

Non-surgical Procedures and Functions of Medical Reviewers (Scotland) Bill

[AS INTRODUCED]

CONTENTS

Section

PART 1

NON-SURGICAL PROCEDURES

Meaning of “non-surgical procedure”

1 Meaning of “non-surgical procedure”

Offence of providing a non-surgical procedure to person under 18

2 Offence of providing a non-surgical procedure to person under 18

Offence of providing a non-surgical procedure outwith permitted premises

3 Offence of providing a non-surgical procedure outwith permitted premises

4 Meaning of “permitted premises”

Power to make further provision about non-surgical procedures

5 Power to make further provision about non-surgical procedures

Enforcement powers

6 Meaning of “authorised person”

7 Powers of entry, search and seizure

8 Restrictions on powers of entry, search and seizure

9 Conditions for issue of warrant

10 Expiry of warrant

11 Offence of obstructing an authorised person

Enforcement of offences

12 Penalties

13 Individual culpability where organisation commits an offence

Minor and consequential modifications of the 1978 Act

14 Modifications of the 1978 Act

Interpretation of Part 1

15 Interpretation of Part 1

PART 2

CERTIFICATION OF DEATH AND AUTHORISATION OF CREMATION

Certification of death

- 16 Application for review of medical certificate of cause of death

Authorisation of cremation

- 17 Deaths outwith the United Kingdom: authorisation of cremation by medical reviewer

PART 3

FINAL PROVISIONS

- 18 Ancillary provision
19 Regulation-making powers
20 Commencement
21 Short title

Schedule 1—Specified non-surgical procedures

Schedule 2—Minor and consequential modifications of the 1978 Act

**THE FOLLOWING ACCOMPANYING DOCUMENTS ARE ALSO PUBLISHED:
Explanatory Notes (SP Bill 77-EN), a Financial Memorandum (SP Bill 77-FM), a Policy
Memorandum (SP Bill 77-PM), a Delegated Powers Memorandum (SP Bill 77-DPM) and
statements on legislative competence (SP Bill 77-LC).**

Non-surgical Procedures and Functions of Medical Reviewers (Scotland) Bill

[AS INTRODUCED]

An Act of the Scottish Parliament to prohibit the provision of non-surgical procedures to persons under the age of 18 or to any person outwith certain specified premises; to confer on the Scottish Ministers power to impose further restrictions and requirements relating to the provision of these procedures; to make provision in relation to certification of death and authorisation of cremation; and for connected purposes.

PART 1

NON-SURGICAL PROCEDURES

Meaning of “non-surgical procedure”

1 Meaning of “non-surgical procedure”

(1) In this Part, a “non-surgical procedure”—

(a) means a procedure that is carried out on a natural person which—

(i) pierces or penetrates the person’s skin, including by means of a needle, chemical, medicine, heat, cold, light, laser, sound or electricity, and

(ii) is of a kind specified in schedule 1, but

(b) does not include a procedure—

(i) that is provided by a person acting for or on behalf of the health service,

(ii) that is provided by a health care provider for the purpose of, or in connection with, preventing, diagnosing or treating an illness of the person mentioned in paragraph (a), or

(iii) that is designated by an order under section 44(1)(b) of the Civic Government (Scotland) Act 1982 as an activity for which a licence is required under Part 1 of that Act.

(2) In subsection (1)(b)(ii)—

“health care provider” means—

(a) an independent health care service that is registered with HIS,

- (b) a regulated health care professional, or
- (c) a person who, in providing the procedure, is acting in accordance with the directions of a regulated health care professional,

“illness” includes—

- (a) mental disorder within the meaning of section 328 of the Mental Health (Care and Treatment) (Scotland) Act 2003, and
- (b) any injury or disability requiring medical, surgical or dental treatment, or nursing.

- (3) In subsection (2), “regulated health care professional” means a person who is regulated by any of the following—

- (a) the General Medical Council,
- (b) the General Dental Council,
- (c) the General Optical Council,
- (d) the General Osteopathic Council,
- (e) the General Chiropractic Council,
- (f) the General Pharmaceutical Council,
- (g) the Nursing and Midwifery Council,
- (h) the Health and Care Professions Council.

- (4) The Scottish Ministers may by regulations modify subsection (3).

- (5) The Scottish Ministers may by regulations modify schedule 1.

Offence of providing a non-surgical procedure to person under 18

2 Offence of providing a non-surgical procedure to person under 18

- (1) It is an offence for a person to provide a non-surgical procedure to another person (“the client”) who is under the age of 18.

