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THE CIVIC GOVERNMENT (SCOTLAND) ACT 1982 (LICENSING OF SKIN PIERCING AND TATTOOING) ORDER 2006

LICENSING OF SKIN PIERCING AND TATTOOING GUIDANCE NOTES FOR APPLICANTS

These notes have been written to help you with the licensing application form and to draw your attention to some other things you may have to do in connection with your application. If you need any more help, please contact Environmental Health at the address given above.

(1) What is the Civic Government (Scotland) Act 1982?

This is an Act of Parliament, which enables Scottish local Councils to control and regulate certain activities in their area so as to preserve public order and safety and prevent crime.

(2) Why do I need a Licence?

The Civic Government (Scotland) Act 1982 introduced compulsory licensing of certain activities and also the option to licence other activities.

The Civic Government (Scotland) Act 1982 (Licensing of Skin Piercing and Tattooing) Order made it compulsory that a licence shall be required for the carrying on of a business which provides skin piercing or tattooing from 1 April 2006.

(3) What is skin piercing and tattooing?

“Skin Piercing” includes any of the following:

- Acupuncture;
- Cosmetic body piercing; or
- Electrolysis.

“Tattooing” means the insertion into the skin of any colouring material designed to leave a semi-permanent or permanent mark including micro pigmentation.

(4) What conditions will be applied to my licence?

The general conditions are supplied with the application form and will form part of the licence if granted to you. The Council may also add specific conditions to your licence on matters such as the times you may conduct your trade and the places where the trade can be carried out on.

(5) Are there any exemptions?

Yes, a licence is not required for carrying out the activity of skin piercing or tattooing by a registered medical practitioner within a hospital or an independent clinic.

(6) Who will be consulted?

All applications will be submitted to the Police for an opinion as to whether the applicant is a fit person to hold a licence and the Infrastructure Services Department will also be asked for an opinion as to the suitability of the premises of the application.

(7) What is the fee?

Fees have to be paid for applications, and must be paid along with the submitted application. Please do not send cash. Cheques and postal orders should be made payable to: "Shetland Islands Council". Payment can also be made by card. A fee list is enclosed.

(8) How long is the licence for and when do I need to renew my licence?

The licence is for a period of 3 years and the licence will therefore need to be renewed 36 months from the date of it being granted.

(9) Am I committing an offence if I do not obtain a licence?

Yes, if you are conducting an activity which requires to be licensed in terms of the Council's resolution and you do not obtain the licence then you are committing an offence and, you will be liable, on summary conviction to a fine not exceeding £2,500. If you obtain a licence and do not comply with a condition attached to the licence you will be guilty of an offence and liable, on summary conviction, to a fine not exceeding £1,000. The Act provides that it shall be a defence for a person charged with an offence of non-compliance with a condition to prove that he used all due diligence to prevent the commission of the offence.

(10) What if I make a false statement on my application form?

If you make a statement which you know to be false or recklessly make any statement which is false you will be guilty of an offence and liable, on summary conviction, to a fine of £2,500.

(11) Are there any other offences arising from the operation of the licensing scheme?

Yes:

- (a) if you, without reasonable excuse, make or cause or permit to be made any material change of any premises, without the prior permission of the Council you will be liable to a fine not exceeding £1,000, on summary conviction; and

- (b) if you fail, without reasonable excuse, to return your licence to the Council after it has been revoked or after you cease to conduct the trade or business for which the licence was issued then you will be liable, on summary conviction, to a fine not exceeding £500.

(12) What do I do next?

You should complete the application form for a licence and submit it to the Council.

The Council has then a period of up to 6 months in which to reach a final decision on your application.

Please note that:

- (1) The fees and fines referred to above are correct at 1 April 2019, and may be subject to subsequent change.
- (2) These notes are for guidance only and are not a complete statement of the procedures relating to applications for licences under the Civic Government (Scotland) Act 1982. If you need any more information, please contact the Environmental Health Department at the address given above.