

Clare Haughey MSP
Convener, Health, Social Care and Sport
Committee
Scottish Parliament

Please contact: Gregor MacCormick
Our Ref: GM
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Date: 8th January 2026

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Highland Council - Response to Call for Views on *The Civic Government (Scotland) Act 1982 (Licensing of Non-surgical Procedures) Order 2026*

Dear Ms Haughey,

Thank you for your letter dated 15 December 2025 inviting written views on the proposed Order establishing a licensing scheme for certain non-surgical aesthetic procedures.

Please find attached a detailed list of comments prepared in response to the Committee's request. These comments address the key issues and areas where Highland Council would welcome further clarification in respect of the proposals. For ease of reference we have grouped the comments under the following general headings:

- New Responsibilities & Duties, including licensing administration
- Resource implications
- Public awareness and business compliance requirements
- Specific non-surgical aesthetic procedures allowed under the scheme
- Effect of the Order on rogue traders seeking to operate outwith the scheme or the NSP Bill provisions
- Potential risks relating to rogue operators and measures to mitigate these
- Compliance and enforcement

We trust that these views will assist the Committee and be given due consideration in its scrutiny of the Order and its alignment with the *Non-surgical Procedures and Functions of Medical Reviewers (Scotland) Bill*.



Should you require any clarification on any of the attached comments or if required additional input then please do not hesitate to contact.

Yours faithfully

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RESPONSE TO THE CIVIC GOVERNMENT (SCOTLAND) ACT 1982 (LICENSING OF NON-SURGICAL PROCEDURES) ORDER 2026

CALL FOR VIEWS – CLARE HAUGHEY MSP, CONVENER, HEALTH, SOCIAL CARE AND SPORT COMMITTEE LETTER DATED: 15TH DECEMBER 2025

New Responsibilities and Duties, including licensing administration

- I. Is it anticipated that should the Non-surgical Procedures and Functions of Medical Reviewers (Scotland) Bill become an Act that this would follow a similar timescale for implementation as The Civic Government (Scotland) Act 1982 (Licensing of Non-surgical Procedures) Order 2026?

We would foresee difficulties in terms of implementation if the two sets of legislative provisions did not follow a similar timescale for implementation.

- II. Comprehensive training will be required for Environmental Health Officers (EHOs) regarding the new provisions and on the key requirements of the legislation. This should include industry input to provide an overview of the relevant procedures, the associated risks with each and examples of both good and poor practice so that officers can make informed decisions re compliance monitoring and enforcement. Such training would require to be made available/provided well in advance of the implementation date.
- III. It would be considered essential that there is approved national guidance prepared to accompany the new legislative provisions. This would ensure consistency across Council areas which we would consider is essential when operators may work cross boundary. A set of approved guidance that required to be followed across the Country, would allow Local Authority working groups to liaise on any interpretive or enforcement issues that will undoubtedly arise following implementation of the legislation. Consideration should be given to preparing guidance in similar format to the short terms lets legislation when that was introduced in that separate guidance was produced for operators and Licensing authorities etc.

Resource Implications

- I. There will obviously be resource implications in terms of licensing administration, compliance monitoring, responding to enquiries and enforcement for the Council which will have a financial burden. However, it is very difficult to fully understand and evaluate the resource implications at this stage as we do not hold a current database of operators undertaking the licensable treatments.

Whilst likely to be quite significant numbers across Highland, it would be considered beneficial if Scot Gov were able to share any data already collated as part of the legislative process that could provide any quantitative data on the number of operators by Council area offering licensable treatments. Or if Scot Gov could assist Local Authorities in trying to capture/gather such information to help more accurately determine the resource implications. Collating such information would be important to assist amongst other things in determining the appropriate licence fee.

- II. An increased resource will be required during the roll out and implementation stage to assess the businesses currently operating and identifying those which are solely providing Group 1 procedures, and those which will fall under HIS, as they may also be providing Group 2 and/or 3 procedures.
- III. It is our understanding that where Group 1 procedures are carried out within a premises that also undertakes Group 2 and/or 3 procedures, the licensing scheme will not apply to the Group 1 as the premises will fall under the over-arching regulation of HIS. Presumably there will be a register set up of all licensed premises covering Local Authority licensed premises and HIS registered premises offering Group 2 & 3 procedures. Will there be a shared Database or Register identifying premises and their Regulators.

Public Awareness and Business Compliance

- I. We would consider it important for Scot Gov to have a national awareness raising campaign regarding the new provisions focussing on the beauty industry and public. This would require to be undertaken over a period well in advance of the implementation date to ensure operators and members of the public were fully aware of the proposed changes.
- II. As part of any awareness raising campaign, we think it would be beneficial if a resource pack could be provided to Local Authorities to ensure a consistent response is provided across Councils to enquiries re new licensing provisions. Such a resource pack could include, for example:
 - Overview of legislation
 - Key guidance on mandatory licence conditions
 - Pre-requisite qualifications and (accredited) training providers
 - FAQs
 - Key Fact sheets on each of the licensable procedures
 - Implementation timeline
 - Media pack to use on Councils own social media platforms etc

- III. It would be important for any approved national guidance on the licensing provisions to be published well in advance of the implementation date to allow operators to prepare.
- IV. There requires to be early engagement with training providers and colleges in this industry so as to align and develop suitable and accredited training courses that would fulfil all the necessary training requirements prescribed in the licence conditions. Early engagement would also allow such training centre/providers time to take steps to meet the increased demand for training that will undoubtedly arise.

