



25 November 2025

**NON-SURGICAL PROCEDURES AND FUNCTIONS OF MEDICAL REVIEWERS
(SCOTLAND) BILL - RESPONSE FROM REHIS**

REHIS welcomes the introduction of the Non-surgical Procedures and Functions of Medical Reviewers (Scotland) Bill as an essential tool to control unregulated sectors within the aesthetics and beauty industry.

The Institute is concerned, however, to note that there is no provision for an effective means of enforcement of the proposed legislation. The sole enforcement power contained in the Bill as it stands is the provision to allow HIS authorised officers the ability to submit a report to the Procurator Fiscal. Experience demonstrates that the huge amount of time and resource required to prepare and submit a report of this nature would be disproportionate to the level of sanctions (fines) which will likely be imposed; and may result in potentially unsafe businesses being able to trade for an extended period of time.

The Scottish Government has indicated that it expects voluntary compliance with the Bill once it is brought into law. However, this has not been the case with the existing enforcement powers HIS have held since 2012. Local Authorities are aware of, and have reported to HIS, medical practitioners operating independent aesthetic clinics who are not registered with HIS, but who are continuing to operate. As such it is the opinion of the Institute that further legislation may not change this, unless immediate enforcement powers, such as the ability for HIS to issue prohibition notices are provided.

In the case of non-medics, the financial incentive to continue operating illegally will outweigh any incentive to stop trading. At present it is estimated that each aesthetics clinic makes an estimated profit of somewhere between £100,000 - £300,000 per year. It is unlikely that people will voluntarily give up this income, when the alternative is a possible £5,000 fine once every 3-5 years assuming the case is taken by the Procurator Fiscal. Once prosecuted, there will be nothing to stop the company continuing to trade.

The Health and Safety at Work etc. Act 1974, as enforced by LA's and the HSE was not written with the objective of regulating clinical practice and as such has a very limited application in such circumstances. LA's and HSE cannot effectively regulate the provision of unsafe aesthetics practices using this legislation and this should not be seen as a 'catch all' where nonsurgical cosmetic procedures are provided outwith a prescribed premises. In terms of the new Bill, responsibility for enforcement in these premises will fall to HIS, who will be provided with very limited enforcement powers and who have no powers at all in terms of the Health and Safety at Work etc. Act 1974.

The Institute feels that unless HIS are given powers to immediately prohibit the carrying on of non-surgical procedures in unregulated premises, it is our opinion that the Bill and new legislation will have limited or no effect to control the current situation. The powers to investigate and report to the fiscal on their own, with no immediate powers of prohibition, will be wholly inadequate to control unregulated premises and the unsafe practices carried out within them, thus continuing to put public health at risk.

REF: CX/25/025