



DERRY CITY COUNCIL

**(SEMI-PERMANENT SKIN-COLOURING)  
BYELAWS 2009**

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**Semi-permanent skin-colouring**

Byelaws for the purposes of securing the cleanliness of premises registered under Article 14 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 and fittings in those premises and of registered persons and persons assisting them and<sup>a</sup> the cleansing and so far as appropriate sterilisation of instruments, materials and equipment used in connection with the business of semi-permanent skin-colouring, made by Derry City Council in pursuance of section 90(c) of the Local Government Act (Northern Ireland) 1972<sup>b</sup> and Article 14(7) of the 1985 Order on the 5<sup>th</sup> day of March 2009.

1. Interpretation:

a. In these byelaws -

“The 1985 Order” means the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985;

“The 1997 Order” means the Waste and Contaminated Land (Northern Ireland) Order 1997<sup>c</sup>

“Client” means any person undergoing treatment;

“Operator” means any person giving treatment;

“Premises” means any premises registered under Part V of the 1985 Order;

“Proprietor” means any person registered under Part V of the 1985 Order;

“Treatment” means any operation in effecting semi-permanent skin-colouring;

“The treatment area” means any part of the premises where treatment is given to clients.

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<sup>a</sup> S.I. 1985/1208 (N.I.15) as amended by Article 31 and Schedule 2 of the Local Government (Northern Ireland) Order 2005 (S.I. 2005/1968 N.I.18)

<sup>b</sup> 1972 c.9 (N.I.)

<sup>c</sup> S.I. 1997/2778 (N.I.19)

2. For the purpose of securing the cleanliness of premises and fittings in such premises a proprietor shall ensure that -
  - a. All internal walls, doors, windows, partitions, floors and floor coverings, and ceilings are kept clean and in such good repair as to enable them to be cleaned effectively;
  - b. The treatment area is used solely for giving treatment;
  - c. The floor of the treatment area is provided with a smooth impervious surface;
  - d. All waste materials, and other litters, arising from the treatment should be handled and disposed of as clinical waste in accordance with the relevant provisions of the 1997 Order and any instruments made under that Order.
  - e. All needles used in treatment are single-use, never re-used, and disposable, as far as is practicable; and are stored and disposed of as clinical waste in accordance with the relevant provisions of the 1997 Order and any instruments made under that Order;
  - f. All furniture and fittings in the premises are kept clean and in such good repair as to enable them to be cleaned effectively;
  - g. All tables, couches and seats used by clients in the treatment area, and any surface on which the items specified in 3b-are placed immediately prior to treatment, have a smooth impervious surface which is disinfected immediately after use and at the end of each working day;
  - h. Where tables and couches are used, they are covered by a disposable paper sheet which is changed for each client;
  - i. No eating, drinking or smoking is permitted in the treatment area and a notice or notices reading "No Smoking", "No Eating or Drinking" are prominently displayed there.
3. For the purpose of securing the cleansing and so far as is appropriate, the sterilization of instruments, materials and equipment used in connection with the treatment -
  - a. An operator shall ensure that, before use in connection with treatment, any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such articles used in the treatment -
    - i. is clean and in good repair, and so far as is appropriate, is sterile; and
    - ii. has not previously been used in connection with any other client unless it consists of a material which can be and has been adequately cleaned and, so far as is appropriate, sterilized;

- b. An operator shall ensure that -
  - i. any needle, metal instrument, or other item or equipment, used in treatment or for handling instruments and needles used in treatment, is in a sterile condition and kept sterile until it is used;
  - ii. all dyes used for semi-permanent skin-colouring are sterile and inert;
  - iii. the containers used to hold the dyes for each customer are either disposed of at the end of each session of treatment, or are cleaned and sterilized before re-use;
- c. A proprietor shall provide -
  - i. adequate facilities and equipment for the purpose of sterilization (unless pre-sterilised items are used) and of cleansing, as required in pursuance of these byelaws;
  - ii. sufficient and safe gas points and electrical socket outlets to enable compliance with these byelaws;
  - iii. an adequate constant supply of clean hot and cold water readily available at all times on the premises;
  - iv. adequate storage for items mentioned in byelaw 3a and b, so that those items are properly stored in a clean and suitable place so as to avoid, as far as possible, the risk of contamination.

4. For the purpose of securing the cleanliness of operators –

- a. A proprietor shall ensure that -
  - i. any operator keeps his hands and nails clean and his nails short;
  - ii. any operator wears disposable surgical gloves that have not previously been used with any other client;
  - iii. any operator of the premises wears a gown, wrap or protective clothing that is clean and washable, or alternatively a disposable covering that has not previously been used in connection with any other client;
  - iv. any operator keeps any open boil, sore, cut or open wound on an exposed part of his body effectively covered by an impermeable dressing;
  - v. any operator does not smoke or consume food or drink in the treatment area.

- b. A proprietor shall provide -
- i. suitable and sufficient washing facilities for the sole use of operators, including hot and cold water, sanitising soap or detergent;
  - ii. suitable and sufficient sanitary accommodation for operators.

Dated this 5<sup>th</sup> day of March 2009 and sealed with the Common Seal of Derry City Council in the presence of:-

*Paul Fleming*

**MAYOR**

*Viviane O'Hara*

**TOWN CLERK AND CHIEF EXECUTIVE**

The foregoing Byelaws are hereby confirmed by the Health Protection Team Department of Health, Social Services and Public Safety on the 2<sup>ND</sup> day of *DECEMBER* 2009 and shall come into operation on 10<sup>th</sup> *DECEMBER* 2009

*MAGUIR*

A senior officer of the Department of Health, Social Services and Public Safety

**NOTE - THE FOLLOWING DOES NOT FORM PART OF THE BYELAWS**

- A. Proprietors shall take all reasonable steps to ensure compliance with these Byelaws by persons working on the premises. Article 15(9) of the 1985 Order provides that a registered person shall cause to be prominently displayed on the premises a copy of these byelaws and a copy of any certificate of registration issued to him under Part V of the 1985 Order.
- B. Article 15(2) of the 1985 Order provides that any person who contravenes any of these byelaws shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale. If a person registered under part V of the 1985 Order is found guilty of contravening these byelaws the Court may instead of or in addition to imposing the fine, order the suspension or cancellation of his registration and of the registration of the premises in which the offence was committed if such premises are occupied by the person found guilty of the offence. It shall be a defence for the person charged under paragraphs (1), (2), (8) or (10) of Article 15 to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.
- C. Nothing in these byelaws extends to the practice of semi-permanent skin-colouring by or under the supervision of a person who is registered as a medical practitioner or to premises on which the practice of semi-permanent skin-colouring is carried on by or under the supervision of such a person.