

**WELSH GOVERNMENT**  
**GUIDANCE FOR MODEL BYELAWS ON ACUPUNCTURE, TATTOOING,**  
**SEMI-PERMANENT SKIN-COLOURING, COSMETIC PIERCING AND**  
**ELECTROLYSIS**

**Introduction**

1. A byelaw is a local law which is made by a statutory body, such as a local authority, under an enabling power in an Act of Parliament. Since byelaws create criminal offences, they cannot come into effect unless confirmed by the Welsh Ministers.
2. The following guidance provides an overview of the process for making byelaws on acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis under sections 14 and 15 of the Local Government (Miscellaneous Provisions) Act 1982 ('the 1982 Act').

**The enabling power**

3. The powers enabling local authorities to make byelaws on acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis are located in Part VIII of the 1982 Act. However, before they can be relied upon the local authority must resolve that the provisions of Part VIII apply to their area. The procedure for doing so is set out in section 13 of the 1982 Act.

**Consultation**

4. Consultation is a key part of the process and can make the difference between smooth implementation and a difficult protracted implementation. The process may be used to initially determine whether a byelaw is appropriate and following this to enable proper consultation with those affected by the proposed byelaws.

**Model Byelaws**

5. Model byelaws for acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis are available on the Welsh Government website. These model byelaws have been developed to increase health protection and reduce the risk of transmission of blood borne virus infections such as HIV, hepatitis B and hepatitis C and other infections. It is recommended that local authorities follow this model, if they apply to the authority's particular circumstances. This will reduce the risk of drafting problems and delays in the confirmation process. They should not however be adopted en bloc and the local authority will need to consider whether each byelaw is suitable for the particular issues in its area.

### Use of the model

6. Words highlighted in italic font in the model byelaws give instructions on how to adopt the model (e.g. “*insert Council name*” or “*state subject matter*”). Square brackets are used to indicate additional wording, which it may be appropriate to use in some cases (e.g. “powers under section [14/15]...” or in the Welsh version of the model byelaws to provide local authorities with regional variations (e.g. “*rasel [raser]*”).

### Revocation

7. The text of model byelaw 12, which can be used to revoke byelaws, contains a number of instructions which may require further elaboration:

“*insert name*” – the relevant name will be that of the Council which made the byelaws, even if that Council is no longer the local authority for that area or is now defunct.

“*insert name of confirming authority*” – e.g. the Secretary of State.

“*insert date byelaws were confirmed*” – this is different from the date on which the byelaws came into force.

### **The procedure for making byelaws and for applying for confirmation of the byelaws**

8. The procedure for making byelaws is provided in section 236 of the Local Government Act 1972. This guidance note is not intended to replace the need to refer to and comply with the relevant legislation.
9. Byelaws will not be effective until the Welsh Ministers (or a senior officer of the Welsh Government acting on their behalf) confirm them. The Welsh Government will check the byelaws to see whether the model has been followed, that the byelaws are within the legal powers and that the correct procedures have been observed.
10. The procedure to be followed before obtaining confirmation from the Welsh Ministers is as follows:
  - (a) We recommend that the authority submits its draft byelaws to the Welsh Government for provisional approval. The draft byelaws should be accompanied by a statement confirming that they are either identical to the model, or details of how they differ, with reasons. Errors in byelaws that have been made, sealed and advertised can only be put right by repeating this process for the amended byelaws.
  - (b) The byelaws must be made by the local authority under its common seal. However, they will not have effect until confirmed by the Welsh Ministers.

- (c) At least one month before submitting the application for confirmation to the Welsh Ministers, a notice of the authority's intention to apply for confirmation must be given in one or more local newspapers circulating in the area to which the byelaws are to apply. This notice tells the public about the intention to make byelaws, and how to inspect them, obtain copies and make objections. A suggested form of the notice on byelaws for acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis is at Appendix A of this guidance note. It is the authority's responsibility to ensure that the sealed byelaws have been properly advertised.
- (d) For at least one month before submitting the application for confirmation to the Welsh Ministers, a copy of the byelaws must be held on deposit at the offices of the local authority for inspection, without charge, by the public at all reasonable hours.
- (e) On application the authority must provide any person a copy of the byelaws (or any part) for a fee to be determined by the authority. That fee must not exceed 10 pence for every 100 words contained in the copy.
- (f) Once the period of deposit has expired, the authority may apply for confirmation. Welsh Ministers confirmation should be printed below the local authority's seal and a space of at least 10 centimeters should be left for the official signature. The Notes, which do not form part of the byelaws, should be printed after both the local authority's seal and Welsh Government's confirmation.
- (g) It would be helpful for the application for confirmation to be accompanied by:
- a copy of the local authority's resolution that the provisions of Part VIII of the 1982 Act apply to the area of the local authority (including evidence of compliance with the requirements of section 13 of the Act);
  - a copy of the local authority's resolution resolving to adopt the byelaws;
  - the sealed byelaws (2 sets);
  - copies of the newspaper(s) containing the notice of intention to apply for confirmation of the byelaws;
  - the clerk's certificate as to the date and duration of the deposit of a copy of the byelaws;
  - a statement as to whether or not any objections to the byelaws were received by the local authority;

- confirmation, where applicable that the byelaws are identical to the model byelaws and/or the draft submitted previously.
8. Once the Welsh Government has received the sealed byelaws, provided the procedure laid down in section 236 of the Local Government Act 1972 has been properly carried out and provided no objections have been received, they will normally be confirmed by Welsh Ministers and returned to the local authority. Where objections have been received, the local authority is given an opportunity to comment before a decision is taken.
  9. When the byelaws are confirmed by the Welsh Ministers, the date upon which the byelaws are to come into force is determined by the Welsh Ministers. This will normally be one month from the point of confirmation unless there are special circumstances which make an earlier date necessary.
  10. Once the byelaws have been confirmed, the local authority must print and deposit copies of the byelaws at the local authority's offices and must be open to public inspection at all reasonable hours for no charge. Upon request the local authority must provide copies of the byelaws for a fee to be determined by the local authority (but not exceeding 20 pence per copy).
  11. The local authority must send a copy of the confirmed byelaws to the proper officer of each community council to which the byelaws apply. The proper officer of the community council must then place a copy with the public documents of that community council.

### **Further information/ contact points**

12. Draft or sealed byelaws and any queries should be addressed to:

Health Protection Division,  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ  
02920 826191, [Health.Protection@Wales.gsi.gov.uk](mailto:Health.Protection@Wales.gsi.gov.uk)

[Insert name of local Council]  
CONFIRMATION OF BYELAWS

Notice is hereby given that ..... intends after the expiry of the period mentioned below to apply to the Welsh Ministers for confirmation of byelaws made by the Council **[insert here a description of the byelaws and state that they have been made under section 14/15 of the Local Government (Miscellaneous Provisions) Act 1982].**

Copies of the byelaws will be kept at the offices of the Council at ..... and will be open to inspection without payment on any weekday during the usual office hours for one calendar month from the date of the [first] publication of this notice. Copies of the byelaws will also be supplied on receipt of an application accompanied by a fee of ..... for each copy.

Any objection to the application for the confirmation of the byelaws may be made by letter (no later than one week after the closing date for inspection) and addressed to:

Byelaws on acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis  
Health Protection Division  
Welsh Government  
Cathays Park,  
Cardiff  
CF10 3NQ

(Signed) ..... Chief Executive  
(Dated) .....