

Ethnic Beauty And Cosmetics Industry Association Hair Salon BY- LAWS

DRAFT BY-LAW

REGULATION OF BARBERS, HAIRDRESSERS AND BEAUTY SERVICES

Prepared by the Ethnic Beauty and Cosmetics Industry Association (EBCIA) for consideration by the City of Johannesburg Metropolitan Municipality.

PREAMBLE

WHEREAS section 156(2) of the Constitution of the Republic of South Africa, 1996 empowers municipalities to make and administer by-laws for the effective administration of matters within their legislative and executive authority;

AND WHEREAS municipal health services and local business regulation fall within the functional areas listed in Part B of Schedules 4 and 5 of the Constitution;

AND WHEREAS sections 152 and 153 of the Constitution require municipalities to promote a safe and healthy environment, social and economic development, and inclusive and responsive governance;

AND WHEREAS this By-Law is made in accordance with sections 12 and 13 of the Local Government: Municipal Systems Act, 2000, following a public participation process contemplated in Chapter 4 of that Act;

AND WHEREAS barbering, hairdressing, beauty and personal care services are rendered in direct physical contact with members of the public and may pose public health risks if not properly regulated;

AND WHEREAS the City of Johannesburg Metropolitan Municipality recognises the importance of regulating the sector in a manner that is lawful, reasonable, procedurally fair, proportionate, development-oriented and supportive of informal, small and emerging enterprises;

NOW THEREFORE the City of Johannesburg Metropolitan Municipality enacts the following By-Law—

1. CHAPTER 1

DEFINITIONS, OBJECTS AND APPLICATION

1. Definitions and interpretation

In this By-Law, unless the context indicates otherwise—

- **“authorised official”** means an official authorised in writing by the City Manager to administer or enforce this By-Law, including an Environmental Health Practitioner or any other municipal official performing regulatory functions;
- **“City”** means the City of Johannesburg Metropolitan Municipality;
- **“City Manager”** means the municipal manager appointed in terms of the Local Government: Municipal Systems Act, 2000;

- **“licence”** means a licence or certificate of registration issued by the City in terms of this By-Law;
- **“premises”** includes any building, structure, room, container, vehicle or place from which regulated services are provided;
- **“regulated service”** means a service contemplated in section 4;
- **“salon”** means premises from which regulated services are provided for gain.

2. Objects of this By-Law

The objects of this By-Law are to—

- (a) protect public health, safety and consumer dignity;
- (b) regulate barbering, hairdressing, beauty and personal care services within the City;
- (c) establish minimum hygiene, health and operational standards;
- (d) promote enterprise formalisation, skills development and economic inclusion;
- (e) ensure fair, predictable and proportionate enforcement; and
- (f) give effect to constitutional and administrative-law principles in municipal regulation.

3. Application

This By-Law applies to any person who, for gain, provides a regulated service within the jurisdiction of the City, whether operating from—

- (a) formal business premises;
- (b) informal trading sites; or
- (c) other premises or locations approved by the City.

CHAPTER 2

REGULATED SERVICES

4. Services and activities regulated

The business of barbering, hairdressing, beauty and personal care services includes one or more of the following activities or similar services applied to the human body—

- (a) cutting, shaving, singeing, shaping, shampooing, cleansing, conditioning, relaxing, straightening or colouring hair;
- (b) removing hair by waxing, chemical, electrical or mechanical means;
- (c) treating hair by trichological or cosmetic processes;
- (d) applying natural or artificial hair by means of extensions, wigs or similar methods;
- (e) shaping, tinting, treating or applying artificial eyebrows or eyelashes;
- (f) facial and skin care treatments, including cosmetic application;

- (g) manicure, pedicure, nail enhancement and nail technology services;
- (h) body piercing or tattooing, subject to compliance with applicable health legislation;
- (i) massage therapy not regulated under other legislation; and
- (j) cosmetic bronzing, contouring or slimming treatments.

CHAPTER 3

LICENSING AND REGISTRATION

5. Requirement for licensing

- (1) No person may operate a salon or provide a regulated service without a valid licence issued by the City.
- (2) A licence must be obtained prior to the commencement of any regulated service.

6. Application for licence

- (1) An application for a licence must be made in the prescribed form and manner determined by the City Manager.
- (2) The City may require information relating to—
 - (a) the nature of services offered;
 - (b) training, qualifications or recognised prior learning;
 - (c) compliance of the premises with this By-Law;
 - (d) waste disposal arrangements; and
 - (e) health and safety measures.

7. Consideration of applications

- (1) The City must consider applications lawfully, reasonably and procedurally fairly.
- (2) The City may—
 - (a) issue a licence;
 - (b) issue a licence subject to reasonable conditions; or
 - (c) refuse an application, providing written reasons.
- (3) Industry accreditation or sector-based compliance certification may be recognised as supporting evidence of compliance.