- (2) It is a defence for a person charged with an offence under subsection (1) (“the accused”) to show that the accused—

- (a) had taken reasonable steps to establish the client’s age before providing the non-surgical procedure, and
- (b) reasonably believed that the client was aged 18 or over at the time of providing the non-surgical procedure.

- (3) Without limiting the generality of subsection (2)(a), the accused is to be regarded as having taken reasonable steps to establish the client’s age before providing the non-surgical procedure if—

- (a) the accused was shown any of the documents mentioned in subsection (4), and
- (b) that document would have convinced a reasonable person as to the client’s age.

- (4) The documents are any document appearing to be—

- (a) a passport,
- (b) a UK driving licence,

- (c) a European photocard driving licence,
- (d) a Ministry of Defence Form 90 (Defence Identity Card),
- (e) a photographic identity card that includes the national Proof of Age Standards Scheme hologram,
- 5 (f) a national identity card issued by a member State, Norway, Iceland, Liechtenstein or Switzerland, or
- (g) a Biometric Immigration Document issued in accordance with the Immigration (Biometric Registration) Regulations 2008 (S.I. 2008/3048).

- 10 (5) It is to be regarded as shown that the accused took the reasonable steps mentioned in paragraph (a) of subsection (2), or had the reasonable belief mentioned in paragraph (b) of that subsection, if—
- (a) enough evidence is adduced to raise an issue as to whether that is the case, and
 - (b) the prosecution does not prove beyond reasonable doubt that is not the case.
- (6) The Scottish Ministers may by regulations modify subsection (4).

15 *Offence of providing a non-surgical procedure outwith permitted premises*

3 Offence of providing a non-surgical procedure outwith permitted premises

- (1) It is an offence for a person to provide a non-surgical procedure to another person outwith permitted premises.
- 20 (2) It is a defence for a person charged with an offence under subsection (1) to show that the person reasonably believed at the time of providing the non-surgical procedure that the procedure was being provided in permitted premises.
- (3) It is to be regarded as shown that the person reasonably believed that the non-surgical procedure was being provided in permitted premises if—
- (a) enough evidence is adduced to raise an issue as to whether that is the case, and
 - 25 (b) the prosecution does not prove beyond reasonable doubt that is not the case.

4 Meaning of “permitted premises”

- (1) In section 3, “permitted premises” means—
- (a) any premises of an independent hospital that is registered with HIS,
 - (b) any premises of an independent clinic—
 - 30 (i) that is registered with HIS, and
 - (ii) whose services are provided or managed by a person mentioned in subsection (3),
 - (c) subject to subsection (2)—
 - 35 (i) any premises or mobile surgery at which general dental services are provided in accordance with an agreement pursuant to section 25 of the 1978 Act,
 - (ii) premises whose address is specified in an agreement pursuant to section 17C of the 1978 Act as one at which primary medical services are to be provided in accordance with the agreement,

(iii) premises whose address is specified in a contract pursuant to section 17J of the 1978 Act as one at which general medical services are to be provided in accordance with the contract,

(d) a registered pharmacy within the meaning of section 74 of the Medicines Act 1968.

(2) But premises do not fall within subsection (1)(c) if they are—

(a) a dwelling, or

(b) a care home.

(3) The persons referred to in subsection (1)(b)(ii) are—

(a) a registered medical practitioner,

(b) a person registered in the dentists register under the Dentists Act 1984,

(c) a registered nurse who is noted in the Nursing and Midwifery Register as being qualified to order drugs, medicines and appliances as a nurse independent prescriber,

(d) a registered midwife who is noted in the Nursing and Midwifery Register as being qualified to order drugs, medicines and appliances as a nurse independent prescriber,

(e) a pharmacist independent prescriber.

(4) The Scottish Ministers may by regulations modify this section.

(5) In this section—

“care home” means accommodation occupied exclusively or mainly by individuals aged 16 or over that is provided by an organisation carrying on a care home service (within the meaning of paragraph 2 of schedule 12 of the Public Services Reform (Scotland) Act 2010),

“independent clinic” has the meaning given by section 10F(2) of the 1978 Act,

“independent hospital” has the meaning given by section 10F(2) of the 1978 Act,

“Nursing and Midwifery Register” means the register maintained under article 5 of the Nursing and Midwifery Order 2001 (S.I. 2002/253),

“pharmacist independent prescriber” means a person who is—

(a) registered as a pharmacist in—

(i) Part 1 of the register maintained under article 19 of the Pharmacy Order 2010 (S.I. 2010/231), or

(ii) the register maintained in pursuance of articles 6 and 9 of the Pharmacy (Northern Ireland) Order 1976 (S.I. 1976/1213 (N.I. 22)),
and

(b) noted in that register as being qualified to order drugs, medicines and appliances as a pharmacist independent prescriber.

