(S.I. 2004/2035\)](#), [art. 2\(1\)](#), **Sch. para. 19** (with [art. 2\(2\)](#))

Modifications etc. (not altering text)

- C1** Ss. 13-17: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853](#), [reg. 2\(1\)](#), **Sch. 1**

Changes to legislation:

There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) Act 1982, Section 16.