

PROJET DE LOI

ENTITLED

The Tattooing, Piercing, Acupuncture and Electrolysis (Guernsey and Alderney) Law, 2000 *

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.

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* No. V of 2000 (Ordres en Conseil Vol. XL, p. 57); as amended by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009 (No. VII of 2010); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016). See also the Deputy Bailiff (Guernsey) Law, 1969 (Ordres en Conseil Vol. XXII, p. 122); the Fees, Charges and Penalties (Guernsey) Law, 2007 (No. VII of 2008); the Children (Guernsey and Alderney) Law, 2008 (No. XIV of 2009); the Regulation of Health Professions (Medical Practitioners) (Guernsey and Alderney) Ordinance, 2015 (No. XXII of 2015).

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The Tattooing, Piercing, Acupuncture and Electrolysis (Guernsey and Alderney) Law, 2000

THE STATES, in pursuance of their Resolution of 30th September, 1998^a, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Islands of Guernsey, Alderney, Herm and Jethou.

Scope of this Law

Regulated skin treatment.

1. (1) For the purposes of this Law the carrying out on a live human being of any operation of or involving tattooing, body piercing, ear piercing, acupuncture or electrolysis is a **"regulated skin treatment"**.

(2) It is immaterial for those purposes whether or not the operation is carried out by way of business, or for payment or reward.

(3) In this Law –

"tattooing" means insertion into the skin of any colouring material for decorative or cosmetic purposes,

"body piercing" means total or partial penetration of any part of the skin other than the lower non-cartilaginous lobe of the pinna, using a needle or other implement, with the intention of creating an aperture for decorative or cosmetic purposes, including insertion through or into the skin (whether or not by the person carrying out the body piercing) of decorative jewellery,

^a On Article 18 of Billet d'État No. XXI of 1998.

"ear piercing" means total or partial penetration of the lower non-cartilaginous lobe of the pinna, using a needle or other implement, with the intention of creating an aperture for decorative or cosmetic purposes, including insertion through or into the skin (whether or not by the person carrying out the body piercing) of decorative jewellery,

"acupuncture" means insertion of needles into the skin in order to stimulate nerve impulses for medical purposes,

"electrolysis" means insertion of needles into the skin in order to apply electrical current for medical or cosmetic purposes.

NOTES

In accordance with the provisions of the Fees, Charges and Penalties (Guernsey) Law, 2007, section 1, Schedule, the power to prescribe by Ordinance the fees therein referred to and payable under this Law may be exercised by Regulation, with effect from 19th May, 2008.

In accordance with the provisions of the Children (Guernsey and Alderney) Law, 2008, section 123, Schedule, paragraph 36 (shown, incorrectly, in the printed version of the 2008 Law as paragraph 35), with effect from 4th January, 2010, this Law is one of those specific enactments that the States may repeal, amend, extend, adapt, modify or disapply, and make transitional and savings provisions in relation to, by Ordinance made under the said section 123.

Registration of persons and premises

Registration requirements.

2. (1) A person shall not carry out any regulated skin treatment unless he is for the time being registered by [the Committee] in respect of that category of skin treatment.

(2) A person shall not carry out any regulated skin treatment except –

- (a) at premises which are for the time being registered by [the Committee] in respect of that category of skin treatment, and in accordance with all such

requirements of any regulations made under section 6 as are applicable to skin treatment of that category carried on at registered premises, or

- (b) by prior arrangement, at the home of the person on whom the treatment is carried out, and in accordance with all such requirements of any regulations made under section 6 as are applicable to home skin treatment of that category.

NOTE

In section 2, the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 6, with effect from 1st May, 2016.

Applications for registration.

3. (1) A person seeking registration for the purpose of carrying out skin treatment, and a person seeking the registration of premises in respect of skin treatment, may apply to [the Committee] in accordance with this section.

