

ARRANGEMENT OF SECTIONS

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Title

1. These by-laws may be cited as the Mberengwa Rural District Council (Hairdresser's and Barber's shop) By-laws, 2023.

Application

2. These by-laws shall apply in all areas under the jurisdiction of Mberengwa Rural District Council

Interpretation

3. In these By-laws -
"approved" means approved by the Chief Executive Officer or any other person delegated to do so.

"Chief Executive Officer" means the chief executive officer of Mberengwa Rural District Council or any officer appointed to act on his behalf.

"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.

"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;

Hair dresser’s and Barber’s shop to be licensed

4. (1) No person shall carry on the business of a hairdresser except in a licenced hairdresser’s shop.

(2) An application for a licence shall be submitted to the Chief Executive Officer 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

5. (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 Chief Executive Officer 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 Chief Executive Officer may-

(a) refuse to issue a license to an applicant who fails to comply with or has been convicted of any offence in terms of these by laws.

(b) 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.

(c) cancel or refuse to issue a licence for any other justifiable reasons.

(4) The Chief Executive Officer shall give the reasons in writing to an applicant for refusing to issue or for cancelling a license in terms of subsection (3).

(5) Any hairdresser or Barber aggrieved by the refusal to issue a licence or cancellation of his licence may apply to the administrative court for review.

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

(7) 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 Chief Executive Officer and at a fee to be determined by Council from time to time.

(8) The current licence shall be fixed and maintained in a conspicuous place in the hairdresser’s shop.

Requirements for licenced hairdressers and Barber's shop

6. In every licensed hairdresser's and Barber's shop -

a) all rooms shall have a window or windows of an area not less than 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 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 and hot brushes and facilities for storing hairdressing chemicals.

Requirements for hairdressers and Barbers

7. (1) Every hair dresser or Barber shall

(a) Keep every part of his/her shop in good order and repair; and

(b) 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;

(c) Cause all hair falling on the floor to be swept and placed in the container provided; and

(d) After attending to a customer wash his/her hands thoroughly before attending to a subsequent customer

(e) Apply antiseptic liquids only as a spray or powder with pneumatic dispenser, pneumatic duster or on a clean unused piece of cotton wool; and

(f) 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-

(i) 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;

- (ii) 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.
- (iii) 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;
- (iv) 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 or Barber 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

Hairdressers, hairdressing personnel, Barber to submit to medical examination

8. (1) Every person employed on or in connection with the business of a hairdresser and or Barber shall consent to examination by a registered medical practitioner at a health centre whenever required to do so by the Chief Executive Officer;

(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 Chief Executive Officer, or fails to produce to the Chief Executive Officer 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 hairdresser's and or Barber's shop which do not meet health requirements

9. (1) Where the Chief Executive Officer believes on reasonable grounds that the condition or operations of any hairdresser's and/or Barber's shop are a danger or pose a danger to public health and safety he/she may recommend to Council the closure of such premises until the condition or operation has improved to his satisfaction,

Provided that, if in the opinion of the Chief Executive Officer, the continued operation of such premises poses eminent danger to public health, the Chief Executive Officer shall order such premises to be closed forthwith. The owner of the closed business if so aggrieved may apply to the administrative court for a review of the order to close.

Offences and penalties

10. (1) any person who –

- (a) deposits, throws or places or causes hair or artificial hair to be deposited, thrown or placed upon any street side walk, open land or space or down the drain, or
- (b) performs any hairdressing or hair cutting in any street or public place or;
- (c) being a hairdresser uses his/her hairdresser's shop for any other purpose other than hairdressing without the approval of Council; or
- (d) being a class B licence uses any hairdressing chemicals, or
- (e) otherwise fails to comply with any provision of these by laws with which it is his duty to comply;

Shall be guilty of an offense

(2) Any person found guilty of an offence under subsection (1) shall be liable to a fine not exceeding Level 5 or to imprisonment not exceeding two months or to both such fine and imprisonment.

FORMS

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

The Chief Executive Officer
Mberengwa 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 Mberengwa 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 premises.....Stand No.....

Remarks, sketch plans have/have not been submitted
(Delete inapplicable)

Date:.....

.....

Applicant's signature

Mberengwa RURAL DISTRICT COUNCIL HAIRDRESSER'S OR BARBER'S LICENCE

Licensee.....
.....

Type of licence:
.....
.....

Other details:
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.....

Address of hairdresser's shop:
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Approved reference and date
.....

Valid to 31 December 20..... unless previously cancelled.
This is to certify that Mberengwa Rural District Council has approved the issue of this license

Date.....
.....
Chief Executive Officer

Date.....
.....
ISSUING OFFICER