



Institute of Licensing

# National Training Conference 2022

**Health & Social Care Bill:  
Reform of regulation for beauty  
and aesthetics**

**Sarah Clover, kings chambers**



**Lord Kamall**

*The Government are committed to improving the safety of non-surgical cosmetic procedures by establishing a licensing system. This will support the introduction of consistent standards that individuals carrying out such cosmetic procedures will have to meet, as well as hygiene and safety standards for premises. The definitions in the amendment are intended to cover the broad range of cosmetic procedures which, if improperly performed, have the potential to cause serious injury and harm. The subsequent regulations will set out in detail the treatments to be covered by the licensing system, and the detailed conditions and training requirements individuals would have to meet.*

*The purpose of this amendment is not to ban procedures or stifle innovation, but rather to ensure that consumers who choose to undergo a cosmetic procedure can be confident that the treatment they receive is safe and of a high standard. The Government will work with stakeholders, including noble Lords, to put in place a licensing regime that works for both consumers and providers, protecting those who choose to receive cosmetic procedures without placing unnecessary restrictions on legitimate businesses.*

*.... proposed new subsection (2)(e) provides scope to encompass a variety of treatments which involve a wide range of application techniques, including radiofrequency and ultrasound devices. The aim of the licensing scheme is to protect the public from the risk of harm. To achieve this, the regulations will specify the standards of training required. The proposed new clause will also allow regulations to make provisions about the duration, renewal, variation, suspension or revocation of licences.*

*The range of non-surgical cosmetic procedures available to consumers is vast. Therefore, drawing up the regulations will require detailed consultation with a range of stakeholders. This will include a number of partners, such as the cosmetics industry and local authorities. We will try to do this as quickly as possible, while ensuring that the list is as comprehensive as possible. We will try to get that balance.*

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# Health and Care Act 2022

## Cosmetic procedures

### 180 Licensing of cosmetic procedures

(1) The Secretary of State may, for the purposes of reducing the risk of harm to the health or safety of members of the public, make regulations—

- (a) prohibiting an individual in England from carrying out specified cosmetic procedures in the course of business, unless the person has a personal licence;
- (b) prohibiting a person from using or permitting the use of premises in England for the carrying out of specified cosmetic procedures in the course of business, unless the person has a premises licence.

(2) In this section—

“cosmetic procedure” means a procedure, other than a surgical or dental procedure, that is or may be carried out for cosmetic purposes; and the reference to a procedure includes—

- (a) the injection of a substance;
- (b) the application of a substance that is capable of penetrating into or through the epidermis;
- (c) the insertion of needles into the skin;
- (d) the placing of threads under the skin;
- (e) the application of light, electricity, cold or heat;

“licensed premises” means premises in respect of which a premises licence is in force;

“local authority” means—

- (a) a county council in England;
- (b) a district council in England;
- (c) a London borough council;
- (d) a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;
- (e) the Common Council of the City of London (in its capacity as a local authority), the Sub-Treasurer of the Inner Temple or the Under Treasurer of the Middle Temple;
- (f) the Council of the Isles of Scilly;

“personal licence” means a licence, granted by a specified local authority under the regulations, which authorises an individual to carry out a cosmetic procedure of a description specified in the licence;

“premises licence” means a licence, granted by a specified local authority under the regulations, which authorises premises to be used for the carrying out of a cosmetic procedure of a description specified in the licence;

“specified cosmetic procedure” means a cosmetic procedure of a description specified in the regulations;

“specified local authority” means a local authority of a description specified in the regulations.

(3) The provision which may be made by regulations under this section by virtue of section 183(1)(a) includes—

- (a) provision amending Schedule 5 to the Consumer Rights Act 2015 (investigatory powers);
  - (b) provision repealing, revoking or amending provision made by or under any local Act.
- (4) Before making regulations under this section, the Secretary of State must consult such persons as the Secretary of State considers appropriate.

(5) Schedule 19 makes further provision about regulations under this section (including provision for the imposition of fees, the creation of criminal offences and financial penalties).