(2) An application for the registration of a person for the purpose of carrying out skin treatment must –

- (a) be made by the person intending to carry out that treatment, be in writing, be signed by that person, and be in such form as [the Committee] may require,
- (b) specify the category or categories of skin treatment in respect of which the application is made,
- (c) include a declaration either –
 - (i) that the applicant has never been convicted of a relevant offence and that no proceedings in respect of a relevant offence are pending

against him, or

- (ii) listing all relevant offences of which the applicant has been convicted, or in respect of which proceedings are pending against him, together in the case of convictions with details of the country or territory in which, the court by which, and the date on which each conviction was recorded, and the sentence imposed in respect thereof,

and, in either case, that the applicant consents to the disclosure to [the Committee] by any authority or person of any record held by that authority or person in respect of any offence of which the applicant has been convicted and any proceedings pending against him,

- (d) be accompanied by the prescribed application fee,
- (e) contain or be accompanied by such other information as [the Committee] may reasonably require.

(3) An application for the registration of any premises in respect of skin treatment must –

- (a) be made by, or accompanied by the signed consent of, the occupier of the premises, be in writing, be signed by the applicant, and be in such form as [the Committee] may require,
- (b) identify the premises concerned,
- (c) specify the category of skin treatment in respect of which the application is made,

- (d) be accompanied by the prescribed application fee,
- (e) contain or be accompanied by such other information as [the Committee] may reasonably require.

(4) The other information which [the Committee] may reasonably require under this section does not include information about individuals who have been treated by the applicant.

NOTE

In section 3, the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 6, with effect from 1st May, 2016.

Determination of applications and appeals.

4. (1) [The Committee] must refuse an application for the registration of a person for the purpose of carrying out skin treatment –

- (a) if the applicant is subject to an order made under section 15(1)(c) and the court which made the order has not consented to the making of the application, or
- (b) if the applicant has been convicted of a relevant offence, or if proceedings in respect of a relevant offence are pending against the applicant, and, in either case, [the Committee] is of the opinion that by reason thereof the applicant is not a fit and proper person to be so registered,

and in any other case [the Committee] must grant the application and issue to the applicant a certificate of registration.

(2) [The Committee] must refuse an application for the registration of premises in respect of any category of skin treatment if in the opinion of [the Committee] the premises do not comply with the requirements of all regulations for

the time being in force made under section 6 in relation to that category of skin treatment; and in any other case [the Committee] must grant the application and issue to the applicant a certificate of registration in respect of the premises.

(3) When [the Committee] refuses an application under subsection (1) or subsection (2) –

- (a) the prescribed application fee is not refundable, but
- (b) [the Committee] shall within 14 days notify the applicant in writing of –
 - (i) the refusal, and
 - (ii) the reasons therefor, and
 - (iii) his right of appeal under subsection (4).

(4) An applicant who is aggrieved by any refusal under subsection (1) or subsection (2) may appeal to the Ordinary Court on the grounds that the refusal either is *ultra vires*, or is an unreasonable exercise of [the Committee]'s discretion.

(5) An appeal under subsection (4) shall be instituted by a summons served on [the President] of [the Committee] within one month of the date of the notice given under paragraph (3)(b); and the summons must state the ground of the appeal, and set out the facts on which the appellant relies.

(6) An appellant under subsection (4) has the burden of satisfying the Ordinary Court that the refusal is *ultra vires* or an unreasonable exercise of [the Committee]'s discretion; if the Ordinary Court is so satisfied it may remit the matter to [the Committee] for reconsideration, in accordance with such directions if any as the Court considers appropriate; but in any other case the Court must dismiss the appeal.

(7) No further appeal lies against a determination of the Ordinary

Court under this section on any question of reasonableness; but on a question of law a further appeal may be made to the Court of Appeal in such manner and time as may be prescribed by Order of the Royal Court.

NOTE

In section 4, the words "T/the Committee" and "the President" in square brackets, wherever occurring, were substituted by Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, respectively section 5(1), Schedule 3, paragraph 6 and section 2, Schedule 1, paragraph 5, with effect from 1st May, 2016.¹

Prescribed fees.