CHAPTER 4

HEALTH, HYGIENE AND SAFETY REQUIREMENTS

8. General hygiene obligations

A person who provides a regulated service must—

- (a) keep all tools and equipment that come into contact with human skin, hair or bodily fluids properly sterilised or disinfected after each use;
- (b) sterilise any instrument used for piercing the skin or tattooing immediately after each use;
- (c) disinfect razors, scissors, combs, brushes, nail files, clippers and similar instruments after each use;
- (d) wear new disposable gloves when performing procedures involving skin penetration, chemicals or bodily fluids;
- (e) disinfect hands before and after rendering any service;
- (f) immediately clean and disinfect any surface contaminated by bodily fluids;
- (g) wash and disinfect towels, aprons, caps and protective clothing at least once daily;
- (h) store sharps such as blades, razors and needles in separate, secure containers;
- (i) dispose of contaminated waste, sharps and wastewater in accordance with the City's Waste Management By-Laws;
- (j) maintain premises, equipment and clothing in a hygienic condition at all times;
- (k) ensure that no animal, other than an assistance animal, enters the premises; and
- (l) keep a basic first aid kit available on the premises and attend to minor injuries where required.

CHAPTER 5

PREMISES REQUIREMENTS

9. Infrastructure and use of premises

Premises used for regulated services must—

- (a) be used exclusively for the provision of regulated services;
- (b) not operate from pavements, public open spaces or locations not approved by the City;
- (c) have access to potable running water and adequate sanitation;
- (d) comply with lighting, ventilation and building standards prescribed by applicable law;
- (e) have shelves, work surfaces and counters constructed of impervious, cleanable materials;
- (f) provide adequate storage for tools, equipment and linen;
- (g) provide facilities for the disposal of wastewater; and
- (h) not be used for food preparation or sleeping unless separated by a permanent wall.

CHAPTER 6

INSPECTION, COMPLIANCE AND ENFORCEMENT

10. Inspection powers

- (1) An authorised official may, at reasonable times and upon production of identification, inspect any premises for compliance.
- (2) Inspections must be conducted lawfully, reasonably and without harassment.

11. Compliance notices

- (1) Where non-compliance is identified, the City must issue a written compliance notice specifying—
 - (a) the name and address of the affected person;
 - (b) the provision not complied with;
 - (c) measures required to remedy the non-compliance; and
 - (d) a reasonable period for compliance.

12. Representations and reconsideration

- (1) The affected person may, within the period stated in the notice, make written representations.
- (2) The City must consider representations received and may—
 - (a) confirm;
 - (b) amend; or
 - (c) withdraw the compliance notice,

and must notify the affected person in writing of the decision.

13. Enforcement and escalation

- (1) Where a person fails to comply with a confirmed compliance notice, the City may—
 - (a) suspend or cancel the licence;
 - (b) take remedial steps and recover reasonable costs; or
 - (c) institute prosecution.
- (2) Enforcement action must be proportionate to the nature and seriousness of the non-compliance.

CHAPTER 7

ADMINISTRATIVE JUSTICE, OFFENCES AND APPEALS

14. Administrative justice

All administrative action taken under this By-Law is subject to the Promotion of Administrative Justice Act, 2000.

15. Appeals

A person whose rights are affected by a decision may appeal in terms of section 62 of the Local Government: Municipal Systems Act, 2000.

16. Offences and penalties

A person who contravenes this By-Law commits an offence and is liable, upon conviction, to penalties prescribed in applicable municipal legislation.

CHAPTER 8

GENERAL PROVISIONS

17. Delegation

The City Council may delegate any power or function under this By-Law to the City Manager in accordance with the Municipal Systems Act.

18. Transitional provisions

A person lawfully operating at the commencement of this By-Law must comply within six (6) months.

19. Relationship with other laws

This By-Law must be read in conjunction with applicable national and municipal legislation and does not derogate from any obligation imposed by such legislation.

20. Publication and commencement

This By-Law must be published in the Provincial Gazette in terms of section 13 of the Municipal Systems Act.

This By-Law is called the **City of Johannesburg Barbering, Hairdressing, Beauty and Personal Care Services By-Law, 2026**, and comes into operation on a date determined by the City.

SCHEDULE A: APPLICATION FOR LICENCE

This application form must be completed for purposes of section 5(2) of this By-Law.

Applicant Full Name: _____

Identity / Registration Number: _____

Contact Details: _____

Business / Salon Name: _____

Business Address (premises contemplated in section 7):

Services Offered (as contemplated in section 4):

Qualifications / Training:

Waste Disposal Arrangements (section 6):

Signature: _____

Date: _____

SCHEDULE B: SALON INSPECTION CHECKLIST

This inspection checklist supports enforcement contemplated in section 8.

- ☐ Valid licence displayed (section 5)
- ☐ Premises hygienic (sections 6 and 7)
- ☐ Sterilisation equipment available (section 6)
- ☐ Protective clothing used (section 6)
- ☐ Running water available (section 7)
- ☐ Waste safely disposed (section 6)
- ☐ No animals on premises (section 6)
- ☐ Overall compliance with this By-Law