

Ministear airson Slàinte Phoblach is Slàinte
Bhoireannach
Jenni Minto BPA



Scottish Government
Riaghaltas na h-Alba
gov.scot

Minister for Public Health and Women's Health
Jenni Minto MSP

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Clare Haughey MSP
Convener, Health Social Care and Sports
Committee

16 March 2026

Dear Clare,

Please find attached correspondence in relation to the Non-surgical Procedures and Functions of Medical Reviewers (Scotland) Bill ("the Bill"), from Karin Smyth MP, Minister of State for Health at the Department of Health and Social Care. This is in reply to my letter of 16 January, which I copied to your Committee. The response may be of interest to members of your Committee.

I do not consider that anything in this correspondence changes any information I have shared with members through this process, and it does not have any bearing on the approach the Scottish Government is taking to amendments at Stage 3.

The UK Government shares the Scottish Government's concerns regarding the non-surgical procedures sector, and that the Minister has reaffirmed her commitment to introducing legal safeguards in England. I note her positive comments about the Bill. These comments, and the wider letter, reflect the positive engagement that has been undertaken to date at official level on these issues.

Whilst the letter sets out that the UK Government does not fully share the Scottish Government's understanding of the impact of the UK Internal Market Act 2020 ("UKIMA") the Scottish Government continues to consider that the effect of UKIMA restrains the Scottish Government's ability to implement the policy as intended within this area of devolved responsibility.

Tha Ministearan na h-Alba, an luchd-comhairleachaidh sònraichte agus an Rùnaire Maireannach fo chumhachan Achd Coiteachaidh (Alba) 2016. Faicibh www.lobbying.scot

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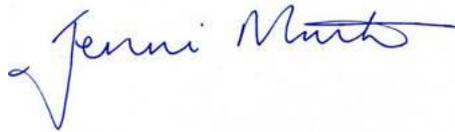


I can also take this opportunity to clarify that the issues raised by this letter do not have any bearing on any of the statements I have made at Stage 1 or Stage 2. The position remains that provision in the Bill to establish training or qualification standards (including relating to supervision) would not operate in the manner in which the Scottish Ministers would like them to.

However, the UK and Scottish Government are in agreement that section 26 of UKIMA offers at least a partial remedy to our concerns. It is for this reason that I introduced Amendments 5, 28, 30 and 34 at Stage 2, and I was pleased that these amendments were accepted, though our view remains that it is an imperfect and cumbersome solution.

The UK Government's summary of their current position and intentions may be helpful for the committee to be sighted of, and I would in particular like to draw your attention to the Minister's statement that "collaboration between our two governments is an essential tool in helping to drive our respective policies forward and ensuring effective implementation". I expect that this collaboration will be invaluable in the implementation of the Bill, assuming of course that it maintains the support of Parliament.

Yours sincerely,



Jenni Minto MSP

Tha Ministearan na h-Alba, an luchd-comhairleachaidh sònraichte agus an Rùnaire Maireannach fo chumhachan Achd Coiteachaidh (Alba) 2016. Faicibh www.lobbying.scot

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*From Karin Smyth MP
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Jenni Minto MSP

By email to: ministerforphwh@gov.scot

4 March 2026

Dear Jenni,

Thank you for your correspondence of 16 January about the regulation of the cosmetics sector. I apologise for the delay in replying.

I appreciate your concerns.

As set out below, the UK Government does not believe that the UK Internal Market Act 2020 (UKIMA) restricts the Scottish Government's intentions to introduce training and qualification standards and supervision requirements within the Non-surgical Procedures and Functions of Medical Reviewers (Scotland) Bill and to restrict some procedures to healthcare professionals only.

The UK Government shares the Scottish Government's concerns around the risks posed by the lack of regulation in the cosmetics space, and is similarly committed to introducing legal safeguards to protect the public. I would like to commend the efforts of the Scottish Government to improve the safety of the cosmetics sector and the progress made with the introduction of your (Scotland) Bill.

As you note, officials from the UK and Scottish governments have been engaging for some time regarding the implications of UKIMA on our respective plans for regulation of the sector and practitioners providing non-surgical cosmetic procedures. As UK Government officials noted in meetings with Scottish Government officials in 2025, Part 3 of UKIMA is designed to uphold equality of opportunity by ensuring UK residents with the necessary qualifications or experience to practise a profession can work in any part of the UK, and have their qualifications treated as equal across the UK. It does not work, and nor is it designed to work, to limit any government's ability to regulate, within its competence, in respect of professional qualifications.

As you will be aware from the assessment already provided by UK Government officials to Scottish Government officials in August 2025, Part 3 of UKIMA only applies to the 'practice of a profession', where the ability to practise a profession is limited by legislation in some way to individuals who hold certain professional qualifications or experience. The automatic recognition principle is not engaged for those occupations that are not limited in this way.