5. (1) [The Committee] may by regulations made under this section prescribe –

- (a) having regard to the cost of processing applications, the fees payable on submission of an application for registration of a person, or of premises, under this Law, and
- (b) having regard to the cost of monitoring skin treatment operations and inspecting premises where they are carried out, the fees payable annually, or at such other intervals as may be prescribed, by persons registered, and in respect of premises registered, under this Law.

(2) [The Committee] shall not consider any application which is not accompanied by the prescribed application fee.

(3) If any fee required under paragraph (1)(b) is not paid when due the registration of the person or premises concerned shall immediately cease to be valid.

NOTES

In section 5, the words "The Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer

of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 6, with effect from 1st May, 2016.

The following Regulations have been made under section 5:

Tattooing, Piercing, Acupuncture and Electrolysis (Prescribed Fees) (Guernsey and Alderney) Regulations, 2014.

Conduct of registered persons and premises

Prescribed standards and procedures.

6. (1) [The Committee] may by regulations made under this section prescribe standards to be maintained and procedures to be followed in connection with the carrying out of any category of skin treatment, and as respects the premises in which skin treatment is carried out.

(2) Without prejudice to the generality of subsection (1), regulations under this section may impose on persons registered under this Law, and on occupiers of registered premises, obligations for the purpose of ensuring –

- (a) that premises and fittings within premises are maintained in a clean, safe and efficient condition,
- (b) that instruments, equipment and materials used in connection with skin treatment are maintained and used in accordance with prescribed standards, and are regularly cleansed and where appropriate sterilized,
- (c) that standards of cleanliness and hygiene, and appropriate measures against the transmission of infection, are observed by all persons carrying out skin treatment,
- (d) that appropriate information and advice is given to persons receiving skin treatment,
- (e) that adequate records are maintained as to the identities of persons receiving skin treatment and of

the treatment received by them.

(3) Compliance with regulations made under this section does not absolve any person from liability in respect of any obligation to which he is subject under or by virtue of any other enactment for the time being in force.

NOTE

In section 6, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 6, with effect from 1st May, 2016.

The following Regulations have been made under section 6:

Tattooing, Piercing, Acupuncture and Electrolysis (Standards of Treatment, Operators and Premises) Regulations, 2001.

Improvement notices.

7. (1) If an authorised officer has reasonable grounds for believing that any person is failing to comply with an obligation to which he is subject by virtue of any regulations made by [the Committee] under section 6 he may, by a notice in such form as may be prescribed by regulations made by [the Committee] and served on that person (an "**improvement notice**") –

- (a) state the officer's grounds for believing that the person is failing to comply with the regulations,
- (b) specify the matters which constitute the person's failure so to comply,
- (c) specify the measures which, in the officer's opinion, the person must take in order to secure compliance, and
- (d) require the person to take those measures, or measures which are at least equivalent to them, within such period (not being less than 14 days or, where the measures consist only of the cleaning of premises or

equipment, not being less than 7 days) as may be specified in the notice.

(2) A person aggrieved by a decision of an authorised officer to serve an improvement notice on him may appeal to the Ordinary Court on the grounds that the notice and/or any measure required to be taken by the notice either is *ultra vires*, or is an unreasonable exercise of the authorised officer's powers.

(3) An appeal under subsection (2) shall be instituted by a summons served on [the President] of [the Committee] within the period or longest period specified for the taking of the measures required by it, or within one month of the date of the notice, whichever is sooner; and the summons must state the ground of the appeal and set out the facts on which the appellant relies.

(4) An appellant under subsection (2) has the burden of satisfying the Ordinary Court of his ground of appeal; if the Ordinary Court is so satisfied the Court may quash the notice or make such modifications to it as the Court considers appropriate; but in any other case the Court must dismiss the appeal.

