

PIERCING AND TATTOOING (JERSEY) LAW 2002

Official Consolidated Version

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Jersey

PIERCING AND TATTOOING (JERSEY) LAW 2002

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Jersey

PIERCING AND TATTOOING (JERSEY) LAW 2002[1]

A LAW to regulate the practices of acupuncture, body and ear piercing, electrolysis and tattooing and the premises on which those practices are conducted, whether or not for reward, and for matters incidental thereto and connected therewith

Commencement [see endnotes]

1 Interpretation

In this Law, unless the context otherwise requires –

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

"Commission" means the Health and Social Care Commission established by Article 35 of the Regulation of Care (Jersey) Law 2014;

"designated officer" means a person appointed under Article 7;

"doctor" means a medical practitioner registered under the Medical Practitioners (Registration) (Jersey) Law 1960;

"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 ear piercing, of decorative jewellery;

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

"prescribed" means prescribed by Order made by the Chief Minister;

"registered person" and "registered premises" mean a person or premises, as the case may be, registered under this Law;

"tattooing" means the insertion into the skin of any colouring material for decorative purposes and designed to leave a permanent mark; and

"treatment" means any operation in administering acupuncture, body or ear piercing, electrolysis or tattooing.[2]

2 Requirement for persons and premises to be registered

(1) Subject to paragraphs (2) and (3), a person shall not administer treatment to another person (whether or not for reward) unless he or she and any premises from which he or she administers treatment are registered by the Commission in accordance with this Law.[3]

(2) A registered person may occasionally administer treatment elsewhere than from registered premises if he or she has the prior approval of the Commission.[4]

(3) This Article shall not apply to a person who is registered under any other Law which permits the administering of treatment as part of the professional activities which that person is registered to perform in Jersey.

(4) Every registration under this Law shall expire on the 31st December next following the date on which it takes effect but shall be renewable annually in accordance with this Law.

3 Application for and renewal of registration

An application for registration or renewal of registration under Article 2 shall –

(a) be in such form as the Commission may require;

(b) specify the categories of treatment in respect of which it is made;

(c) contain or be accompanied by such particulars as the Commission may require; and

(d) be accompanied by such fee as may be prescribed (which shall not be refunded if the application or renewal is refused).[5]

4 Determination of applications and maintenance of register

(1) Subject to paragraph (2), the Commission shall register a person or premises under this Law if and only if the Commission is satisfied –

(a) that the person possesses such qualifications and experience as may be prescribed; and

(b) that the premises and any equipment used in connection with the administration of any treatment meet such conditions as may be prescribed.[6]

(2) The Commission may refuse to register or renew the registration –

(a) of any person the Commission considers not to be a fit and proper person to administer the treatment the person proposes to administer; or

(b) of any premises the Commission considers to be unsuitable for the purposes of administering the treatment proposed to be administered from those premises.[7]

(3) Where the Commission registers or renews the registration of any person or premises the Commission may impose such conditions on such registration as it thinks fit.[8]

(4) The Commission shall maintain a register of registered persons and registered premises, and the register shall –

(a) specify the categories of treatment to which the registration relates;

(b) contain such other particulars as may be prescribed; and

(c) be available for inspection at reasonable times by members of the public.[9]

(5) Where a person or premises have been registered and any of the particulars required to be supplied to the Commission under Article 3(1)(c) have changed, the person concerned shall inform the Commission as soon as reasonably practicable.[10]

(6) The Commission may make such alterations to the register as are necessary to ensure its accuracy.[11]

5 Offences in connection with registration

(1) A person who –

(a) contravenes Article 2(1); or

(b) contravenes any condition imposed under Article 4(3) or fails to comply with Article 4(5),

shall be guilty of an offence and liable to a fine not exceeding level 3 on the standard scale.

(2) A person who wilfully procures or attempts to procure himself or herself or any other person to be registered by making or producing, or causing to be made or produced, any false or fraudulent representation or declaration, either orally or in writing, shall be guilty of an offence and liable to imprisonment for a term not exceeding 2 years or to a fine, or both.

(3) An owner or occupier of any premises who knowingly allows –

(a) such premises, not being registered in accordance with this Law, to be used for the purpose of administering treatment; or

(b) any person who is not registered in accordance with this Law to administer treatment on such premises,

shall be guilty of an offence and liable to a fine not exceeding level 3 on the standard scale.

6 Treatment of persons not of full age

(1) Subject to paragraph (2) a person shall not –

(a) administer body piercing or tattooing to a person under the age of 16 years;

(b) administer body piercing or tattooing to a person aged more than 16 years but under full age without the prior written consent of that person's parent or guardian; or

(c) administer acupuncture, ear piercing or electrolysis to a person under the age of 16 years without the prior written consent of that person's parent or guardian.

(2) Paragraph (1) shall not apply where the treatment consists of any procedure performed by a doctor or a dentist in the course of his or her practice as such.

