



BYELAWS FOR ACUPUNCTURE

Section 15 Local Government (Miscellaneous) Provisions Act 1982

Acupuncture

Byelaws for the purposes of securing the cleanliness of registered premises and fittings therein and registered persons and persons assisting them and the cleansing and so far as appropriate sterilisation of instruments, materials and equipment used in connection with the business of ear piercing and electrolysis made by South Hams District Council in pursuance of Section 15(7) of the Local Government (Miscellaneous Provisions) Act 1982.

Extent

These byelaws shall extend to the District of South Hams in the County of Devon.

1. Interpretation

(a) In these bye laws, unless the context otherwise requires –

“**The Act**” means the local Government (Miscellaneous Provisions) Act 1982;

“**Client**” means any person undergoing treatment;

“**Operator**” means any person giving treatment;

“**Premises**” means any premises registered under Part VIII of the Act;

“**Proprietor**” means any person registered under Part VIII of the Act’

“**Treatment**” means any operation in effecting ear-piercing or electrolysis;

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

(b) The Interpretation Act 1978 shall apply for the interpretation of these byelaws as it applied for the interpretation of an Act of Parliament.

2. For the purpose of securing the cleanliness of premises and fittings therein a proprietor shall ensure that –

- (a) All internal walls, doors, windows, partitions, floors and floor coverings and ceilings in any part of the premises used by clients and operators 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) All waste material, and other litter arising from the treatment, is placed in suitable covered receptacles, which are washable and leakproof, or use a leakproof liner bag. The receptacles shall be emptied, or the bags changed, at least once every working day, or more frequently as necessary, and the material disposed of safely. Where liners are not used, the receptacles shall then be cleaned;
 - (d) All needles used in treatment are placed after use in separate covered and leakproof re-usable boxes, or disposable needle boxes designed for the purpose. Where re-usable boxes are used they shall be emptied at least once every working day or more frequently as necessary, and the contents disposed of safely or sterilised for re-use, as appropriate. The box shall then be sterilised. Where needle boxes are used they shall be disposed of safely at suitable intervals;
 - (e) All furniture and fittings in the premises are kept clean and in such good repair as to enable them to be cleaned effectively;
 - (f) All tables, couches and seats used by clients in the treatment area and any surface on which the items specified in 3(b) below are placed immediately prior to treatment have a smooth impervious surface which is wiped down at least daily with a suitable disinfectant
 - (g) Where tables or couches are used, they shall be covered by a disposable paper sheet which shall be changed for each client;
 - (h) A notice or notices reading "No Smoking" are prominently displayed within the treatment area.
3. For the purpose of securing the cleansing and, so far as is appropriate, the sterilisation 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;

(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, sterilised;

(b) An operator shall ensure that any needle, metal instrument, or other item of 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;

(c) A proprietor shall provide –

(i) adequate facilities and equipment for the purpose of sterilisation (unless pre-sterilised items are used) and of cleansing, as required in pursuance of these byelaws;

(ii) sufficient and safe gas points and/or 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 all items mentioned in byelaw 3(a) and (b) above, so that those items shall be 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) An operator whilst giving treatment shall ensure that –

(i) his hands are clean and nails kept short;

(ii) he is wearing clean and washable clothing, or alternatively a disposable covering that has not previously been used in connection with any other client;

(iii) he keeps any open boil, sore, cut or open wound on an exposed part of his body effectively covered by an impermeable dressing;

(iv) he does not smoke or consume food or drink;

(b) A proprietor shall provide:

(i) suitable and sufficient washing facilities for the use of operators, such facilities to have hot and cold water, sanitising soap or detergent, and a nail brush;

(ii) suitable and sufficient sanitary accommodation for operators.

Made by South Hams District Council 2nd April 1985

Confirmed by the Secretary of State for Social Services 29th October 1985

Came into operation 1st December 1985

NOTE - THE FOLLOWING DOES NOT FORM PART OF THE BYELAWS

- A.** A proprietor shall take all reasonable steps to ensure compliance with these byelaws by persons working on the premises. Section 16(9) of the Act lays down 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 VIII of the Act

- B.** Section 16(1) and (2) of the Local Government (Miscellaneous Provisions) Act 1982 provides that any person who offends against any of these byelaws shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400. If the convicted person is registered under Part VIII of the Act, the Court may, instead of or in addition to imposing a 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 so convicted. Section 16(11) of the Act provides that it shall be a defence for the person charged 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 shall extend to the carrying on of a practice of acupuncture by or under the supervision of a person who is registered as a medical practitioner or a dentist or to premises on which the practice of acupuncture is carried on by or under the supervision of such a person.