(5) No further appeal lies against a determination of the Ordinary Court under this section on any question of fact or reasonableness; but on a question of law a further appeal may be made to the Court of Appeal in such manner and time as may be prescribed by Order of the Royal Court.

(6) Where an appeal against an improvement notice is brought, the period specified in the notice shall be suspended until the appeal is determined, withdrawn, or struck out for want of prosecution.

NOTE

In section 7, the words "the Committee" and "the President" in square brackets, wherever occurring, were substituted by Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, respectively section 5(1), Schedule 3, paragraph 6 and section 2, Schedule 1, paragraph 5, with effect from 1st May, 2016.²

Young people

Operations on young people.

8. (1) A person shall not carry out any operation of or involving tattooing on a person who is under the age of 18 years.

(2) A person shall not carry out any operation of or involving body piercing on a person who is under the age of 18 years.

(3) A person shall not carry out any operation of or involving ear piercing, acupuncture or electrolysis on a person who is under the age of 16 years unless –

- (a) the person carrying out the operation is registered under this Law in respect of ear piercing, acupuncture or electrolysis as the case requires, and
- (b) the operation is carried out with the prior written consent of a parent or guardian[, or other person who has parental responsibility in respect of,] of the young person concerned.

NOTES

In section 8, the words in square brackets in paragraph (b) of subsection (3) were inserted by the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009, section 3, Schedule 1, Part I, paragraph 32, with effect from 4th January, 2010.

In accordance with the provisions of the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009, section 1, with effect from 4th January, 2010, the reference in this section to "parent" shall mean, in relation to a child and subject to the conditions in paragraph (a) and (b) of subsection (1) and the exceptions in paragraph (a) and (b) of subsection (2) of that section, a father or mother who has parental responsibility in respect of the child.

In accordance with the provisions of the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009, section 2, with effect from 4th January, 2010, and having regard to the reference in this section to "guardian", a guardian or person referred to as such has parental responsibility in respect of a child if the conditions in paragraph (a) or paragraph (b) of that section are satisfied.

Inspection and enforcement

Powers of entry, inspection etc.

9. (1) An authorised officer may at any reasonable time enter any premises which are for the time being registered under this Law in respect of any category of skin treatment for the purpose of ascertaining whether this Law is being complied with.

(2) An authorised officer may at any reasonable time enter any premises other than premises used wholly or mainly as a dwelling if he has reason to suspect that evidence is likely to be found on those premises of a contravention of this Law; but entry to premises which are not for the time being registered under this Law in respect of any category of skin treatment shall not be demanded as of right under this subsection unless 24 hours' notice of the intended entry has been given to their occupier.

(3) If the appropriate judicial officer is satisfied by information on oath that an authorised officer has reasonable grounds for seeking to enter any premises (including premises used wholly or mainly as a dwelling), and further either –

- (a) that admission to the premises has been refused, or a refusal is apprehended, and notice of intention to apply for a warrant has been given to their occupier, or
- (b) that an application for admission, or the giving of such a notice, is impracticable or would defeat the object of the entry,

the appropriate judicial officer may grant a warrant authorising any authorised officer to enter those premises, if need be using reasonable force; and such a warrant is valid for a period of one month.

(4) An authorised officer entering premises pursuant to any provision if this section may take with him such other persons as he may reasonably

consider necessary to assist him in the course of his functions on those premises; and he or such other persons acting under his direction may, having so entered –

- (a) make such search and inspection of the premises,
- (b) examine such equipment and material found at the premises,
- (c) inspect such records kept at the premises,
- (d) require any person on the premises to answer such questions and furnish such information and documents,

as he considers necessary for the purpose for which he has entered the premises.

(5) The powers conferred by paragraphs (4)(a), (b) and (c) include –

- (a) the power to take photographs, copy documents, test equipment and analyse material,
- (b) where, in the opinion of an authorised officer, any document, equipment or material may reveal evidence of a contravention of this Law, or needs to be removed for any purpose mentioned in paragraph (a), the power to seize and remove that item, and to retain it for so long as is reasonable.