Power to make further provision about non-surgical procedures

5 Power to make further provision about non-surgical procedures

- (1) The Scottish Ministers may by regulations impose further restrictions and requirements in relation to the provision of non-surgical procedures.
- 5 (2) Regulations under subsection (1) may—
 - (a) modify any enactment (including this Act),
 - (b) create an offence in connection with a contravention of a restriction, or failure to comply with a requirement, imposed by virtue of the regulations.
- (3) Regulations under subsection (1) may in particular—
 - 10 (a) impose different restrictions and requirements by reference to categories of non-surgical procedure as specified in the regulations,
 - (b) specify persons, or descriptions of persons, who may provide, or supervise the provision of, a non-surgical procedure,
 - 15 (c) specify requirements about the training or qualifications of persons who may provide, or supervise the provision of, a non-surgical procedure,
 - (d) confer functions relating to the enforcement of restrictions and requirements imposed by virtue of the regulations.
- (4) The maximum penalty that may be provided for in regulations under subsection (1) for a person who commits an offence created by regulations under subsection (1) is, on
20 summary conviction, a fine not exceeding level 5 on the standard scale.

Enforcement powers

6 Meaning of “authorised person”

- (1) In this Part, an “authorised person” is a person authorised by HIS to exercise functions conferred on an authorised person by this Part.
- 25 (2) An authorised person must, on request, produce a document from HIS which confirms the person is authorised under subsection (1).

7 Powers of entry, search and seizure

- (1) An authorised person may, subject to subsection (8), enter and search any premises for the purpose of ascertaining whether or not an offence under section 2 or 3 has been or is being committed if condition A and condition B are satisfied.
- 30 (2) Condition A is that the authorised person has reasonable grounds to believe that—
 - (a) an offence under section 2 or 3 has been or is being committed at the premises, or
 - (b) the premises have been or are being used in connection with an offence under section 2 or 3.
- 35 (3) Condition B is that—
 - (a) permission has been given by the occupier of the premises (or another person with the authority to do so),
 - (b) a warrant has been granted under section 9 in relation to the premises, or

(c) subsection (4) applies.

(4) This subsection applies if—

(a) it appears to the authorised person that any delay would frustrate the purpose of ascertaining whether or not an offence under section 2 or 3 has been or is being committed, and

(b) the premises are not used as a dwelling.

(5) An authorised person may seize any thing found on the premises if the person has reasonable cause to believe that it may provide evidence of the commission of an offence under section 2 or 3.

(6) An authorised person, entitled by this section to enter premises, may take onto or into the premises any other person, or any equipment, as may be necessary for the purposes of assisting the authorised person.

(7) The occupier of the premises, or any person who appears to be under the direction or control of the occupier, must—

(a) comply with a reasonable direction given by an authorised person exercising a power under this section, and

(b) in particular, give the authorised person such information or assistance as the authorised person may reasonably require.

(8) This section does not apply in relation to any premises that are used, or which HIS (or a person acting on behalf of HIS) has reasonable cause to believe are used, for the purpose of providing an independent health care service.

(9) In this section, “premises” includes any—

(a) land or building,

(b) vehicle, vessel, trailer, aircraft or hovercraft,

(c) tent or other moveable structure.

8 Restrictions on powers of entry, search and seizure

(1) A power under section 7(1) may be exercised by an authorised person only at a reasonable time unless it appears to the person that the purpose of exercising the power would be frustrated by exercising it at such a time.

(2) On leaving any premises, the authorised person must, if the premises are unoccupied or the occupier of the premises is temporarily absent, leave the premises as effectively secured against entry as the authorised person found them.

(3) A thing seized under section 7(5) must be returned when its retention is no longer justified for the purpose of—

(a) enabling it to be used in proceedings for an offence under section 2 or 3, or

(b) enabling it to be forfeited in accordance with Part 2 of the Proceeds of Crime (Scotland) Act 1995.

(4) Subsection (3) does not apply to perishable things which no longer have any commercial value.

