

# Call for Views

## The Civic Government (Scotland) Act 1982 (Licensing of Non-surgical Procedures) Order 2026

# About the Federation of Small Businesses (FSB)

The Federation of Small Businesses (FSB) is a not-for-profit, non-party political business membership organisation that offers its members - self-employed individuals and small business owners - a wide range of support, protection, and business services. These include advice services and hubs, a legal protection scheme, tax investigation protection, training, an insurance service, healthcare, business banking, debt recovery and more. We also advocate for measures to deliver the best trading environment in which to start, grow and run a small business.

Micro and small businesses comprise almost all enterprises in Scotland (98%), employ over 940,000 people and turn over £98bn annually.<sup>1</sup>

## Summary

Following FSB's response to the consultation on the Regulation and Licensing of Non-surgical Cosmetic Procedures,<sup>2</sup> and response to the Health, Social Care and Sport Committee's Call for Views on the Non-surgical Procedures and Functions of Medical Reviewers (Scotland) Bill, we are pleased to provide a response to Committee's Call for Views on The Civic Government (Scotland) Act 1982 (Licensing of Non-surgical Cosmetic Procedures) Order 2026.

FSB members broadly welcome the introduction of these regulations, recognising their importance in protecting consumers and tightening standards across the sector. However, further clarity is required on key areas, including the design of a proportionate licensing model, enforcement measures against rogue traders, practical guidance and training for compliance, and the development of a public awareness campaign alongside a practitioner register.

## Recommendations

- **Proportionate Licensing Model:** Avoid duplication of costs for practitioners requiring multiple licences. Consider a subsidised 'add-on' licence for advanced electrolysis to minimise financial burden.
- **Robust Regulation and Enforcement:** Ensure strong, visible penalties for rogue operators, with inspections that are proportionate and supportive during initial implementation of the new regulations.
- **Clear Guidance and Training:** Publish practical, step-by-step guidance, FAQs, and offer training through trade bodies such as FSB, Business Gateway, and local authorities to reduce confusion and inadvertent non-compliance.
- **Public Awareness Campaign:** Launch a campaign supported by a public register of licensed practitioners and a clear enforcement framework to educate consumers on the importance of choosing licensed providers.

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<sup>1</sup> [Businesses in Scotland: 2025 - gov.scot](https://www.gov.scot/businesses-in-scotland-2025/)

<sup>2</sup> [Consultation Response | FSB Scotland response to consultation on regulation and licensing of non-surgical cosmetic procedures](https://www.gov.scot/consultations/consultation-response-fsb-scotland-response-consultation-regulation-and-licensing-non-surgical-cosmetic-procedures)

- **Clarity on Treatments:** Provide unambiguous definitions of procedures covered under Schedule 1 and ensure flexibility in wording to reflect real-life practice, particularly for advanced electrolysis and lesion removal.

## Key considerations

Small businesses will face significant new responsibilities under the proposed licensing scheme, including obtaining licenses for both premises and practitioners. This will introduce additional administrative burdens and duplication of costs, which can be particularly challenging for businesses with limited resources. This duplication will occur because under the introduction of the The Civic Government (Scotland) Act 1982 (Licensing of Non-surgical Cosmetic Procedures) Order 2026, advanced electrolysis (electrocautery) will be required to be licensed under the new licensing scheme, meaning many practitioners will require two licenses. This would create an overlap and additional cost burden for small businesses.

These pressures come at a time when small firms are already under strain—most notably from the recent business rates revaluation, which for some businesses operating from premises is expected to result in increases to their rates bill of up to 400%.<sup>3</sup>

FSB's Small Business Index for Q3 2025 found that 89.4% of Scottish businesses reported an increase in operating costs compared to the previous quarter.<sup>4</sup> Without targeted support and proportionate implementation, these changes risk undermining the viability of small businesses and limiting consumer choice in the marketplace.

## Licensing

Currently, treatments which fall under the definition of 'electrolysis' are licensed by The Civic Government (Scotland) Act 1982 (Licensing of Skin Piercing and Tattooing) Order 2006.<sup>5</sup> Our understanding is that from introduction of the The Civic Government (Scotland) Act 1982 (Licensing of Non-surgical Cosmetic Procedures) Order 2026, advanced electrolysis (electrocautery) will be required to be licensed under the new licensing scheme, meaning many practitioners will require two licenses. **We ask that the Scottish Government considers the financial impact of this on small businesses and considers a different model for those impacted.** A suggestion from an FSB member is a subsidised 'add-on' licence for practitioners undertaking advanced electrolysis. FSB is keen to work with the Scottish Government to design a proportionate licensing scheme which minimally impacts small businesses.

## Regulation and enforcement

Unlicensed operators pose a significant risk to public safety and create unfair competition for compliant businesses. Strong enforcement and visible penalties are essential to deter rogue traders and protect legitimate operators who invest in compliance. Inspections

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<sup>3</sup> Press Release | FSB calls for Scottish Budget to protect small firms from business rates nightmare

<sup>4</sup> Policy Report | FSB Scotland Small Business Index, Q3, 2025

<sup>5</sup> The Civic Government (Scotland) Act 1982 (Licensing of Skin Piercing and Tattooing) Order 2006

should be proportionate and supportive, particularly during the early stages of implementation. Clear timelines and transitional arrangements will allow small businesses to adapt without disruption. Enforcement should focus on those deliberately operating outside the law rather than penalising genuine businesses making good-faith efforts to comply.

Clear, practical guidance is critical for small businesses. Step-by-step instructions, FAQs, and access to training through Business Gateway or local authority support will help operators meet requirements confidently. Without this, there is a risk of confusion and inadvertent non-compliance.

Public awareness campaigns will be essential to ensure customers understand the importance of using licensed providers. This will help protect consumers and reduce the pressure on compliant businesses to compete with unlicensed operators who may offer lower prices. Details on how this will be regulated and enforced have not yet been explained. A publicly accessible register of licensed practitioners, supported by a robust regulatory and enforcement framework from the Scottish Government, could form the cornerstone of a public awareness campaign to enhance consumer safety. FSB could play a key role in helping to deliver this campaign, utilising its networks to raise awareness among small businesses.

## Treatments

Clarity on which treatments fall under Schedule 1 'Specified Non-surgical Procedures' is vital. Definitions should be straightforward and easy to interpret to avoid ambiguity and unintended breaches. This will help businesses plan and adapt their services accordingly.

FSB members have provided a few examples of where further clarity is needed. For instance, section 3. (B)(ii) of the Order states that a non-surgical procedure does not include a procedure 'that is carried out on an intimate area, unless it is non-ablative laser treatment for hair removal'. One FSB member has enquired whether this would include skin tags removed by electrocautery, as it is common for people to encounter skin tags in this area which are removed safely by electrocautery.

A second area requiring clarification is found in Schedule 1 of the Order. Section 9, titled 'Interpretation', states that 'in this schedule, references to "skin lesions or blemishes" include acne, blisters, cysts, freckles, moles, skin tags, scarring, rashes and warts'. Our member enquired whether the lesions that will be allowed to be removed will be restricted to this list and noted that there are currently 20 different lesions that can be removed by advanced electrolysis. **FSB suggests that the wording is altered to encompass a range of lesions and not be limited to the current prescribed list. Our members are keen to work with the Scottish Government to ensure safe practice is translated into legislation which reflects real-life scenarios.**

## Conclusion

The introduction of the Civic Government (Scotland) Act 1982 (Licensing of Non-surgical Cosmetic Procedures) Order 2026 represents a significant step toward improving public safety and professional standards. However, its success depends on a proportionate, practical approach that supports small businesses while safeguarding consumers.