(6) The powers conferred by paragraph (4)(d) include power, where any information or document is not furnished as required, for the authorised officer to require any person to state its whereabouts to the best of that person's knowledge and belief, but –

- (a) no answer to a question which is given by a person under compulsion of a requirement under that paragraph may be used in evidence in any proceedings

against him except –

- (i) as a previous inconsistent statement, or
 - (ii) in proceedings for an offence under section 14, and
- (b) any information on the basis of which an individual who has received skin treatment can be identified must be treated as confidential by every person who obtains access to it under this section.

(7) A person seeking to exercise any power conferred by or under the section must furnish evidence of his authority whenever his right to do so is questioned by any owner or occupier of the premises concerned or by any other person lawfully present on those premises.

Emergency prohibitions.

10. (1) If an authorised officer is of the opinion that the carrying out of any skin treatment –

- (a) by a particular person, or
- (b) using a particular method or process, or
- (c) in particular premises, or
- (d) using particular equipment or materials,

poses an imminent risk to health or safety, that authorised officer may by a notice served on the appropriate person (an "**emergency prohibition notice**") impose the appropriate prohibition.

(2) For the purposes of this section –

- (a) in a case within paragraph (1)(a) the appropriate

person is the person whose carrying out of the skin treatment concerned poses the risk, and the appropriate prohibition is on the carrying out of that skin treatment by that person,

- (b) in a case within paragraph (1)(b) the appropriate person is any person who appears to the authorised officer to have used, or to be likely to use, the method or process which poses the risk, and the appropriate prohibition is on the use of the method or process in the skin treatment concerned,
- (c) in a case within paragraph (1)(c) the appropriate person is the occupier of the premises whose construction or condition poses the risk, and the appropriate prohibition is on the use of those premises for the skin treatment concerned,
- (d) in a case within paragraph (1)(d) the appropriate person is any person appearing to the authorised officer to have in his ownership, possession or control the equipment or materials whose nature or condition poses the risk, and the appropriate prohibition is on the use of that equipment or those materials in the skin treatment concerned.

(3) A prohibition imposed by an emergency prohibition notice is binding on any person on whom the notice is served immediately upon service of the notice, but ceases to bind that person 72 hours thereafter unless an authorised officer, having first given 24 hours notice to that person of his intention to do so, applies to the Magistrate's Court for confirmation of the notice within these 72 hours, in which event the notice shall continue to have effect until that application is determined or withdrawn.

(4) Upon hearing an application made under subsection (3) the Magistrate's Court must –

- (a) if satisfied as to the relevant matter set out in subsection (1) as at the date of service of the emergency prohibition notice, confirm the notice, or
- (b) if not so satisfied, quash the notice.

(5) An emergency prohibition notice ceases to have effect upon the issue by [the Committee] of a certificate of satisfaction that the imminent risk to health or safety which led to the service of the notice has passed and is not likely to recur.

(6) If a person who is bound by a prohibition imposed by an emergency prohibition notice applies to [the Committee] for a certificate under subsection (5) [the Committee] must within 14 days either issue such a certificate or notify that person in writing of [the Committee]'s reasons for refusing to do so; and if [the Committee] does so refuse that person may apply to the Magistrate's Court for, and the Magistrate's Court may make, an order requiring [the Committee] to issue such a certificate.

(7) [The Committee] must compensate any person who suffers loss by reason of his compliance with an emergency prohibition notice served on him if

- (a) no application is made to the Magistrate's Court in accordance with subsection (3) for confirmation of the notice, or
- (b) upon hearing an application made in accordance with subsection (3) the Magistrate's Court quashes the notice.

(8) The compensation payable under subsection (7) in respect of any one notice shall in no case exceed £30,000 or such higher sum as the States may from time to time specify by Ordinance for the purposes of this subsection.

NOTE

In section 10, the words "T/the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 6, with effect from 1st May, 2016.

Offences and penalties

Offences against young people.