(3) A person who intentionally or recklessly contravenes paragraph (1) shall be guilty of an offence and liable –

(a) in the case of an offence under paragraph (1)(a) to imprisonment for a term not exceeding 5 years or to a fine, or both; and

(b) in the case of an offence under paragraph (1)(b) or (c) shall be liable to a fine not exceeding level 3 on the standard scale.

7 Designated officers

(1) The Commission may appoint in writing any person whom the Commission considers to be suitably qualified, to be a designated officer for the purposes of all or any part of this Law.[12]

(2) A designated officer who is exercising his or her powers under this Law shall on request –

(a) produce evidence of his or her authority to do so; and

(b) state his or her name and the power that he or she proposes to exercise.

8 General powers of entry and investigation

(1) A designated officer may, in respect of any registered premises, for the purposes of ascertaining compliance with this Law –

(a) enter, inspect or search the premises;

(b) take or remove for examination, analysis or as evidence any substances, articles or other things found there;

(c) inspect any records kept there; or

(d) require any person there to furnish such information as he or she may reasonably require with respect to the premises or any person who has administered treatment from the premises.

(2) A power under this Article shall only be exercised –

(a) where there are reasonable grounds for doing so;

(b) in the manner that is proportionate and otherwise reasonable;

(c) at a reasonable hour; and

(d) if the designated officer has given not less than 48 hours' notice in writing to the owner or the occupier of the premises.

(3) Paragraph (2)(c) and (d) shall not apply in an emergency.

(4) Where the Bailiff, a Jurat, the Magistrate or Sous-Magistrat is satisfied on sworn information –

(a) that there are reasonable grounds for the exercise of any power under paragraph (1); and

(b) that in the circumstances of the case it is desirable to grant a warrant under this paragraph,

he or she may grant a warrant to a designated officer authorizing the officer at any time to enter the premises specified in the warrant and there exercise any powers under paragraph (1) and in doing so to use any reasonable force necessary.

(5) A warrant shall continue in force until –

(a) the purposes for which the warrant is granted have been fulfilled; or

(b) the expiry of the period of one month following its grant.

(6) A person who without reasonable excuse intentionally obstructs a designated officer who is exercising or seeking to exercise any power under this Article shall be guilty of an offence and liable to a fine not exceeding level 3 on the standard scale.

(7) Where a designated officer has exercised any powers under this Article in respect of registered premises, he or she shall in writing inform the owner or occupier of the premises as soon as reasonably practicable and in any event within 21 days –

(a) of the powers he or she has so exercised; and

(b) of everything he or she has taken or removed in the course of exercising those powers.

9 Codes of Practice

The Commission may issue Codes of Practice setting out –

(a) the practice and procedures that should be adopted by a registered person in administering any treatment;

(b) the standards to which registered premises and any equipment used in connection with the administration of treatment should conform; and

(c) the records that should be kept in respect of persons to whom, and the premises at which, treatment is administered.[13]

10 Revocation of Registration

(1) Where a registered person has been convicted of an offence under this Law the court may, in addition to any other penalty it may wish to impose, order that his or her registration and, if he or she is the only registered person administering treatment from registered premises, the registration in respect of those premises, be revoked.

(2) Where the Commission is satisfied –

(a) that a registered person –

(i) has contravened or failed to comply with any condition imposed under Article 4(3) with respect to his or her registration or that of registered premises from which he or she administers treatment,

(ii) has contravened or failed to comply with any provision of this Law or any Order made or Code of Practice issued thereunder, or

(iii) is otherwise not a fit and proper person to be administering the treatment he or she is administering; or

(b) that registered premises are unsuitable for the purposes of administering the treatment proposed to be administered from those premises,

the Commission may revoke his or her registration and, if he or she is the only registered person administering treatment from registered premises, the registration in respect of those premises.[14]

11 Appeals

(1) Where the Commission proposes to refuse registration or to grant such registration subject to conditions under Article 4, or to revoke such registration under Article 10, it shall give the person concerned written notice of –

(a) the Commission's intention to do so and the reasons for so doing; and

(b) the person's right to be heard in person or by a representative if it informs the Commission in writing of his or her desire to do so within 14 days of the notice.[15]

(2) If the Commission, after having given the person concerned an opportunity to be heard, decides to refuse the application, imposes conditions or revokes the registration, the Commission shall if the person requires deliver to him or her within 7 days of receiving such request written particulars of the reasons for the Commission's decision and the person's right of appeal.[16]

(3) A person aggrieved by such decision of the Commission may, within 28 days from the date on which the person is notified of it under paragraph (2) appeal to the Inferior Number of the Royal Court.[17]

(4) Subject to paragraph (5), where the Commission has revoked the registration of any person or premises such revocation shall not take effect until the 28 days after the person concerned receives notification of the revocation or his or her appeal has been dismissed, whichever is the earlier.[18]

