

**Civic Government (Scotland) Act 1982**

**Section 44(1)(b), 2 and Schedule 1**

**Licence for Acupuncture**

**Conditions**

**GENERAL**

1. The Licence holder must surrender the Licence if and when called upon to do so by the Licensing Authority for the purpose of alteration in accordance with any decision of the Licensing Authority.
2. The Licence holder shall notify the Licensing Authority in writing within 30 days of any change from the information provided in the original licence application.
3. The Licence holders shall ensure that they are covered by an adequate policy of Third Party Liability Insurance with a reputable company and an appropriate certificate shall be displayed at all times on the premises or, where the activity is not carried out mainly from a premises, be available for inspection.
4. The Licence holder shall provide information, in an easy to understand format, to every prospective client to explain –
  - (1) The process of acupuncture;
  - (2) The risks of the procedure;
  - (3) The contra-indications to acupuncture and
  - (4) The after care requirements of the procedure.
5. The Licence holder shall ensure that every prospective client has read and understood the above information prior to undertaking acupuncture.
6. The Licence holder shall ensure that any client, who presents a condition that is a contra-indication to the acupuncture procedure, be asked to seek medical advice from their GP prior to the treatment being carried out. Written authorisation from the client's GP shall be provided prior to any treatment being undertaken. A copy of this information shall be retained with the written records of the client's personal details.
7. The Licence holder shall ensure that a pre-treatment questionnaire is completed for each client, which has been signed by the operator and countersigned by the client.
8. The Licence holder shall ensure the following written records of the clients personal details are retained for a period of 2 years:
  - (1) Name, address and contact telephone number,
  - (2) Date of birth
  - (3) Relevant medical history

- (4) Name of the practitioner who carried out the acupuncture,
  - (5) Date and time when the acupuncture was undertaken.
  - (6) Details of any reported problems associated with acupuncture.
9. The Licence holder shall ensure that written information is provided to each client explaining the appropriate aftercare requirements for acupuncture provided. This must include the contact details of the operator.
  10. The Licence holder shall ensure that every operator is capable of demonstrating that they have sufficient knowledge, skill, training and experience commensurate with the acupuncture activities they carry out. The Licence holder shall retain a record of the information provided.
  11. The Licence holder shall ensure that persons undergoing training or practical experience in acupuncture shall remain under the direct supervision of a competent person at all times.
  12. The Licence holder shall ensure that any person who undertakes acupuncture is not under the influence of drugs or alcohol.
  13. The Licence holder shall ensure that only sterile single use disposable needles appropriate to the purpose are used for acupuncture. New needles shall be used for each client.
  14. The Licence holder shall ensure that all operators maintain an acceptable standard of personal cleanliness.
  15. The Licence holder shall ensure that acupuncture is not carried out on any child under the age of 16 unless accompanied by a person who has parental rights and responsibilities in respect of that child and who has also given their consent in writing to the skin piercing.
  16. Where written consent has been provided, the person having the parental rights and responsibilities shall include in their written consent;
    - (1) their relationship to the client,
    - (2) the name, address and age of the person to be treated,
    - (3) the consent must be signed and dated by them.
  17. The Licence holder shall ensure that prior to acupuncture all operators shall thoroughly wash their hands with a suitable soap and hot water and dry with clean disposable paper towels.
  18. Prior to any treatment being carried out, the area of the body to be treated shall be cleaned using an appropriate skin safe antiseptic.
  19. The Licence holder shall make available to every operator inoculations against Hepatitis B.
  20. The Licence holder shall ensure that suitable recorded risk assessments are undertaken of their activities.
  21. The Licence holder shall ensure there is sufficient first aid cover within the premises and that an operator holds a current first aid certificate to foundation (1-Day) level.

22. A first aid kit, which is readily available and appropriately stocked, shall be provided.
23. The Licence holder shall ensure that waste that comprises clinical waste as defined in the current Controlled Waste Regulations shall be disposed of by a contractor licensed under the Waste Management Licensing Regulations. Records of the disposal of all waste shall be retained on the premises.
24. The Licence holder shall ensure that all waste designated as clinical waste shall be stored, collected and disposed of in accordance with the Environmental Protection Act and the Controlled Waste Regulations.
25. The Licence holder shall ensure that a suitable sharps container for the storage of needles after use is provided which conforms to the British Standard requirements and is stored out of reach of the client.
26. The Licence holder shall ensure that domestic waste and clinical waste is appropriately segregated and stored in appropriately marked bags.

