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SOLAR Licensing Group – Response to Call for Views on The Civic Government (Scotland) Act 1982 (Licensing of Non-surgical Procedures) Order 2026

General concerns:

1. Whether it is appropriate to place medical issues and possible medical negligence with local authority officers and councillors. Whilst some local authority officers have health and safety type experience, it is not to say that this includes what would be a very specialist regime relating to medical matters. While it is recognised that what is proposed places only simply procedures within the remit of local authorities, but it is likely complaints of a medical nature would be received to the local authority.
2. Would a licence holder be required to have insurance? This is not detailed as a mandatory condition within the draft. If a licence holder is required to have insurance would the insurance be required to cover medical negligence (something which is out with the licensing remit)? Is that type of insurance even available?
3. By giving local authorities responsibility for such matters and where a licence holder has acted negligently, there is concern that the local authority may be sued in some way, given a licensing regime would be in place.
4. There would be a need for specialist training for local authority officers.
5. Clear guidance would be required to facilitate consistency of approach nationally.

Temporary licences

1. Temporary licences (paragraph 7 of schedule 1 to the Civic Government (Scotland) Act 1982) - the paragraphs that are proposed to be amended within the draft, many of these do not apply in relation to a temporary licence for this type of activity.
2. For a temporary licence, only Scottish Fire and Rescue Service and Police Scotland are able to be consulted on an application – the local authority is unable to make any other inquiries (for example with environmental health officers). This is unlike a full licence where it can be done under paragraph 4 of schedule 1 of the Civic Government (Scotland) Act 1982. This will mean temporary licences will be treated differently and could be granted by a licensing authority without “consultation/inquiries” from environmental health officers, unlike a full licence application. It should be noted that a temporary licence could potentially, operate for over a year under paragraph 7(6) of schedule 1 to the Civic Government (Scotland) Act 1982.

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