In UKIMA, 'profession' is broadly defined and includes an occupation or trade, and any subdivision of, or distinct specialism within, a profession. The 'ability to practise a

profession' is defined as including the ability to undertake activities that comprise the practice of a profession, use a particular professional title, or be registered, licensed or similarly authorised, where that is required to undertake such activities or use such a title – and the activities undertaken, in a significant number of cases, are essential to the practice of that profession. Part 3 of UKIMA only applies when new professions are created (as existing practising professions were grandfathered) and, for pre-existing occupations, where provision is introduced restricting access to practise that profession.

The automatic recognition principle set out in Section 24 of UKIMA allows a UK resident who has the necessary qualifications or experience to practise a profession in one part of the UK to be treated as if they had the qualifications or experience required to practise the same profession in another part of the UK, without needing to re-qualify. However, where there are concerns that the qualifications or experience held by a professional do not meet the relevant standards in the part of the UK where recognition of their qualifications or experience is being sought, as you identify, Section 26 of UKIMA provides for the establishment of a process that can disapply automatic recognition through the introduction of an individual assessment process. This process can then be used to determine if the professional has the required knowledge and skills to practise in the part of the UK where recognition is being sought.

I note that the Scottish Government position, as set out in the policy memorandum accompanying its Bill, is that it cannot take forward certain proposals concerning the qualifications of practitioners offering non-surgical cosmetic procedures requiring a high level of skill, due to the effect of UKIMA. However, as we explained in the UK Government policy statement shared with you in August 2025, if the Scottish Government implements an individual assessment process, this would effectively operate to prevent someone undertaking activities as part of the practice of a profession in another part of the UK from coming to work in Scotland whilst not qualified to the requisite standard in Scotland. This would prevent such practitioners from gaining an advantage over practitioners qualified in Scotland. Those individuals from that other part of the UK would be effectively subject to the new restrictions in Scotland on qualifications.

The UK Government is convinced that the introduction of standards for the performance of cosmetic procedures is a central component of improving safety within the sector, a position that was supported by the responses received to the UK Government's Department of Health and Social Care's 2023 consultation on the licensing of non-surgical cosmetic procedures in England, and which has long been advocated for by the stakeholders with whom we work. The different legal landscapes and approaches being taken across the four nations of the UK with regard to the regulation of the cosmetics sector have resulted in differences in the proposed standards practitioners are required to meet, depending where in the UK they are practising. As a result, the UK Government is considering whether a Section 26 process is required to ensure an appropriate standard of practice is embedded consistently in England. We note the Scottish Government's concerns that the introduction of a Section 26 scheme may have practical challenges; however, we are committed to determining how such a scheme could be implemented in England.

As set out in our response to the 2023 consultation, the UK Government is committed to introducing legal restrictions that will ensure that the highest-risk cosmetic procedures,

such as the liquid Brazilian butt lift, are brought into Care Quality Commission regulation and can only be performed by appropriate regulated healthcare professionals. In addition, the UK Government has also committed to legislating to introduce a licensing scheme in England for lower-risk procedures through powers granted through the Health and Care Act 2022. Under this scheme, which will be operated by local authorities, practitioners will be required to obtain a licence to perform specified cosmetic procedures, and the premises from which they operate will also need to be licensed. To protect children and young people, the UK Government is also committed to mandating age restrictions for cosmetic procedures.

We are prioritising initial work on the introduction of restrictions on the performance of the highest-risk procedures. We have convened a stakeholder working group comprising experts from across the sector to develop proposals in this space and intend to publicly consult on these proposals in the spring. As part of this work, we are considering how a UKIMA Section 26 scheme could be incorporated into the new regulations and processes that we are introducing.

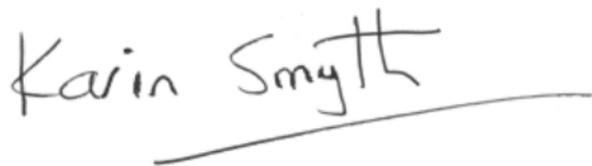
The UK Government believes that a shared approach across all UK governments is required to instigate a system of regulation that promotes common standards of safety across the UK whilst also working in accordance with the differing legislative landscapes across the devolved nations. Although there are differences in the existing relevant legislative and regulatory foundations of England and Scotland, there are many commonalities in the approaches being taken by the Scottish and UK governments towards regulation of the cosmetics sector, and I agree that collaboration between our two governments is an essential tool in helping to drive our respective policies forward and ensuring effective implementation.

This work follows on from the 2025 review of UKIMA, where the UK Government restated its commitment to increasing engagement between the four governments in the UK in support of greater collaboration in policy areas in which our objectives align.

UK Government officials will continue to work closely with Scottish Government officials to share information and identify opportunities for collaboration and alignment as our respective plans in this space take shape.

I hope this reply is helpful.

Yours sincerely,

A handwritten signature in black ink that reads "Karin Smyth". The signature is written in a cursive style and is positioned above a horizontal line that serves as a separator from the printed name below.

KARIN SMYTH