



Economy, Enterprise and Operations

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To: Health, Social Care and Sport Committee

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Subject: Response to Consultation on The Civic Government (Scotland) Act 1982
(Licensing of Non-surgical Procedures) Order 2026

Dear Convener,

Thank you for the opportunity to provide views on the proposed Licensing of Non-surgical Procedures Order 2026. Moray Council Environmental Health service welcomes the intention to improve public safety and regulate non-surgical procedures. I welcome the opportunity to respond to this consultation and to comment on aspects of the proposed Order that are fundamental to its effective and consistent implementation by enforcing authorities.

From a regulatory and enforcement perspective, the success of the proposed framework will depend not only on the statutory requirements themselves, but also on the clarity of accompanying guidance, particularly in relation to competence, inspection expectations, and communication with duty holders and the wider public. The following points are offered to support consistency, proportionality, and confidence in the application of the new requirements across Scotland.

1. New Responsibilities and Duties

Local authorities will assume significant new responsibilities in administering and enforcing this licensing scheme. This includes processing applications, conducting inspections, and ensuring compliance with hygiene and safety standards. Clear guidance and training will be essential to ensure consistency across Scotland.

2. Resources Required

The additional workload will require increased staffing and financial resources. Environmental Health teams are already under pressure, and without dedicated funding, there is a risk that enforcement will be inconsistent. A cost-recovery model through licensing fees should be considered, alongside transitional funding for implementation.

It would be helpful if resources including guidance materials and training could be developed to address the following points.

- **Determination of Competence**

It would be helpful if further guidance could be provided on how competence is intended to be determined under the proposed Order. In particular, clarification is sought on whether competence will be demonstrated through the holding of qualifications to specified SVQ levels, or whether alternative accredited training routes, professional registration, or recognised industry competence schemes will also be considered acceptable.

Clear parameters around competence would assist enforcing authorities in assessing compliance in a consistent and transparent manner, reduce ambiguity for duty holders, and minimise the risk of variable interpretation between local authorities. Without such guidance, there is a risk that enforcement decisions could diverge, potentially leading to inconsistency in licensing outcomes and avoidable challenges from regulated parties.

- **Risks and Expected Control Measures for New Procedures**

As the procedures introduced by the proposed Order will be new to many local authority inspecting officers, it would be beneficial for the Scottish Government to provide supporting guidance outlining the main risks associated with each procedure and the control measures that would reasonably be expected to be in place at the point of inspection prior to licences being issued.

This type of guidance would serve several important purposes. It would:

- support inspectors in identifying material risks and assessing whether risks are being adequately controlled,
- assist duty holders in understanding what “good practice” looks like in advance of submitting licence applications, and
- promote consistency and proportionality in inspection and licensing decisions across all local authorities.

3. Public Awareness and Information

A national awareness campaign led by the Scottish Government would help ensure individuals choose licensed providers.

4. Provision of Information for Businesses

A national awareness campaign led by the Scottish Government would help ensure businesses are aware that a licence will be required for carrying out the procedures listed in the Order.

Clear, accessible guidance for businesses is essential. This should include:

- Licensing requirements
- Hygiene and infection control standards
- Training and competency expectations
- Templates and FAQs would help reduce confusion and improve compliance.

5. Specific Non-surgical Procedures

Emerging treatments should be reviewed regularly to ensure the scheme remains relevant and effective.

6. Effect on Rogue Traders

While the Order will help tackle rogue operators, enforcement will be challenging without adequate resources. Consideration should be given to:

- Public register of licensed practitioners
- Collaboration with Trading Standards

7. Compliance and Enforcement

Environmental Health teams will play a key role in inspections and enforcement. To support this:

- Standardised inspection protocols should be developed
- Training on non-surgical procedures and associated risks should be provided
- Mechanisms for reporting and addressing non-compliance must be clear and efficient.

Yours sincerely,

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