

## Introduction

[Consumer Scotland](#) is the statutory body for consumers in Scotland. Established by the Consumer Scotland Act 2020, we are accountable to the Scottish Parliament. We responded to the Health, Sport and Social Care Committee's [Call for Evidence](#) in November and gave evidence to the Committee on [2 December](#). We also [provided written evidence on the Civic Government \(Scotland\) Act 1982 \(Licensing of Non-surgical Procedures\) Order 2026](#) regarding the regulation of lower-risk procedures. We previously submitted [Stage 1](#) and Stage 2 briefings to MSPs. Our comments are limited to Part 1 of this Bill. We note that the Licensing Order was approved by the Scottish Parliament [on 11 February](#), as recommended by the Committee. Consumer Scotland welcomes the intention to protect consumers who wish to access non-surgical procedures from harm and supports the Bill.

## Key points for the debate on 17 March

### Guidance and information

- We previously recommended strengthening the Bill with provisions enabling Ministers to set requirements around the provision of specific information to consumers, including on risks, aftercare, and complaints and redress options. The Minister has [asked](#) Members to rely on Healthcare Improvement Scotland (HIS) guidance instead, and we note that on 26 February HIS published its [Clinical Governance Standards](#) which will apply to regulated providers.
- While these standards contain very useful guidance that covers much of what we wanted to see, there are a number of omissions. To address these gaps we recommend that the Scottish Government engages with HIS to ensure that the guidance is amended to:
  - Include specific reference to **aftercare instructions** as required information to be provided to consumers
  - Clearly specify the requirement for **indemnity and insurance** for providers and clinics
  - Specify that providers must proactively inform consumers of their **internal complaints process**
  - Specify that where providers signpost consumers for advice, this must be to **independent advocacy and advice services**.
- We also recommend that Members support [amendment 6](#), which seeks to empower Scottish Ministers to issue and publish further guidance on Part 1 of the Bill in the future. We recommend that as part of this guidance, the Scottish Government should include a clear checklist of key actions that providers will need to take to comply with the new regulations, recognising that many providers will not have been covered by HIS regulation previously. The government should work with HIS and local authorities in the development of this guidance.

- We previously recommended the Scottish Government should ensure clear plans are in place to signpost businesses to sources of support, accessible guidance, and potential funding to help them meet the new regulations and reduce the risk of consumer harm. While it is disappointing that the Scottish Government has not yet committed to allocating specific funding, we agree that there is an important signposting role for both HIS and local authorities to direct providers towards support. We recommend Members support [amendment 24](#) which seeks to ensure HIS publishes information that signposts providers to advice, support, and funding.

## Reviews, monitoring, and enforcement

- Given the anticipated role of the Clinical Governance Standards, when reviewing the capacity of HIS to enforce provisions in the Bill, the Scottish Government should specifically ensure that HIS has sufficient capacity and resources to monitor and enforce the requirements of these Standards, to help prevent consumer harm
- Having previously highlighted the need for enforcement bodies to be appropriately resourced, we recommend Members support [amendments 25 and 26](#). Amendments 25 and 26 would provide an opportunity to assess the needs of HIS prior to implementation and within 12 months of implementation of sections 2 and 3.
- We also recommend that Members support [amendment 28](#) which will secure a comprehensive review of the effectiveness of the legislation. Given the rapidly evolving nature of this sector we recommend that this review is carried out within 3 years of section 3 coming into force.
- Where any reviews identify the need for HIS to have additional enforcement capacity, the Scottish Government should ensure that appropriate resources are available.
- It will also be important that local authorities have sufficient resources to deliver their enforcement requirements under the Licensing Order.

## Public awareness

- We welcome the Scottish Government's commitment to a public awareness campaign.
- **We note** that [the Minister has previously noted the potential for social media to be an important focus of public awareness raising](#).
- We agree that social media has a key role to play in public awareness raising, given it is a significant route through which non-surgical procedures are commonly advertised. It will be important however, for a wide range of communications channels to be used to support the campaign. The campaign should target both providers and consumers and signpost both to information sources.
- Any public awareness campaign should also include information on how to report suspected illegal providers of non-cosmetic procedures.

## Considerations around the broader regulatory framework

The Bill and the Licensing Order are intended to take effect from 6 September 2027. There are a number of issues that will need to be addressed before this.

- Licensing Order for lower-risk procedures: We note that the Order received parliamentary approval on [11 February](#). We previously requested clarifications on the monitoring and enforcement of procedures that could fall under either the Licensing or Bill, to ensure consumer safety for every procedure. We welcome the Minister’s assurances that detailed guidance will be provided and her suggestion to bring together a working group to ensure consistency of implementation. We also welcome the Scottish Government’s intention to explore requiring local authorities to make information on licensed providers easily accessible to the public, and its commitment to ensuring that temporary licenses are granted for strictly defined periods.
- UK Government collaboration: We previously highlighted the importance of a consistent, safe approach throughout the UK to avoid cosmetic tourism. Due to Part 3 of the UK Internal Market Act, we recognise that the Scottish Government is not able to independently determine training requirements, or what “supervision” by regulated healthcare professionals would entail and we note that discussions between the Scottish and UK Governments are ongoing.