9 Conditions for issue of warrant

(1) A sheriff or justice of the peace may grant a warrant under this section in relation to premises if satisfied—

(a) that there are reasonable grounds for believing that—

(i) an offence under section 2 or 3 has been or is being committed at the premises, or

(ii) the premises have been or are being used in connection with an offence under section 2 or 3, and

(b) condition A or condition B is satisfied.

(2) Condition A is—

(a) admission to the premises has been refused or a refusal may be reasonably expected, or

(b) notice of the intention to seek a warrant has been given to the occupier of the premises, or the giving of such notice would frustrate the purpose for which the warrant is sought.

(3) Condition B is—

(a) that the premises are unoccupied, or

(b) that the occupier of the premises is temporarily absent.

10 Expiry of warrant

A warrant granted under section 9 remains in force until it is no longer required for the purpose for which it is granted.

11 Offence of obstructing an authorised person

A person commits an offence if the person—

(a) intentionally prevents or obstructs an authorised person from doing anything which the authorised person is authorised or entitled to do by virtue of this Act, or

(b) contravenes section 7(7) without reasonable excuse.

Enforcement of offences

12 Penalties

A person who commits an offence under section 2, 3 or 11 is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

13 Individual culpability where organisation commits an offence

(1) This section applies where—

(a) an offence under section 2, 3 or 11 is committed by a relevant organisation, and

(b) the commission of the offence—

(i) involves consent or connivance on the part of a responsible individual, or

(ii) is attributable to neglect on the part of a responsible individual.

(2) The responsible individual (as well as the relevant organisation) commits the offence.

(3) For the purposes of this section—

“relevant organisation” means an organisation listed in the first column of the table in subsection (4),

“responsible individual” means, in relation to a relevant organisation—

(a) an individual falling within the corresponding entry in the second column of the table, or

(b) an individual purporting to act in the capacity of an individual falling within the corresponding entry.

(4) The table is as follows—

<i>Organisation</i>	<i>Individual</i>
Company as mentioned in section 1 of the Companies Act 2006	Director, manager, secretary or other similar officer, or, where the company’s affairs are managed by its members, member
Limited liability partnership	Member
Other partnership	Partner
Any other body or association	Individual who is concerned in the management or control of its affairs

Minor and consequential modifications of the 1978 Act

14 Modifications of the 1978 Act

Schedule 2 makes minor and consequential modifications of the 1978 Act in relation to the provision of non-surgical procedures.

Interpretation of Part 1

15 Interpretation of Part 1

In this Part—

“the 1978 Act” means the National Health Service (Scotland) Act 1978,

“authorised person” has the meaning given by section 6,

“health service” means the health service established under section 1 of the 1978 Act,

“HIS” means Healthcare Improvement Scotland,

“independent health care service” has the meaning given by section 10F of the 1978 Act,

“non-surgical procedure” has the meaning given by section 1,

“registered with HIS” means registered under section 10P of the 1978 Act.

PART 2

CERTIFICATION OF DEATH AND AUTHORISATION OF CREMATION

Certification of death

16 Application for review of medical certificate of cause of death

- (1) The Certification of Death (Scotland) Act 2011 is amended as follows.
- (2) In section 4 (application for review of certificate by interested person)—
- (a) for subsection (3), substitute—
- “(3) The medical reviewer may reject an application under subsection (1) if the medical reviewer—
- (a) considers the application to be vexatious,
- (b) considers the application to be identical to, or substantially the same as, an application relating to a medical certificate of cause of death that has been or is being reviewed under section 8(1)(b), or
- (c) considers it otherwise appropriate to do so.”,
- (b) after subsection (3), insert—
- “(3A) Where an application is rejected under subsection (3), the medical reviewer must inform the applicant of the reason for the rejection.”,
- (c) in subsection (6), paragraphs (b) and (c) are repealed.
- (3) In section 8 (review of medical certificates of cause of death), in subsection (1), the words “as vexatious” are repealed.

Authorisation of cremation

17 Deaths outwith the United Kingdom: authorisation of cremation by medical reviewer

- (1) The Certification of Death (Scotland) Act 2011 is amended as follows.
- (2) In section 18 (medical reviewers to authorise cremation), in subsection (1)(a), for “Scotland” substitute “the United Kingdom”.
- (3) The italic heading before section 17 becomes “Deaths outwith the United Kingdom”.

