



**Shetland Islands Council
Civic Government (Scotland) Act 1982
APPLICATION FOR A SKIN PIERCING AND TATTOOING LICENCE**

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.

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 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 for Local Authorities 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 activities:

- Acupuncture;
- Cosmetic body piercing;
- Electrolysis.

“Acupuncture” means the insertion of needles into living tissue for remedial or therapeutic purposes.

“Cosmetic body piercing” means the perforation of the skin and underlying tissue in order to create a tunnel in the skin through which jewellery may be inserted.

“Electrolysis” means the removal of body hair by electrocution of the hair roots with an electrified needle.

“Tattooing” means the insertion into the skin of any colouring material designed to leave a semi-permanent or permanent mark including micro pigmentation, e.g. semi-permanent make-up (eye liner, lips, etc.), microblading (eyebrows), scalp micropigmentation (hairline), etc.

4. What conditions will be applied to my licence?

A copy of 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. You are required to comply with the conditions at all times; therefore, it is important that you make yourself familiar with them.

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 & proper person to hold a licence, Scottish Fire & Rescue Service, Planning 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?

For the up to date fee contact Environmental Health on 01595 745250 or ehadmin@shetland.gov.uk. Fees must be paid along with the submitted application in order for the application to be processed, the fee is non-refundable. Please do not send cash. Cheques and postal orders should be made payable to: "Shetland Islands Council". Payments can also be taken over the phone with a credit or debit card.

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. Applicants are responsible for ensuring that their licence is renewed in good time before the current licence expires (6 – 8 weeks before expiry). The Council will not automatically renew the licence upon expiry.

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 (along with any additional required documents and the fee paid) to the Environmental Health Department. Subject to the application being suitably completed and accompanying documents being satisfactory, the application is put out to consultation for 28 days.

At the time you submit your application, you must display a Site Notice (included in application pack and provided on the Council website) for a period of 21 days). In order to demonstrate that the site notice has been displayed, the applicant is required to complete and submit the 'Certificate of Compliance with Site Notice' form (included in application pack and provided on the Council website).

An Authorised Officer will contact the applicant during the consultation period to arrange to meet the applicant on the premises to be licensed, in order to carry out an inspection. The inspection is to satisfy

the officer that the premises and indeed the applicant can meet and adhere to the premises licence conditions.

If no objections are received during the consultation period, the licence is deemed granted and will be issued to the applicant. Please note that any licensable activities cannot commence until the consultation period is over and you have been issued with a physical copy of your licence.

The Council has then a period of up to 12 months in which to reach a final decision on your application. Generally, however, the process takes around one calendar month.

Please note that:

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 as detailed below:

Name & Address of Issuing Authority	
Shetland Islands Council, Environmental Health, The Gutters' Hut, 7 North Ness, Lerwick, Shetland, ZE1 0LZ	
Telephone	01595 745250
Email	ehadmin@shetland.gov.uk