



**Policy and Procedures for Registration  
Piercing and Tattooing (Jersey) Law 2002**

**May 2019**

## Contents

	Page
1 <u>Introduction and background</u>	3
2 <u>Scope</u>	4
3 <u>Registration process</u>	4
4 <u>Determination</u>	5
5 <u>Conditions of registration</u>	6
6 <u>Renewal of registration</u>	6
7 <u>Revocation of registration</u>	7

## 1. Introduction and background

- 1.1 The Regulation of Care (Jersey) Law 2014 was introduced to establish an independent Health and Social Care Commission to regulate health and social care provision in the island.

In 2017 the Jersey Care Commission was appointed to:

- provide the people of Jersey with independent assurance about the quality, safety and effectiveness of their health and social care services
- promote and support best practice in the delivery of health and social care by setting high standards and challenging poor performance
- work with service users and their families and carers to improve their experience of health and social care and achieve better outcomes.

- 1.2 The Commission adopts Right-touch regulation principles identified by the Better Regulation Executive and the Professional Standards Authority of:

- **Proportionality:** regulators should only intervene when necessary. Remedies should be appropriate to the risk posed, and costs identified and minimised
- **Consistency:** rules and standards must be joined up and implemented fairly
- **Targeting:** regulation should be focused on the problem and minimise side effects
- **Transparency:** regulators should be open, and keep regulations simple and user friendly
- **Accountability:** regulators must be able to justify decisions and be subject to public scrutiny
- **Agility:** regulation must look forward and be able to adapt to anticipate change.

- 1.3 On 1 January 2019 functions previously undertaken by the Minister for Health and Community Services (HCS) were transferred to the Jersey Care Commission. These functions include the registration of piercing and tattooing premises and practitioners under the Piercing and Tattooing (Jersey) Law 2002

## 2. Scope of procedures

- 2.1 The Piercing and Tattooing (Jersey) Law 2002 regulates the practices of:
- Acupuncture
  - Body piercing
  - Ear piercing
  - Electrolysis
  - Tattooing
- 2.2 The Law also regulates the premises where the above practices are carried out. Further information about the specific requirements of the Law in relation to practice and premises can be found in the Jersey Care Commission, Piercing and Tattooing Approved Code of Practice.
- 2.3 It is an offence for the above practices to be carried out by persons who are not registered and/or in premises which are not registered whether or not for reward.
- 2.4 Practitioners who are registered under other Jersey Laws which permit the carrying out of these practices are not required to register under this Law (e.g. Physiotherapist registered under the Health Care Registration (Jersey) Law 1995).

## 3. Registration process

### 3.1 Practitioner application

Applicants will be required to complete the application process in full and provide:

- Photographic ID
- A copy of qualification/training certificates (requirements set out in Code of Practice)
- The fee

Information requested	Reason and expectation
Practices	Applicant to indicate which practices they intend to carry out under their registration.
Qualifications and relevant training	This information will be cross checked with certificates etc. to confirm that the applicant has the necessary qualifications and training.
Employment Details	Applicants are required to state where they will be employed and the proposed commencement date of that employment.
Declaration	The applicant is required to confirm that the information provided is true and complete and that they are aware that any

	false statements may result in a refusal or cancellation of registration.
--	---

### 3.2 Premises application

Applicants will be required to complete the application process and submit the fee.

The application process requests:

- Name, address and email of the business
- Name, address and email of the business owner
- Details of the practitioners who operate from the premises and the procedures they carry out.

The applicant is required to sign a declaration to confirm that the information they have provided is true and complete and that they are aware that any false statements may result in a refusal or cancellation of registration.