PART 3

FINAL PROVISIONS

18 Ancillary provision

- (1) The Scottish Ministers may by regulations make any incidental, supplementary, consequential, transitional, transitory or saving provision they consider appropriate for the purposes of, in connection with or for giving full effect to this Act or any provision made under it.
- (2) Regulations under this section may modify any enactment (including this Act).

19 Regulation-making powers

- (1) Any power of the Scottish Ministers to make regulations conferred by this Act includes the power to make different provision for different purposes or areas.
- (2) Regulations under section 18—
 - (a) which add to, replace or omit any part of the text of an Act are subject to the affirmative procedure,
 - (b) otherwise, are subject to the negative procedure.
- (3) Regulations under section 1(4) or 2(6) are subject to the negative procedure.
- (4) Regulations under section 1(5), 4(4) or 5(1) are subject to the affirmative procedure.

20 Commencement

- (1) This section and sections 15, 18, 19 and 21 come into force on the day after Royal Assent.
- (2) The other provisions of this Act come into force on such day as the Scottish Ministers may by regulations appoint.

21 Short title

The short title of this Act is the Non-surgical Procedures and Functions of Medical Reviewers (Scotland) Act 2026.

SCHEDULE 1
(Introduced by section 1(1)(a)(ii))

SPECIFIED NON-SURGICAL PROCEDURES

Ablative laser treatment

- 5 1 A procedure in which a laser is used to remove one or more layers of skin.

Cellulite subcision

- 2 A procedure in which a needle is used to cut fibrous bands that connect skin to underlying tissue.

Chemical peel

- 10 3 A procedure—
 (a) in which a chemical is used to remove skins cells in the area of treatment, and
 (b) which penetrates deeper than the epidermis.

Dermal microcoring

- 15 4 A procedure in which a needle is inserted into skin and is used to remove a small core of skin tissue.

Injectable procedure

- 5 A procedure other than tattooing in which a substance is injected into or under skin.

Intravenous procedure

- 6 A procedure in which a substance is administered intravenously.

20 *Microneedling*

- 7 A procedure in which microneedles are used to puncture skin to a depth of 1.5 millimetres or more.

Thread lift

- 8 A procedure in which threads (whether smooth or textured) are inserted under skin.

25 *Interpretation*

- 9 In this schedule—
 “filler” means any substance used for dermal or mucous membrane filling (whether or not designed to be so used),
 “substance” includes any medicine, vitamin, mineral, toxin, filler and gas,
30 “tattooing” means the insertion into skin of any colouring material designed to leave a semi-permanent or permanent mark including micro pigmentation.

SCHEDULE 2
(Introduced by section 14)

MINOR AND CONSEQUENTIAL MODIFICATIONS OF THE 1978 ACT

1 The 1978 Act is amended as follows.

5 2 In section 10A (Healthcare Improvement Scotland), in subsection (1)—

(a) in paragraph (a), after “2021 Act” insert “, the Non-surgical Procedures and Functions of Medical Reviewers (Scotland) Act 2026 and regulations made under section 5 of that Act”,

10 (b) in paragraph (b), for the words from “health care” to the end of the paragraph substitute “—

(i) health care,

(ii) services provided under the 2021 Act, and

15 (iii) the provision of non-surgical procedures within the meaning of section 1 of the Non-surgical Procedures and Functions of Medical Reviewers (Scotland) Act 2026.”,

3 In section 10S (cancellation of registration), in subsection (2)(b)—

(a) the “or” immediately following paragraph (i) is repealed,

(b) after paragraph (ii) insert “, or

20 (iii) the requirements or restrictions imposed by virtue of regulations under section 5 of the Non-surgical Procedures and Functions of Medical Reviewers (Scotland) Act 2026.”.

Non-surgical Procedures and Functions of Medical Reviewers (Scotland) Bill

[AS INTRODUCED]

An Act of the Scottish Parliament to prohibit the provision of non-surgical procedures to persons under the age of 18 or to any person outwith certain specified premises; to confer on the Scottish Ministers power to impose further restrictions and requirements relating to the provision of these procedures; to make provision in relation to certification of death and authorisation of cremation; and for connected purposes.

Introduced by: Neil Gray
On: 8 October 2025
Bill type: Government Bill

© Parliamentary copyright. Scottish Parliamentary Corporate Body

Information on the Scottish Parliament's copyright policy can be found on the website -

www.parliament.scot

Produced and published in Scotland by the Scottish Parliamentary Corporate Body.

All documents are available on the Scottish Parliament website at:

www.parliament.scot/documents