

Byelaws with respect to Acupuncture

Byelaws for the purposes of securing the cleanliness of registered premises and fittings therein and registered persons and persons assisting them and the cleansing and so far as appropriate sterilisation of instruments, materials and equipment used in connection with the business of acupuncture made by Hastings Borough Council in pursuance of section 15(7) of the Local Government (Miscellaneous Provisions) Act 1982.

1. Interpretation:

- (a) In these Byelaws, unless the context otherwise requires:-
"The Act" means the Local Government (Miscellaneous Provisions) Act 1982;
"Client" means any person undergoing treatment;
"Operator" means any person giving treatment;
"Premises" means any premises registered under Part VIII of the Act;
"Proprietor" means any person registered under Part VIII of the Act;
"Treatment" means any operation in effecting acupuncture;
"The Treatment Areas" means any part of the premises where treatment is given to clients;
- (b) The Interpretation Act 1978 shall apply for the interpretation of these byelaws as it applies for the interpretation of an Act of Parliament

NOTE: THE FOLLOWING DOES NOT FORM PART OF THE BYELAWS (ACUPUNCTURE)

- (A) Proprietors shall take all reasonable steps to ensure compliance with these byelaws by persons working on the premises. Section 16(9) of the Act lays down that a registered person shall cause to be prominently displayed on the premises a copy of these byelaws and a copy of any certificate of registration issued to him under Part VIII of the Act.
- (B) Section 16(1) and (2) of the Local Government (Miscellaneous Provisions) Act 1982 provides that any person who offends against any of these byelaws shall be guilty of an offence and liable on summary conviction to a fine not exceeding Level 3 (currently £1,000). If the convicted person is registered under Part VIII of the Act, the Court may, instead of or in addition to imposing a fine, order the suspension or cancellation of his registration and of the registration of the premises in which the offence was committed if such premises are occupied by the person so convicted. Section 16(11) of the Act provides that it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.
- (C) Nothing in these byelaws shall extend to the carrying on of the business of acupuncture as the case may be by or under the supervision of a person who is registered as a Medical Practitioner or to premises on which any such business is carried on by or under the supervision of such a person.

2. For the purpose of securing the cleanliness of premises and fittings therein a Proprietor shall ensure that:-

- (a) All internal walls, doors, windows, partitions, floors and floor coverings and ceilings in any part of the premises used by clients and operators are kept clean and in such good repair as to enable them to be cleaned effectively;
- (b) The treatment area is used solely for giving treatment;
- (c) All waste material and other litter, arising from the treatment, is placed in a leakproof liner bag contained within a covered receptacle which is washable and leakproof. The liner bag shall be changed at least once every working day or more frequently as necessary and shall be sealed prior to disposal;

- (d) All needles intended for disposal are placed in disposable needle boxes designed for the purpose.

The boxes shall be disposed of safely. All needles intended for re-use shall be placed in leakproof and washable containers capable of being sterilised. The containers shall be emptied at least once every working day or more frequently as necessary, and the needles and containers sterilised for re-use;

- (e) All furniture and fittings in the treatment area are kept clean and in such good repair as to enable them to be cleaned effectively
- (f) All tables, couches and seats used by clients in the treatment area, and any surface on which the items specified in byelaw 3(b) are placed immediately prior to treatment, have a smooth impervious surface which is wiped down at least daily with a suitable disinfectant;
- (g) Where tables or couches are used, they shall be covered by a disposable paper sheet which shall be changed for each client;
- (h) A notice or notices reading "No Smoking" are prominently displayed within the treatment area.

3. For the purpose of securing the cleansing and, so far as is appropriate, the sterilisation of instruments, materials and equipment used in connection with the treatment:-

- (a) An operator shall ensure that, before use in connection with treatment, any gown, wrap or other protective clothing, paper or other covering, towel, cloth or such other articles used in the treatment:-
 - (i) is clean and in good repair and condition and so far as is appropriate, is sterile;
 - (ii) has not previously been used in connection with any other client unless it consists of material which can and has been cleaned and so far as is appropriate, sterilised;
- (b) An operator shall ensure that any needle, metal instrument or other item of equipment used in treatment or for handling instruments and needles used in treatment, is in a sterile condition and kept sterile until it is used;
- (c) A proprietor shall provide:-
 - (i) facilities and equipment for the purpose of sterilisation (unless pre-sterilised items are used) and of cleansing as required in pursuance of these byelaws;
 - (ii) sufficient and safe gas points and/or electrical socket outlets to enable compliance with these byelaws;
 - (iii) a constant supply of clean hot and cold water readily available at all times on the premises;
 - (iii) storage for all items mentioned in byelaws 3(a) and 3(b) above, so that those items shall be properly stored in a clean place so as to eliminate, as far as practicable, the risk of contamination.

4. For the purpose of securing cleanliness of operators:-

- (a) An operator shall, whilst giving treatment, ensure that:-
 - (i) his hands and nails are washed and scrubbed clean and his nails kept short;
 - (ii) he is wearing a clean and washable overall or a disposable covering that has not previously been used with any other client;
 - (iii) he keeps any open boil, sore, cut or open wound on an exposed part of his body effectively covered by an impermeable dressing;
 - (iv) he does not smoke or consume food or drink;
 - (iv) if he is known Hepatitis B Surface Antigen Carrier he is wearing a clean face mask and clean disposable surgical gloves.
- (b) A proprietor shall provide:-
 - (i) washing facilities in the treatment area for the use of operators, such facilities to have hot and cold water, sanitising soap or detergent and a nailbrush;
 - (ii) sanitary accommodation for operators;
 - (iii) first aid materials for compliance with byelaw 4(a)(iii) above.

Nine Hundred and Eighty Seven

The Common Seal of Hastings Borough Council was hereunto affixed in the presence of

Borough Secretary

The foregoing byelaws are hereby confirmed by the Secretary of State for Social Services on 22nd September 1987 and shall come into operation on 1st November 1987

G.J. BRECHIN

Assistant Secretary

Department of Health and Social Security

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