11. (1) A person who contravenes any provision of section 8 is guilty of an offence and liable –

- (a) on summary conviction, to a fine not exceeding level 5 on the uniform scale,
- (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or to a fine, or to both.

(2) It is a defence for a person charged with an offence under this section to prove that at the time when he carried out the operation on a person under the age of 18 years, or under the age of 16 years as the case may be –

- (a) he took all reasonable steps to ascertain the age of the person concerned, and
- (b) he had reasonable cause to believe that the person concerned was over the age of 18 years, or over the age of 16 years as the case may be, and
- (c) he did in fact so believe.

(3) Where a person charged with an offence under this section alleges that the provisions of section 8(3)(b) apply, the burden of so proving lies on him.

Offences relating to unregistered persons and premises.

12. (1) A person who contravenes section 2(1) is guilty of an offence.
- (2) A person who contravenes section 2(2) is guilty of an offence.
- (3) The owner or occupier of premises who knowingly allows those premises to be used for the carrying out of regulated skin treatment –
- (a) when the premises are not registered under this Law in respect of that category of skin treatment, and the treatment is not carried out in accordance with section 2(2)(b), or
- (b) by a person who is not registered under the Law in respect of that category of skin treatment,

is guilty of an offence.

(4) Where a person charged with an offence under this section alleges that the treatment to which the charge relates was carried out in accordance with section 2(2)(b), the burden of so proving lies on him.

(5) A person who is guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the uniform scale.

Offences relating to registered persons and premises.

13. (1) A person who disobeys a prohibition imposed by an emergency prohibition notice is guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding 6 months, or to a fine not exceeding level 5 on the uniform scale, or to both.

(2) A person who fails to comply with a requirement imposed by an improvement notice is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the uniform scale.

(3) A person who contravenes or fails to comply with any provision of regulations made under section 6 is guilty of an offence and liable on

summary conviction to a fine not exceeding level 4 on the uniform scale.

False statements etc.

14. (1) A person who –

- (a) in or in connection with an application for any registration required by this Law, or
- (b) in any record required to be maintained under this Law, or
- (c) in any statement required to be made, answer required to be given, or information or other document required to be furnished under this Law,

makes a statement or records or furnishes information which to his knowledge is false or misleading in a material respect, or recklessly makes a statement or records or furnishes information which is false or misleading in a material respect, is guilty of an offence.

(2) A person who –

- (a) fails without reasonable excuse to answer any question or furnish any information or document when so required pursuant to section 9(4)(d), or
- (b) destroys, mutilates, defaces, secretes or removes any document, equipment or material with intent to evade or hinder any inspection, inquiry, search or seizure under section 9, or
- (c) obstructs, or fails to give all reasonable assistance to, an authorised officer acting pursuant to any provision of section 9

is guilty of an offence.

(3) A person who is guilty of an offence under this section is liable on conviction to a fine not exceeding level 3 on the uniform scale.

Cancellation and disqualification orders.

15. (1) Where a person is convicted of any offence under this Law the convicting court may, instead of or in addition to imposing any other penalty permitted by this Law,

- (a) in the case of a person who is registered under this Law in respect of any category of skin treatment, order the cancellation of his registration,
- (b) in the case of a person who is the occupier of premises registered under this Law in respect of any category of skin treatment, order the cancellation of the registration of those premises,
- (c) in any case, order that the convicted person be disqualified from applying for registration for the purpose of carrying on any category of skin treatment, except with the consent of the convicting court.

(2) Any order made under this section must be communicated to [the Committee], and [the Committee] must comply with it.

NOTE

In section 15, the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 6, with effect from 1st May, 2016.

Offences by bodies corporate.

16. (1) Where an offence under this Law is committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to, or to have been facilitated by any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person purporting to act in any such capacity, he as well as the body corporate is guilty of the offence and may be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) applies to a member in connection with his functions of management as if he were a director.

General and supplementary provisions

Saving for medical and dental practice.

