Statutory Instrument of 2022 CAP. 29:15

Manyame Rural District Council Hairdressers and Barbers shop By-laws, 2022

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Title

1. These by-laws may be cited as the Manyame District Council (Hairdresser’s and Barber’s shop) By-laws, 2022.

Interpretation

2. In these By-laws

“Approved” means approved by the Council or any authorised person.

‘Authorised person’ means a person acting on behalf of Council.

“Council” means Manyame Rural District Council.

“Class A licensee” means any hairdresser holding a hairdresser’s skilled Worker Class One (Journeyman) certificate or its equivalent, issued by the Ministry responsible for Higher Education;

“Class B licensee” means hairdresser and a Barber who is not qualified to be a class A licensee;

“Class C” means any person who does braiding and hair extensions only, from approved premises by Council.

“Designated place” means any area prescribed as commercial or home industry

“Hairdresser “means a hairdresser or Barber who carries out the business of shaving, cutting or dressing the hair of persons including braiding and chemical treatment;

“Barber” means a person, who carries on the business of cutting and shaving (only), the hair of persons,

“Hairdresser chemical” means a perm lotion, tint, bleach, peroxide, setting lotion or any potential hazardous chemical or substances used in the dressing of hair;

“Hairdresser’s shop” means any premises on which the business of a Barber or hairdresser is carried on;

“Licence” means a licence referred to in section 4;

Designated place

3 (1). Hair dressers should operate from a designated place

3. (2) No person shall carry on the business of a hairdresser and barber except in a licenced hairdresser’s shop.

(3) An application for a licence shall be submitted to the Council in the appropriate form and shall be accompanied by a health inspector’s report prepared by the District Environmental Health Officer or any person appointed to act on his behalf.

Issue of licence

4. (1) A licence may be issued for any period not exceeding one year, and shall, notwithstanding the date of issue, expire on the 31st of December of the year of issue.

(2) Council shall issue a licence-

a) If the Council is satisfied that the hairdresser’s shop conforms to the requirements of these by laws; and

b) Upon payment of the appropriate licencing fee fixed by the Council from time to time.

3) The Council may-

c) Refuse to issue a license to an applicant who fails to comply with the provisions of these by laws.

d ) Refuse to issue a license to an applicant who has been convicted of any offence of these by laws unless they pay the prescribed fine and comply with the conditions of these by laws.

e) Cancel in writing any licence if a hairdresser or any employee of his fails to comply with or is convicted of any offence in terms of these by laws.

F )Cancel or refuse to issue a licence for any other justifiable reasons.

4 The Council shall give the reasons in writing to an applicant for refusing to

issue or for cancelling a license in terms of subsection (3)

b) Any hairdresser aggrieved by the refusal to issue a licence or cancellation of his licence may apply to Council for review.

5) A licence shall be issued in Form 2 and shall specify whether the holder is a class A or class B licensee.

6) A licence may not be transferred,

a) From the hairdresser’s shop in respect of which it was issued to any other premises; or

b) From a person to whom it was issued to any other person,

Except with the approval of the Council and at a fee to be determined from time to time.

7) The current licence shall be fixed and maintained in a conspicuous place in the hairdressers’ shops.

Requirements for licenced hairdressers’ shop

5. In every licensed hairdresser’s shop.

a) all rooms shall have a window or windows of an area not less one tenth of the floor area, and minimum of one half of such a window or windows shall be capable of being opened and shall be so placed as to secure through or cross ventilation.

Provided that where natural lighting and ventilation cannot be provided, approved artificial lighting and approved mechanical means of ventilation must be provided; and

b) The floor and walls and fittings of any room shall be;

(i) Of impermeable, non-absorbent and easily cleanable material;

(ii) The minimum height between the floor and ceiling shall be three meters; and

c) the wash basin or basins or other approved fittings, to which has been connected a piped hot water and cold water supply, shall be provided in the ratio of one wash basin or approved fitting to every two chairs, with a minimum one wash basin or approved fitting; and

(d) every shelf, fitting and table on which any hair cutting, hairdressing or shaving instruments or implements are placed shall be of glass, marble, slate enamel or similar material; and

(e) No part of the premises shall be used as a dwelling place.

f) Operated by a class A licence, there shall be available on the premises hairdressing electrical equipment such as dryers, blow dryers, clippers, tongs, steriliser and hot brushes and chemical storage facilities.

Requirement for hairdressers

5 (1) Every hair dresser shall

1. Keep every part of his/her shop in good order and repair; and
2. When attending to a customer wear an approved clean overall jacket, both jacket and safari or any clothing of white or light material washable material without pockets;
3. Cause all hair falling on the floor to be swept and placed in the container provided; and
4. After attending to a customer wash his/ her hands thoroughly before attending to a subsequent customer
5. Apply antiseptic liquids only as a spray or powder with pneumatic dispenser, pneumatic duster or on a clean unused piece of cotton wool; and
6. Cause all combs, razors, scissors, clippers, brushes, towels, shaving brushes , and other instruments , appliances or implements, after being used on any one person to be cleaned and sterilised by the following methods-
7. In the case of metal instruments such as clippers, razors, scissors and bowls or receivers, by flaming or bowing or disinfection with an approved preparation or by any other approved method;
8. In the case of plastic or backslide instruments such as curlers and combs, or rubber instruments such as curlers and ear pads or hair and shaving brushes, by disinfection with an approved preparation or by another approved method.
9. In the case of towels, face and neck clothes by soaking in a disinfectant followed by washing with soap and hot water and thorough rinsing;
10. Trolleys, tables, shelves, hairdryers, wash basins, neck rests and other fittings are to be washed thoroughly with soap and water daily, wiped periodically after use with a clean cloth soaked in approved disinfectant solution