**ADDITIONAL CONDITIONS APPLICABLE WHERE THE ACTIVITY IS TO BE CARRIED OUT WHOLLY OR MAINLY FROM PREMISES**

27. The Licence permits the use of the Premises specified therein as a place for the carrying on of a business, which provides acupuncture, as defined in the Licence. The Licence must be exhibited in the Premises in such a place and in such a manner as to be easily read by the public.
28. The Licence holders or, in the absence of the Licence holders, a person authorised by them, must be in charge of the premises during licensed activities and must not be engaged in duties which might prevent the exercising of general supervision of the premises.
29. The Licence holders shall ensure that separate rooms are provided for a waiting area and the carrying out of acupuncture.
30. The Licence holders shall ensure that they display notices in the waiting area of the premises:-
  - (1) advising that acupuncture will not be carried out on any person under the influence of alcohol or drugs;
  - (2) advising that acupuncture will not be carried out on any child under the age of 16 unless accompanied by a person who has parental rights and responsibilities in respect of that child and who has also given their consent in writing to the skin piercing; and
  - (3) listing the names of licensed and authorised operators.
  - (4) advising of the risks associated with acupuncture.
31. The Licence holder shall ensure a full-face photograph of each operator is clearly displayed in the waiting area so that all customers may easily identify him or her.
32. The Licence holder shall ensure that the room used for the purposes of carrying out the acupuncture has the following facilities –

- (1) A wash hand basin with hot and cold running water and which uses non-hand operated taps. Hand washing notices to be displayed at the wash hand basin;
  - (2) Smooth and impervious floor and wall surfaces capable of being easily cleaned
  - (3) A paper towel holder containing paper towels;
  - (4) A soap dispenser containing soap.
  - (5) A dispenser containing alcohol solution for cleaning purposes;
  - (6) A washable bench or chair with disposable paper sheet;
  - (7) Waste buckets with pedal operated lids for clinical waste and general waste;
  - (8) A sharps container for storage of needles after use that is stored out of reach from the client; and
33. The Licence holder shall ensure a general-purpose sink with hot and cold running water is provided on the premises for cleaning and sterilisation purposes, separate from the required wash hand basin. This should be located out-with the treatment area wherever possible.
  34. The Licence holder shall ensure the tables, couches and seats used for the purposes of acupuncture shall be thoroughly disinfected between treatments and at the end of each working day.
  35. The Licence holder shall ensure that all acupuncture activities are undertaken in conditions of appropriate privacy.
  36. The Licence holder shall ensure that the accommodation and facilities within the premises are maintained in good repair and in a good state of cleanliness appropriate to the activities undertaken.
  37. The Licence holder shall ensure that the premises are effectively ventilated and illuminated for the purposes of skin piercing and tattooing.
  38. Electrical systems at the premises shall comply with the current legislation and with the Institute of Electrical Engineers Wiring Regulations (BS7671:2001) applicable at the time of the installation or any subsequent replacement or renewal. Electrical systems shall include both fixed installations and electrical equipment. The Council may at any time require the Licence holders, within a reasonable period of time, to effect such remedial works as may be necessary to ensure that the said installations comply with the current legislation and regulations.
  39. The Licence holder shall produce electrical certificates for the electrical systems and will make them available upon request.
  40. The Licence holder shall require completing a suitable and sufficient Fire Risk assessment under the Fire (Scotland) Act 2005 as amended. Detailed guidance on how to carry out the assessment is contained in a book called "Fire Safety Guidance Booklet". Published by the Scottish Executive. Information can also be obtained from the internet site: <http://www.infoscotland.com/firelaw>

**ADDITIONAL CONDITIONS APPLICABLE WHERE THE ACTIVITY IS NOT TO BE CARRIED OUT WHOLLY OR MAINLY FROM PREMISES**

41. The Licence holder shall carry at all times a copy of their acupuncture licence when undertaking such activities, and this must be made available to clients or Officers from the local authority upon request.
42. The Licence holder shall have appropriate means of identification at all times, including photographic evidence so that all customers may easily identify him or her.
43. The licence holder shall ensure that any seating used for the acupuncture is washable and covered with a disposable paper sheet, which shall be renewed after each use.
44. The Licence holder shall ensure that any equipment, which is disposable, is disposed of immediately after each use in an appropriate waste receptacle.
45. The Licence holder shall produce electrical certificates for all portable electrical appliances and will make them available upon request.

**SPECIFIC CONDITIONS APPLICABLE TO ACUPUNCTURE ONLY**

46. The Licence holder shall ensure that operators wash their hands immediately before carrying out the activity of acupuncture on each client.
47. The Licence holder shall ensure that the activity of acupuncture is carried out by an operator wearing disposable non-latex gloves that have not been previously used with another client where:
  - (1) the operator has an open lesion on their hands,
  - (2) the operator is handling items that may be contaminated with blood or other body fluids,
  - (3) the client is bleeding or has an open lesion on an exposed part of the client's body,
  - (4) the client is known by the operator to be infected with a blood-borne virus.

**48. Definitions.**

“Licence Holders” means the person, persons, company, firm, public body or voluntary organisation named in the Licence;

“Premises” means the premises specified in the Licence.

“acupuncture” means the insertion of needles into living tissue for remedial or therapeutic purposes;

“hospital” means any health service hospital within the meaning of section 108(1) of the National Health Service (Scotland) Act 1978;

“independent clinic” has the same meaning as in section 77(1) of the Regulation of Care (Scotland) Act 2001;

“skin piercing” includes any of the following –

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- (a) acupuncture;
- (b) cosmetic body piercing; or
- (c) electrolysis.

“autoclave” means a pressure vessel in which the lid is sealed by the internal pressure in the vessel and which is used to steam sterilise equipment used for skin piercing or tattooing.

“sharps container” means a container used for holding medical waste and devices, which can cause physical injury.

“ultrasonic cleaner” means a cleaning device, which uses sound waves propagated through an aqueous medium at frequencies higher than the audible range.