17. Nothing in this Law extends to –

- (a) the carrying out of any skin treatment in the normal course of medical or dental practice by or under the supervision of a recognised medical practitioner or a recognised dentist, or
- (b) any premises on which such skin treatment is so carried out.

Service of notices etc.

18. (1) Any notice or other document whose service is required or authorised by or under any provision of this Law is validly served –

- (a) on an individual if delivered personally to him, or if left at or sent by post or transmitted to the appropriate address,
- (b) on a body corporate if delivered personally to a director, secretary or other similar officer of that body, or if left at or sent by post or transmitted to the

appropriate address,

- (c) on an unincorporated body if delivered personally to a partner, member, manager or officer of that body, or if left at or sent by post or transmitted to the appropriate address.

(2) For the purposes of this section **"the appropriate address"** is

—

- (a) in the case of an individual his usual or last known place of abode,
- (b) in the case of a body corporate or an unincorporated body, its registered office or principal place of business in the Bailiwick, or
- (c) where the addressee is registered under this Law in respect of skin treatment, or where the document relates to premises registered under this Law in respect of skin treatment on the application of the addressee, any address (including any fax number or similar device address) furnished for the purposes of this section by the addressee.

(3) In this section **"transmitted"** means sent by fax, telex or other means producing a document containing the text of the communication.

General provisions as to regulations.

19. (1) Regulations made by [the Committee] under this Law –

- (a) may make different provision as respects different cases, classes of cases, and/or circumstances,
- (b) may contain such consequential, incidental, supplemental and transitional provisions as appears to

[the Committee] to be necessary or expedient,

- (c) may empower an authorised officer to grant exemptions and permissions, and to give directions not inconsistent with this Law, for the purposes of the regulations,
- (d) may be amended or repealed by subsequent regulations so made.

(2) All regulations made by [the Committee] under this Law must be laid before a meeting of the States as soon as possible; and if at that or their next meeting the States resolve to amend the regulations they shall cease to have effect, but without prejudice to anything done under them or to the making of new regulations.

NOTE

In section 19, the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 6, with effect from 1st May, 2016.

Interpretation.

20. (1) In this Law, unless the context otherwise requires –

"acupuncture" has the meaning given by section 1(3),

"the appropriate judicial officer" means:

- (a) as respects the Island of Guernsey (including Herm and Jethou), the Bailiff,
- (b) as respects the Island of Alderney, the Chairman of the Court of Alderney,

"an authorised officer" means a person authorised by [the

Committee] in writing to exercise the powers of an authorised officer, either generally or in a specified matter, under this Law:

"[the Committee]" means the States [Committee for Health & Social Care],

"body piercing" has the meaning given by section 1(3),

"the Court of Appeal" means the Court of Appeal established under the Court of Appeal (Guernsey) Law, 1961^b,

"ear piercing" has the meaning given by section 1(3),

"electrolysis" has the meaning given by section 1(3),

"an emergency prohibition notice" means a notice served under section 10(1),

"an improvement notice" means a notice served under section 7(1),

"this Law" includes any regulations made under this Law,

"the Magistrate's Court" means the Magistrate's Court established under the Magistrate's Court (Guernsey) Law, 1954^c,

"the Ordinary Court" means the Royal Court of Guernsey sitting as an Ordinary Court,

"prescribed" means prescribed by regulations made under this Law,

"the prescribed application fee" in respect of an application means

^b Ordres en Conseil Vol. XVIII, p. 315.

^c Ordres en Conseil Vol. XVI, p. 103; Vol. XVII, p. 218; Vol. XXVII, p. 170; Vol. XXVIII, pp. 5 and 385; Vol. XXX, p.224; Vol. XXXI, p. 278; Order in Council No. III of 1992; No. IX of 1996.

the fee for the time being prescribed by regulations made under section 5(1)(a),

"recognised medical practitioner" and **"recognised dentist"** have the meanings given by section 1 of the Doctors, Dentists and Pharmacists Ordinance, 1987^d,

"registered premises" means premises in respect of which a certificate of registration under section 4(2) is for the time being in force,

"a relevant offence" means an offence under this Law, or an offence relating to skin treatment under the law of any country or territory outside the Bailiwick,

"skin treatment" means regulated skin treatment within the meaning given by section 1,

"the States" means the States of Guernsey,

"tattooing" has the meaning given by section 1(3).