## 4. Determination of application for registration

- 4.1 Once the application is received, the Commission will carry out an assessment of the information. Where the application is to register premises, a pre-registration visit will be carried out to assess suitability of premises and equipment for the registration of premises.
- 4.2 Where all the specified information is provided and meets the expectations outlined above and/or where a pre-registration visit has demonstrated that the premises and equipment are suitable, on receipt of the fee, the person/premises shall be registered and provided a certificate of registration.
- 4.3 Where the application does not meet the expectations outlined above, the Commission will give the applicant the opportunity to meet the requirements.
- 4.4 Where the Commission believe that there are grounds to refuse an application, the applicant will be issued with a Notice of Proposal, the Notice will give a deadline to make representations, in writing, to the Commission no later than 14 days after the Notice is given.
- 4.5 The decision will be delegated to a panel consisting of the Chief Inspector and two Commissioners, one of whom will be the Chair of the panel. Before reaching a decision, the panel will take into account any representations made.
- 4.6 The Commission will respond with the decision within 14 days of the deadline for representations elapsing.
- 4.7 A Decision Notice issued to the applicant will set out the Commission's decision, setting out the reasons for the decision.

- 4.8 An appeal against a decision of the Commission must be made to the Royal Court within the period of 28 days following the date the applicant receives the Decision Notice.

## 5. Conditions of registration

- 5.1 Where the Commission registers or renews the registration of a practitioner or premises, the Commission may impose conditions on the registration as it sees fit (e.g. that a trainee must work under supervision).
- 5.2 Where the Commission believe that there are grounds to impose conditions, a Notice of Proposal will be issued. The Notice will give a deadline to make representations, in writing, to the Commission no later than 14 days after the Notice is given. Where the person accepts the proposed conditions a registration certificate detailing the conditions will be issued.
- 5.3 Where the person does not accept the proposed conditions, the decision is delegated to a panel consisting of the Chief Inspector and two Commissioners, one of whom will be the Chair of the panel. Before reaching a decision to impose the conditions, the panel will take into account any representations made.
- 5.4 The Commission will respond with the decision within 14 days of the deadline for representations elapsing.
- 5.5 A Decision Notice issued to the applicant will set out the Commission's decision regarding conditions, setting out the reasons for the decision and where imposed, the period for which the conditions remain in force.
- 5.6 An appeal against a decision of the Commission must be made to the Royal Court within the period of 28 days following the date the applicant receives the Decision Notice.

## 6. Renewal of registration

- 6.1 Registration under the Law expires on 31 December each year, registrants will be notified of the expiry and details of how to renew each October. Renewal information will be sent to the registrants address. Registrants must inform the Commission of a change of address as soon as reasonably practicable.
- 6.2 Following completion of the renewal process where the registrant confirms their wish to remain on the register, a registration certificate will be issued.
- 6.3 If an application for renewal is not received by the 31 December, the registrant will not be registered for the following year and his or her name will be removed from the register.

## 7. Revocation of registration

- 7.1 Where a registered person has been convicted of an offence under this Law, the Court may order that the registration of the practitioner and premises (if they are the only registered person practicing from the premises) be revoked.
- 7.2 The Commission may revoke a practitioner's registration and/or the premises registration where it is satisfied that the person:
- has contravened or failed to comply with any condition imposed on their registration or that of the registered premises;
  - has contravened or failed to comply with any provision of this Law or any Order made or Code of Practice issued;
  - is otherwise not a fit and proper person
- or, that the premises are unsuitable for the purposes of carrying out the practices for which they are registered.
- 7.3 Where the Commission believe that there are grounds to revoke a registration, a Notice of Proposal will be issued which will set out the reasons for the proposal and will give a deadline to make representations to the Commission no later than 14 days after the Notice is given.
- 7.4 The decision is delegated to a panel consisting of the Chief Inspector and two Commissioners, one of whom will be the Chair of the panel. Before reaching a decision, the panel will take into account any representations made.
- 7.5 The Commission will respond with the decision within 7 days of the deadline for representations elapsing.
- 7.6 A Decision Notice issued to the applicant will set out the Commission's decision setting out the reasons for the decision and where registration is cancelled, the period for which the cancellation applies.
- 7.7 An appeal against a decision of the Commission must be made to the Royal Court within the period of 28 days following the date the applicant receives the Decision Notice.
- 7.8 The revocation will not take effect until 28 days after the issuing of the Decision Notice. Where the Commission considers it necessary in the public interest for the revocation to have immediate effect, the Commission may apply to the Bailiff, a Jurat, the Magistrate or Sous Magistrate, who may make such an order.