(5) Where the Commission considers that it is necessary in the public interest for the revocation of a registration under this Law to have immediate effect, the Commission may apply to the Bailiff, a Jurat, the Magistrate or Sous-Magistrate, who may make such order.[19]

(6) On an appeal under this Article the court may confirm, reverse or vary the Commission's decision.[20]

12 Orders

(1) The Chief Minister may make Orders generally for carrying this Law into effect and in particular but without prejudice to the generality of the foregoing, for prescribing any matter which may be prescribed by this Law.[21]

(2) An Order under this Law may –

(a) impose requirements with respect to registered persons and registered premises; and

(b) provide that a person who contravenes or fails to comply with any such requirement shall be guilty of an offence and liable to such a fine not exceeding level 3 on the standard scale as may be prescribed.

(3) An Order under this Law may –

(a) make different provisions in relation to different cases or circumstances;

(b) contain such consequential, incidental, supplemental and transitional provisions as the Chief Minister considers to be necessary or expedient.[22]

(4) [23]

13 Transitional provisions

Article 2 shall not apply to a person administering treatment or to the premises from which he or she administers that treatment before the commencement of this Law until 3 months after such commencement, or until the determination of any application for registration under this Law made during that period, whichever is the later.

14 Criminal liability

(1) Any person who aids, abets, counsels or procures the commission of an offence under this Law shall also be guilty of the offence and liable in the same manner as a principal offender to the penalty provided for that offence.

(2) Where an offence under this Law committed by a body corporate is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of –

(a) a person who is a director, manager, secretary or other similar officer of the body corporate; or

(b) any person purporting to act in any such capacity,

the person shall also be guilty of the offence and liable in the same manner as the body corporate to the penalty provided for that offence.

(3) Where the affairs of a body corporate are managed by its members, paragraph (2) shall apply in relation to acts and defaults of a member in connection with the member's functions of management as if he or she were a director of the body corporate.

15 Citation

This Law may be cited as the Piercing and Tattooing (Jersey) Law 2002.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement	◦Projet No (where applicable)
Piercing and Tattooing (Jersey) Law 2002	L.13/2002	19 April 2002	P.144/2001
States of Jersey (Amendments and Construction Provisions No. 5) (Jersey) Regulations 2005	R&O.45/2005	9 December 2005	P.59/2005
Dentistry (Jersey) Law 2015	L.17/2015	24 February 2016 (R&O.22/2016)	P.89/2015
Regulation of Care (Transfer of Functions) (Jersey) Regulations 2018	R&O.120/2018	1 January 2019	P.128/2018
States of Jersey (Transfer of Functions – Regulation of Care) (Jersey) Order 2018	R&O.141/2018	1 January 2019	
Legislation (Jersey) Law 2021	L.8/2021	28 September 2021 (R&O.112/2021)	P.26/2021

◦Projets available at www.statesassembly.gov.je

Table of Renumbered Provisions

Original	Current
1(1)	1
1(2), (3), (4)	spent, omitted from this revised edition

Table of Endnote References

[1] *This Law has been amended by the States of Jersey (Amendments and Construction Provisions No. 5) (Jersey) Regulations 2005. The amendments replace all references to a Committee of the States of Jersey with a reference to a Minister of the States of Jersey, and remove and add defined terms appropriately, consequentially upon the move from a committee system of government to a ministerial system of government*

[2] *Article 1* *amended by L.17/2015, R&O.120/2018, R&O.141/2018*

[3] *Article 2(1)* *amended by R&O.120/2018*

[4] *Article 2(2)* *amended by R&O.120/2018*

[5] *Article 3* *amended by R&O.120/2018*

[6] *Article 4(1)* *amended by R&O.120/2018*

[7] *Article 4(2)* *amended by R&O.120/2018*

[8] *Article 4(3)*	*amended by R&O.120/2018*
[9] *Article 4(4)*	*amended by R&O.120/2018*
[10] *Article 4(5)*	*amended by R&O.120/2018*
[11] *Article 4(6)*	*amended by R&O.120/2018*
[12] *Article 7(1)*	*amended by R&O.120/2018*
[13] *Article 9*	*amended by R&O.120/2018*
[14] *Article 10(2)*	*amended by R&O.120/2018*
[15] *Article 11(1)*	*amended by R&O.120/2018*
[16] *Article 11(2)*	*amended by R&O.120/2018*
[17] *Article 11(3)*	*amended by R&O.120/2018*
[18] *Article 11(4)*	*amended by R&O.120/2018*
[19] *Article 11(5)*	*amended by R&O.120/2018*
[20] *Article 11(6)*	*amended by R&O.120/2018*
[21] *Article 12(1)*	*amended by R&O.141/2018*
[22] *Article 12(3)*	*amended by R&O.141/2018*
[23] *Article 12(4)*	*deleted by L.8/2021*