(2) In this Law, except where the context otherwise requires –

- (a) a reference to a numbered section, or to a numbered or lettered subdivision thereof, is to the section or subdivision thereof so identified in this Law,
- (b) a reference in a section to a numbered or lettered subdivision is to the subdivision so identified in that section,
- (c) a reference to any enactment is to that enactment as amended, repealed and replaced, extended or applied

^d Recueil d'Ordonnances Tome XXIV, pp. 79, 238 and 262, as extended to Alderney by Ordinance No. IV of 1988 (Tome XXIV, p. 262).

by or under any other enactment.

NOTES

In section 20, the words in, first, the first and, second, the second pairs of square brackets in the definition of the expression "the Committee" and, third, the words "the Committee" in square brackets wherever else occurring in subsection (1) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, respectively section 5(1), Schedule 3, paragraph 6, section 2, Schedule 1, paragraph 5 and section 5(1), Schedule 3, paragraph 6, with effect from 1st May, 2016.³

The functions, rights and liabilities of the Health and Social Services Department and of its Minister or Deputy Minister arising under or by virtue of this Law were transferred to and vested in, respectively, the Committee for Health & Social Care and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 5, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.⁴

In accordance with the provisions of the Deputy Bailiff (Guernsey) Law, 1969, section 5(4), with effect from 9th September, 1969, in the event of the Deputy Bailiff discharging any functions or exercising any powers appertaining to the office of Bailiff which he is authorised to discharge or exercise under or by virtue of the 1969 Law, the provisions contained herein relating to the discharge of such functions or the exercise of such powers shall have effect as if the reference herein to the Bailiff included a reference to the Deputy Bailiff.

In accordance with the provisions of the Regulation of Health Professions (Medical Practitioners) (Guernsey and Alderney) Ordinance, 2015, section 27(2), with effect from 3rd December, 2015, the references in this enactment to a "recognised medical practitioner" are to be construed as references to a registered practitioner within the meaning of section 26(1) of the 2015 Ordinance.

The Magistrate's Court (Guernsey) Law, 1954 has since been repealed by the Magistrate's Court (Guernsey) Law, 2008, section 46(b), with effect from 1st September, 2009, subject to the savings and transitional provisions in section 47 of the 2008 Law.

Citation.

21. This Law may be cited as the Tattooing, Piercing, Acupuncture and Electrolysis (Guernsey and Alderney) Law, 2000.

Commencement and transitional provision.

22. (1) This Law shall come into force on the first day of the month following that in which it is registered on the records of the Island of Guernsey.

(2) Section 2 of this Law shall not apply to the carrying out of skin treatment –

- (a) by a person who was engaged in a business involving the carrying out of that category of skin treatment on the day before this Law comes into force, or
- (b) by such a person at premises where such a business was conducted on the day before this Law comes into force

until the expiration of one month after the day when this Law comes into force, or until the determination by [the Committee] of any application for registration in that respect made during that period, whichever is later.

NOTES

In section 22, the words in square brackets in subsection (2) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 6, with effect from 1st May, 2016.

The Law was registered on the Records of the Island of Guernsey on 11th April, 2000.

¹ The words "the President" were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 4, with effect from 6th May, 2004.

² The words "the President" were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 4, with effect from 6th May, 2004.

³ The words "Committee for Health & Social Care" were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 4, with effect from 6th May, 2004.

⁴ The functions, rights and liabilities of the Health and Social Services Department and its Minister arising under or by virtue of this Law were previously transferred to and vested in them, respectively, from the Board of Health and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 4, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.