

Marondera Rural District Council (Hairdresser's and Barber's Shop) By-laws, 2018

ARRANGEMENT OF SECTIONS

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IT is hereby notified that the Minister of Local Government, Public Works and National Housing has, in terms of section 90 of the Rural District Councils Act [*Chapter 29:13*], approved the following by-laws made by Marondera Rural District Council in terms of section 88 of the said Act—

Title

1. These by-laws may be cited as the Marondera Rural District Council (Hairdresser's and Barber's Shop) By-laws, 2018.

Interpretation

2. In these by-laws—
 - “approved” means approved by the Chief Executive Officer;
 - “barber” means a person, who carries on the business of cutting and shaving (only), the hair of persons;

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“Chief Executive Officer” means the person appointed by the council as the Chief Executive Officer or to act on his or her behalf;

“class A licencee” means any hairdresser holding a hairdresser's skilled Worker Class One (Journeyman) certificate or its equivalent, issued by the Ministry responsible for Higher Education, Science and Technology Development;

“class B licencee” means hairdresser and a barber who is designated as such by the relevant authority;

“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;

“hairdresser chemical” includes 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

3. (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 council's District Environmental Health Officer or any person appointed to act on his or her 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 December, of the year of issue:

Provided that the application filed after the first quarter of the year shall attract fees that are proportional to the remaining period of the year.

(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 the application is in accordance with the provisions of the First Schedule; and
- (b) upon payment of the appropriate licensing fee specified in the Second Schedule.

(3) The Chief Executive Officer may—

- (a) refuse to issue a licence to an applicant who fails to comply with or has been convicted of any offence of these by-laws;
- (b) cancel in writing any licence if a hairdresser or any employee of his or her fails to comply with or is convicted of any offence in terms of these by-laws.

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

Provided that—

- (a) before making a decision for refusal to issue or cancellation of the licence, the Chief Executive Officer shall call for representations from the affected person;
- (b) any person aggrieved by the refusal to issue a licence or cancellation of his or her licence may, within 30 days, appeal to the Minister.

(5) A licence shall be issued in accordance with the provisions of the First Schedule and shall specify whether the holder is a class A or class B licensee.

(6) A licensee shall 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.

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

Requirements for licensed hairdresser's and barber's shop

5. 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 light and ventilation cannot be provided, approved artificial lighting and approved mechanical means of ventilation must be provided;
and
 - (b) the floors and walls of any room shall be—
 - (i) of impermeable, non-absorbent and easily cleanable material;
 - (ii) three metres being minimum height between the floor and ceiling;and
 - (c) the wash basing 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 at least one wash basin or approved fitting; and
 - (d) shall have shelf, fitting and table on which any hair cutting, hairdressing or shaving instruments or implements are placed made of glass, marble, slate enamel or similar material; and
 - (e) no part of a 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

6. (1) Every hairdresser or barber shall—
- (a) keep every part of his or her shop in good order and repair; and

- (b) when attending to a customer wear an approved clean jacket, both jacket and safari or any clothing of white or light material washable material without pockets; and
 - (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 or her hands thoroughly before attending to a subsequent customer; and
 - (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) permit any person who appears to him or 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 or her shop;

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- (b) permit any person referred to in paragraph (a) to be employed in the shop.

Hairdressers, hairdressing personnel, barber to submit to medical examination

7. (1) Every person employed on or in connection with the business of a hairdresser and or barber shall be obliged to be examined by a registered medical practitioner of health whenever required to do so by the Chief Executive Officer.

(2) Every person, who—

- (a) on examination by a registered medical practitioner, may be found to be suffering from any infectious, contagious or communicable disease; or
- (b) refuses or fails to submit himself or herself to examination by the medical practitioner within three days of his or her being required to do so by the Chief Executive Officer; or
- (c) fails to produce to the Chief Executive Officer within three days such examination certificate from the medical practitioner who has examined him or her certifying that he or 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

8. (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 or she may be recommended by council to close such premises until condition or operation have improved to his or her satisfaction:

Provided that—

- (a) if in the opinion of the Chief Executive Officer the continued operation of such premises poses eminent

hazard to public health, the Chief Executive Officer shall order such premises to be closed forthwith;

- (b) the owner of the closed business if so aggrieved may apply to the administrative court for a review of the order.

Offences and penalties

9. (1) Any person who—

- (a) 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
- (b) performs any hairdressing or hair cutting in any street or public places; or
- (c) being a hairdresser uses his or her hairdresser's shop for any other purpose other than hairdressing without the approval of council; or
- (d) otherwise fails to comply with any provision of these by-laws with which it is his or her duty to comply;

shall be guilty of an offence and liable to a fine not exceeding level 5 or to imprisonment for a period not exceeding two months or to both such fine and such imprisonment.

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FIRST SCHEDULE (*Section 4*)

FORMS

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

The Chief Executive Officer,
Marondera Rural District Council,
P.O. Box 15,
Marondera.

I/We undersigned hereby apply for the purpose of carrying on the business of:
.....

and undertake to conform to all by-laws made by the Marondera Rural District Council.

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 signature

Licensee:

Type of licence:

Other details:

Address of hairdresser's shop:
.....
.....

S.I. 241 of 2018

Approved reference and date:

Valid to 31st December, 20 unless previously cancelled.

This is to certify that Marondera Rural District Council has approved the issue of this licence.

Date:

Chief Executive Officer

Date:

Issuing Officer

SECOND SCHEDULE (*Section 4*)

FEES

1. Non-refundable application fee for hairdresser's licence: \$20,00.
2. Issuance fee of the hairdresser's licence \$50,00.
3. Non-refundable application fee for the barber's licence: \$5,00.
4. Issuance fee of the barber's licence: \$15,00.

