

# Advice Note - Skin Piercing and Tattooing Licences

To make this Advice Note useful to as many people as possible, it gives general advice and does not deal with the circumstances of any particular person. It is no substitute for independent legal advice.

This Advice Note sets out the Council's understanding of the Law. It has to be read with advice from the Scottish Government or other relevant agencies. Anyone who wants specific advice should either consult a Solicitor outside the Council or contact the Licensing office setting out in writing what they want to do and asking for advice. The Council does not warrant that the information given is appropriate to any particular person and does not accept liability for reliance on the information.

"Skin Piercing and Tattooing" is often shortened to SPTL.

The legislation on SPTL is:

The Civic Government (Scotland) Act 1982

The Civic Government (Scotland) Act 1982 (Licensing of Skin Piercing and Tattooing) Order 2006 No. 43

The Civic Government (Scotland) Act 1982 (Licensing of Skin Piercing and Tattooing) Amendment Order 2006 No. 604

The main legislation is Order 2006 No. 43 although Order 2006 No. 604 made extensive changes to the Licence conditions.

The main Order (2006-43) as amended is on the free Government website:

<https://www.legislation.gov.uk/ssi/2006/43/contents>

This Advice Note sets out the Council's understanding of the position at the date of this Advice Note. The position may change as the Scottish Government are considering:

- legislation to restrict who can administer dermal fillers and

- extending the existing rules to a wider range of non-surgical cosmetic procedures.

# What is "Skin Piercing" and "Tattooing" ?

These are defined in Article 1(2) of Order 2006 No. 43:

*" 'Skin Piercing' includes any of the following–*

*(a) Acupuncture;*

*(b) Cosmetic Body Piercing; or*

*(c) Electrolysis;"*

Each of (a) to (c) are further defined:

*“Tattooing” means the insertion into the skin of any colouring material designed to leave a semi-permanent or permanent mark including micro pigmentation.*

*“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;*

# What needs a Licence?

## Summary

| **Activity** | **Needs SPTL?** |
| --- | --- |
| **Yes** | **No** |
| Acupuncture | Y |  |
| Cosmetic Body Piercing | Y |  |
| Electrolysis | Y |  |
| Tattooing | Y |  |
| Microblading (also known as 'embroidery', 'microstroking', 'feather-touch' and 'hair-like strokes') | Y |  |
| Dermabrasion |  | N |
| Microdermabrasion |  | N |
| Dermaplaning (but 'microblading' DOES need a Licence) |  | N |
| Botox |  | N |
| Microneedling ('Collagen Induction Therapy' or 'Dermarolling') |  | N |

## Acupuncture: LICENCE NEEDED

This means the insertion of needles into living tissue for remedial or therapeutic purposes.

## “Cosmetic Body Piercing”: LICENCE NEEDED

This 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” : LICENCE NEEDED

This means the removal of body hair by electrocution of the hair roots with an electrified needle.

## “Tattooing” : LICENCE NEEDED

This means the insertion into the skin of any colouring material designed to leave a semi-permanent or permanent mark including micro pigmentation.

## Microblading: LICENCE NEEDED

Microblading, also known as 'embroidery', 'microstroking', 'feather-touch' and 'hair-like strokes', is a both "skin piercing" and "tattooing" so it needs a Licence. It is permanent makeup applied by very fine needles that provides a means to partially or fully camouflage missing eyebrow hair with the appearance of simulated hair using fine deposits of cosmetic tattoo pigments. Over time the strokes can blur and fade and will need to be refreshed. The technique involves implanting pigment after the creation of fine incisions in the skin.

## Dermabrasion: NO LICENCE NEEDED

This is a type of surgical skin-planing, typically performed in a professional medical setting by a dermatologist or plastic surgeon trained specifically in this procedure. Procedures are surgical and invasive and typically require a local anaesthetic. It is no longer widely used, as lasers are used instead. The use of lasers fits neither definition in the Regulations (‘Skin Piercing’ nor ‘Tattooing’) so does not need a Licence.

## Microdermabrasion: NO LICENCE NEEDED

This is a modern and non-invasive technique. It differs from Dermabrasion because it abrades less deeply than Dermabrasion. This difference affects recovery times. Dermabrasion recovery time may take as much as several weeks to several months whereas microdermabrasion recovery time may be as little as one to two days.

## Dermaplaning: NO LICENCE NEEDED

Dermaplaning is a medical procedure that exfoliates the skin (or epidermis). As a by-product it also shaves off all hair. The procedure is done by a licensed aesthetician who will gently glide a scalpel across the skin removing the outermost layer of skin cells and hair from the face.

## Botox: NO LICENCE NEEDED

‘Botox’ is a brand name for a prescription-only medicine which can be injected into the skin to reduce the appearance of fine lines and wrinkles. It is a type of product containing *Clostridium botulinum* toxin which, when injected under the skin, causes the muscles under facial wrinkles to relax resulting in temporarily smoother overlying skin.

Please note that although this activity is not covered by this licensing regime, as it uses a prescription-only medicine, it is a criminal offence to sell or supply Botox and similar products except in accordance with a prescription given by an appropriate practitioner (usually a nurse prescriber).

Anyone found guilty of an offence is liable—

(a) on summary conviction to a fine not exceeding £10,000 (the "Statutory Maximum"); or

(b) on conviction on indictment to a fine, to imprisonment for a term not exceeding two years,

or to both.

## Microneedling: NO LICENCE NEEDED

Microneedling is also called "Collagen Induction Therapy" or "Dermarolling". It is a non-surgical resurfacing procedure that creates a controlled injury underneath the skin's surface to stimulate the body to naturally produce collagen and elastin. The result is plumper skin and diminished appearance of scarring and wrinkles.

A "dermaroller" is a device with a cylinder covered with tiny, shallow needles. It is rolled over the skin to make holes in the skin surface. The intention is to cause a "micro injury", which has been described as:

*"prompts skin to stimulate collagen production, filling in fine lines, plumping the skin and contributing to a younger look"*

No licence is currently required for microneedling.

## Microblading: LICENCE NEEDED

Microblading, also known as 'embroidery', 'microstroking', 'feather-touch' and 'hair-like strokes', is a both "skin piercing" and "tattooing" so it needs a Licence. It is permanent makeup applied by very fine needles that provides a means to partially or fully camouflage missing eyebrow hair with the appearance of simulated hair using fine deposits of cosmetic tattoo pigments. Over time the strokes can blur and fade and will need to be refreshed. The technique involves implanting pigment after the creation of fine incisions in the skin.

# What is the minimum age for "Skin Piercing" and "Tattooing" Clients?

There are three different situations:

(a) ear-piercing only - 16

(b) other skin piercing - 16

(c) tattooing – 18

The position with each depends on a mixture of Licence Conditions and the criminal Law:

(a) ear-piercing only: a person under 16 cannot have piercing without:

- being accompanied by a person who has "Parental Rights and Responsibilities" in respect of that child and

- who has also given their consent in writing;

(b) other skin piercing: as in (a), the Age of Consent is 16;

(c) tattooing: the Age of Consent is 18 (not 16). It is a criminal offence to "tattoo" a younger person (Tattooing Of Minors Act 1969, Section 2; the penalty is a fine up to £1,000). Parental consent does not change this. "Tattooing" means "the insertion into the skin of any colouring material designed to leave a permanent mark.". It is not illegal to make a non-permanent ‘tattoo’.

Licence conditions require that a Notice be displayed on the Premises setting out the Age of Consent rules, and saying that none of (a), (b) or (c) will be carried out on any person under the influence of alcohol or drugs.