(2) No hairdresser and shall:-

(a) Use hairdressing chemical unless he/she is a class A holder;

(b) Permit any person who appears to him/her to be suffering from any disease of the skin or hair or from any infectious, contagious or communicable disease to be attended to in his/ her shop;

c) Permit any person referred to in paragraph (b) to be employed in the shop

Medical examination requirements

7. (i) Every person employed on or in connection with the business of hairdressing shall be subject to examination by a registered medical practitioner where ever required to do so by the Council

(2) Every such person, who on examination by a registered medical practitioner, may be found to be suffering from any infectious, contagious or communicable disease or who refuses or fail to submit himself to examination by the medical practitioner within three days of his being required to do so by the Council, or fails to produce to the Council within three days such examination a certificate from the Medical Practitioner who has examined him certifying that he/she is free from any infectious, contagious or communicable disease, shall not be employed in or about the business of hairdresser until such time as he or

she shall have been so medically examined and found to be free from any infectious, contagious or communicable disease.

Closure of hairdressers’ shop which do not meet heath requirements

8. (1) Where the Council believes on reasonable grounds that the condition or operations of any hairdresser’s shop are a danger or pause a danger to public health and safety he/she may be recommended by Council to close such premises until condition or operation have improved to Council’s satisfaction.

(2) The owner of the closed business if so aggrieved may apply to Council for a review of the order to close.

Offences and penalties

9. (1) any person who –

1. Deposits, throws or places or causes hair to be deposited, thrown or placed upon any street side walk, open land or space or down the drain, or artificial hair , or
2. Performs any hairdressing or hair cutting in any street, residential area or public places or;
3. Being a hairdresser, uses his/ her hairdresser’s shop for any other purpose other than hairdressing without the approval of Council; or
4. Being a class B licence uses any hairdressing chemicals, or
5. Otherwise fails to comply with any provision of subsection (1) with which it is his/her duty to comply shall be guilty of an offence.

(10) Any person found guilty of an offence under this by law shall be liable to a fine prescribed in the approved Council budget in default shall be subjected to civil litigation.

*FIRST SCHEDULE: FEES*

|  |  |  |  |
| --- | --- | --- | --- |
| Item | Section of by-law | Description | Fee |
| 1 | 4(1) | application fee for hairdresser’s licence | As per Council budget |
| 2 | 4(1) | hairdresser’s licence: | As per Council budget |
|  | 4 (1) | application fee for the barber’s licence |  |
|  | 4 (1) | barber’s licence |  |

*SECOND SCHEDULE: OFFENCES AND PENALTIES*

|  |  |  |  |
| --- | --- | --- | --- |
| Item | Section of by-law | Description of an offence | Penalty fee |
| 1 | 10 | Operating a hairdressing business without a licence | As per Council budget |
| 2 | 10 | Operating a barber business without a licence | As per Council budget |
|  | 10 | Operating a hairdressers and barber shop on an undesignated site | As per Council budget |

FORMS

APPLICATION FOR A LICENCE FOR THE YEAR ENDING ON 31ST DECEMBER,

The Council

Manyame Rural District Council

P.O Box 99

Beatrice

I/We undersigned hereby apply for a licence for the purpose of carrying on the business of ……………………………………………………………………………………………………………………………………………………

And undertake to conform to all by laws and regulations made by the Manyame Rural District Council

i/We agree that the acceptance of the licence fee shall not constitute an undertaking by Council to grant the licence, but that in the event of this not being granted, the fees will be refunded.

Name of applicant……………………………………………………………………………………………………………………....

Address……………………………………………………………………………………………………………………………………….

……………………………………………………………………………………………………………………………………………………

Type of licence applied for………………………………………………………………………………………………………………..

Street address of remises……………………………………………….Stand No…………………………………………

Remarks, sketch plans have/have not been submitted

(Delete inapplicable)

Date:………………………………………………. …………………………………………………………

Applicant signature

MANYAME RURAL DISTRICT COUNCIL HAIRDRESSER’S OR BARBER’S LICENCE

Licensee……………………………………………………………………………………………………………………………………..

Type of licence…………………………………………………………………………………………………………………………...

Other details……………………………………………………………………………………………………………………………...

Address of hairdresser’s shop…………………………………………………………………………………………………....

……………………………………………………………………………………………………………………………………………………

……….................................................................................................................................................

Approved reference and date ………………………………………………………………...............................................

Valid to 31 December 20…………………….. Unless previously cancelled.

This is to certify that Manyame Rural District Council has approved the issue of this license

Date…………………………………………………………………………………………………

Council

Date…………………………………………………………………………………………………

ISSUING OFFICER