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Karin Smyth MP
Minister of State for Health
Department for Health and Social Care

16 January 2026

Dear Karin Smyth,

As you may be aware, the Scottish Government introduced the Non-surgical Procedures and Functions of Medical Reviewers [Bill](#) to regulate non-surgical (cosmetic) procedures in Scotland on 8 October 2025.

The aim of this Bill is to ensure there is robust and proportionate regulation in place so that anyone who chooses to have non-surgical procedures can do so safely. The Bill regulates non-surgical procedures which pierce or penetrate the skin, which might require input from a healthcare professional, whether that is a face-to-face consultation, prescription of medications or intervention in the event of complications. The Bill will regulate some of the most commonly undertaken non-surgical procedures, such as provision of Botox® and dermal fillers, and some of the highest risk procedures such as Brazilian Butt Lifts (BBLs).

The Scottish Government intended to include training and qualification standards and supervision requirements within the Bill, as well as restrict some procedures to being carried out by a healthcare professional only. However, in preparing the Bill, it was identified that the UK Internal Market Act 2020 (UKIMA) has a potential impact on what can be regulated for in Scotland.

I understand my officials have been discussing this impact with Department for Business and Trade and Department for Health and Social Care officials over the summer and autumn. However, given the Non-surgical Procedures and Functions of Medical Reviewers (Scotland) Bill is currently going through scrutiny in the Scottish Parliament, I would like to provide as much clarity to MSPs as possible. The Bill is currently at Stage 1, which will be completed by 6 February 2026, and its passage through Parliament will be completed before 26 March. I would therefore be grateful if you could set out your understanding of how Part 3 of UKIMA is

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intended to work on behalf of the UK Government, and share any consideration of how you anticipate it will affect your own plans in this area.

The Scottish Government considers that Part 3 of UKIMA would be engaged by any provisions made under the Bill that set a training standard for practitioners, or prevents practitioners who do not hold certain qualifications or are not existing regulated professionals from providing certain procedures. While there may be remedies under UKIMA, such as the introduction of an individual assessment process under section 26 scheme, these may have a number of practical challenges for the sector.


Given both England and Scotland will be seeking to introduce training and qualification standards, supervision requirements and to restrict the provision of some procedures to certain healthcare professionals in the non-surgical procedures sector in the coming years, I would like to ask that we work together to see if mutually agreeable and enforceable standards can be agreed. This would support and provide greater clarity for businesses working in the sector and those seeking these procedures. I would also appreciate an update on your intended timeline for progressing legislative work in this space following the consultation response that DHSC published last summer.

I will not rehearse the arguments as to UKIMA's effect – they have been set out repeatedly by the Scottish Government and a wide range of legal and academic experts during the recent statutory review. I am, however, anxious to ensure that UKIMA – legislation passed without Holyrood's consent – does not frustrate the Scottish Parliament's ability to legislate on a matter of urgent public health concern as it would want to. I would also note that UKIMA may present challenges for the UK Government's intention to introduce similar legislation for England.

I am copying this letter to Chief Secretary to the Prime Minister and Minister for Intergovernmental Relations and the Secretary of State for Business and Trade.

A response for the end of January would be appreciated, to inform the discussion of the Non-surgical Procedures and Functions of Medical Reviewers Bill as it passes through the Scottish Parliamentary process. I have instructed my officials to work constructively with your officials to support this; on a matter I know is of common concern to us both.

With best wishes,



Jenni Minto
Minister for Public Health and Women's Health

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