

# Treatment for Regulation of the Beauty Industry



The beauty and aesthetics industry contributes significantly to the UK employment economy, and the range of treatments available to the public is constantly changing.

Our current legal regulatory regime in this field is woefully inadequate to control and regulate practitioners and service providers in the market now; let alone in the future.

In England, outside London, acupuncture, skin colouring, cosmetic piercing and electrolysis are capable of being regulated by adoptive registration under the Local Government (Miscellaneous Provisions) Act 1982. In London, a wider range of treatments can be licensed by London-centric legislation. In Wales, the Public Health (Wales) Act 2017 applies; which does not extend the range of treatments, but provides more flexibility. Local Authorities also have the option to introduce Local Acts, and byelaws, covering hygiene; and model byelaws address infection control.

There are other ways of penalising harmful practices, ranging from Health and Safety at Work (etc) Act 1974 offences, to Trading Standards offences, to Regulations controlling of hazardous substances, and even prosecution for assault. But the complexity of procedure, and the difficulty in understanding the suitability of the legal options available to regulatory officers means that, too often, good practice is not enforced. It would take extensive experience and an abundance of confidence in knowledge of the legislation for officers to proceed to active enforcement in many cases, and this is hard to achieve with the state of the law as it is. Furthermore, a large number of troubling cases are unreported in the first place, because the victims did not know where to turn to make their complaint, so malpractice is not even notified to those who could address it.

The legislative scheme is manifestly confusing, and the wide variation in approach upon a purely geographical basis is unhelpful. Even where adopted, the level of control that local authorities can exert, over practice and training under the legislation is low. It hardly seems too dramatic to describe the current legal landscape as chaos.

Current legislation does not even touch upon the wider range of treatments and services that the public now access on a regular basis. These include treatments such as botox and dermal fillers; electrical skin treatments involving high heat, or lasers. Legal definitions are too narrow to encompass many of these modern treatments, which are capable of causing significant harm if incorrectly applied. At a time when enforcement and protection need to be at their optimum level, the experience of professionals and the public is quite the opposite. The variability of the quality of practitioners in the market place is highly concerning. The plethora of informal policy and guidance simply makes matters more confusing, not least because much of it is inconsistent, or even contradictory.

The current regulatory landscape is not fit for purpose. Recently, the calls for a comprehensive overhaul of this worrying area of the law have become louder. In May 2019, an All Party Parliamentary Group for beauty, aesthetics and well-being was announced, and appears to be welcomed by Government. It seems likely that the timely formation of this APPG will be the catalyst for a complete review of the regulation of this industry, and it will need to be as thorough and fundamental as previous reforms of the alcohol, entertainment, gambling and animal licensing regimes have been.

This, therefore, is a key area for all those interested in the beauty and aesthetics industry to watch over the coming months and years. This is a positive opportunity for a complete re-design of a potentially exciting new area of regulatory law.