Appreciate some work may already have taken place in this regard and so be useful if a list of training providers and/or recognised training qualifications could be included within the guidance when it becomes available.

Specific non-surgical aesthetic procedures allowed under the scheme

- I. Clear guidance should be developed and made available to providers of all non-surgical cosmetic procedures, setting out the appropriate procedural group classification for the services they offer. Otherwise, it is envisaged a lot of local authority officer time will be taken up advising individuals on whether their procedure falls within the local authority licensing scope, or the main primary legislation. We would foresee refunds requiring to be processed where applicants may misinterpret the licensing requirements and wrongly apply to the Local Authority. Having a resource pack/FAQs and clear guidance available well in advance of the implementation date we consider would help avoid such issues. This could include for example, a key facts sheet outlining the different types of treatment, the categorisation into groups 1-3, and who would be the relevant licensing authority. (i.e LA or HIS)
- II. Require clarification on what process to follow for any new or emerging treatments if not clearly listed in the Schedule 1 of the legislation – the schedule is quite prescriptive and so if it is not clear if a treatment meets definition may need to seek expert opinion. Will there be an expert panel arranged or supported by Scottish Government for authorised officers to contact for opinions on whether new treatments fall within the Group 1,2 or 3?
- III. For premises already licensed for Skin piercing and tattooing, but who also provide Group 1 procedures, they will require two separate licences with separate conditions and renewal dates. Consideration should be given to how this could possibly be made more business friendly and reduce the administration burden for both the premises and Local Authorities in such a scenario.

Effect of the Order on rogue traders seeking to operate outwith the scheme or the NSP Bill provisions

- I. The Order will obviously be a deterrent to a large proportion of operators and reduce numbers of rogue traders but will not eliminate them. Similar to other licensing schemes when introduced, it would be anticipated that likely to be an element of self-policing by those operators who get licensed and wish to identify and whistleblow on any rogue operators. This would likely be one of the primary sources of intelligence we would rely on to target any unlicensed activity.
- II. A national media campaign to raise public awareness and to highlight the risks of using unlicensed operators would assist the public in identifying unlicensed operators.
- III. A clear enforcement protocol would require to be established in respect to rogue traders and the enforcement expectations.

Compliance and enforcement

- I. Require clear, unambiguous national guidance, particularly in respect of training requirements for operators, to ensure consistency of enforcement and effective compliance monitoring. This should include a set of mandatory licence conditions.
- IV. Establish a National Enforcement protocol between L.A. and HIS that clearly delineates the enforcement responsibilities between each. It would also be useful to include enforcement expectations and good practice in responding to non-compliance scenarios. Such a protocol and guidance on enforcement expectations would help ensure consistency in terms of enforcement and implementation of the provisions. For example, who would take lead in event EH officers establish that an LA licensed premises offering Group 1 procedures is also offering Group 2/3 procedures?
- V. Health and safety enforcement: Under the Health and Safety at Work Act, local authorities are currently the enforcing authority for the beauty industry **unless** activities are undertaken under the supervision or control of a registered medical practitioner. In the event of serious concerns officers may issue Prohibition Notices to stop an activity. Where procedures are carried out within HIS-registered or NHS premises, or under the supervision of a registered medical practitioner, the Health and Safety Executive is likely to be the enforcing authority rather than the local authority. We thought this may be worth highlighting as if operators change working practices and operate under supervision of a registered medical practitioner, then the relevant Health and Safety enforcing authority for that

premises will likely change to become the HSE. For further information see HSE- A-Z Enforcement – *Beauty Treatments and Cosmetic Services*. [Appendix 1: Health and Safety \(Enforcing Authority\) Regulations 1998: A to Z guide to allocation](#)

VI. Highland Council currently operates an intelligence-led model and does not proactively seek to routinely monitor or detect unregistered/unlicensed activity. As many operators in this sector currently utilise social media as opposed to websites or fixed premises traditional advertising etc, it would be useful to include an element in any training as to how social media or other means can be used to assist LAs in identifying operators within their areas.

VII. Is it envisaged that L.A. will issue licences for 3 years, as per paragraph 8(2) of Schedule 1 of the 1982 Act. However, a statement was noted in the BRIA that “*The Scottish Government considers that, taking into account fees for existing schemes, licensing fees are anticipated to be less than £500 **per year** in most cases but this will be decided by local authorities.*” Clarification would be welcome on the period of licence.

Consent for Publication:

Highland Council is content for our comments to be published by the Committee excluding any personal names.