

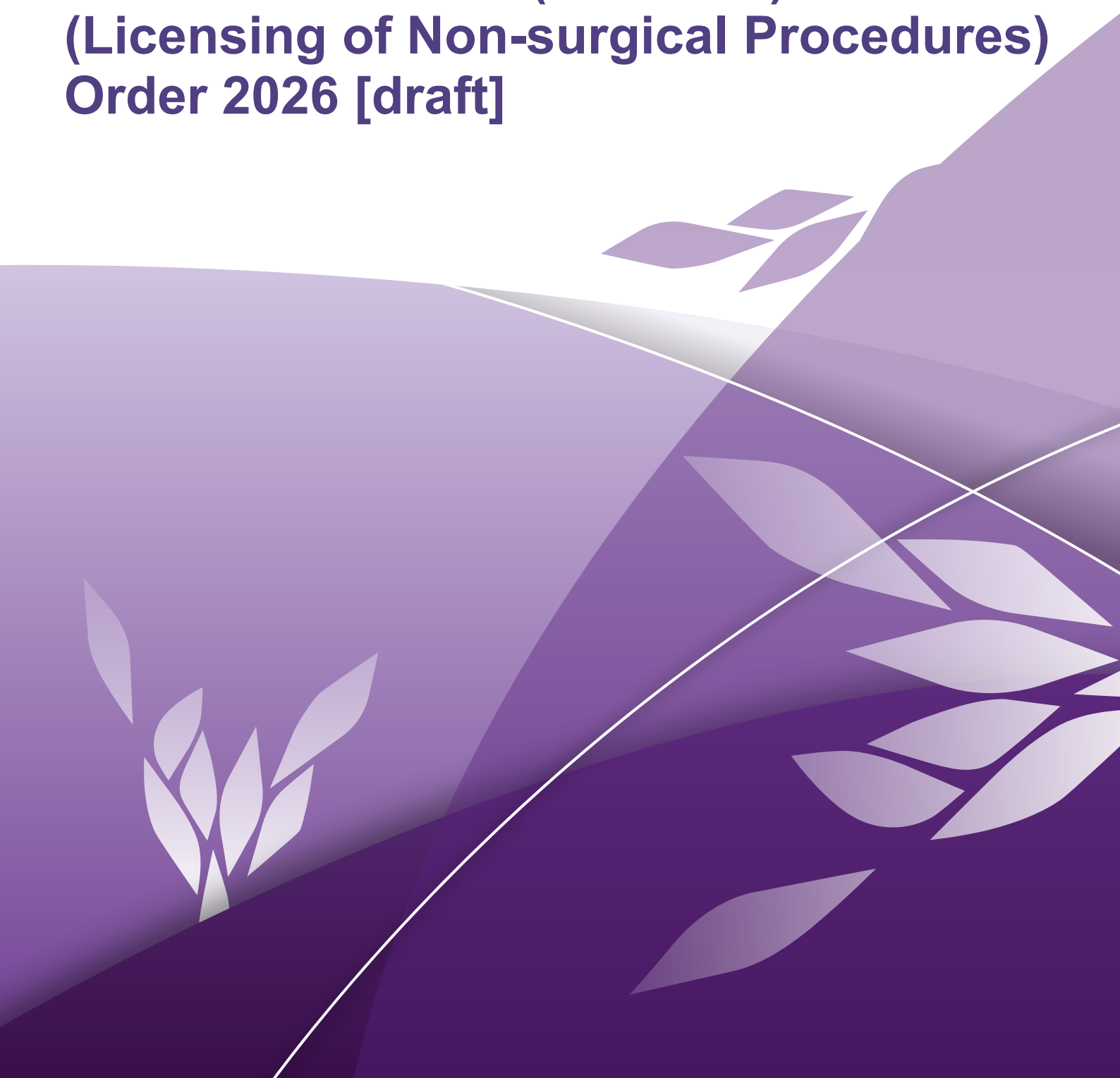


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Health, Social Care and Sport Committee

Civic Government (Scotland) Act 1982 (Licensing of Non-surgical Procedures) Order 2026 [draft]



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Health, Social Care and Sport Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Health and Social Care.

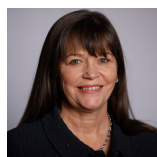


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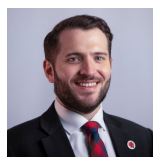


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Committee Membership



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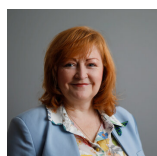
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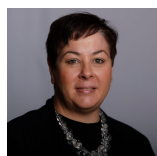
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Brian Whittle
Scottish Conservative
and Unionist Party

Introduction

1. This report sets out the Health, Social Care and Sport Committee's consideration of the following Scottish Statutory Instrument (SSI) at its meeting on 27 January 2026 - [The Civic Government \(Scotland\) Act 1982 \(Licensing of Non-surgical Procedures\) Order 2026](#).
2. The instrument, laid in draft, is subject to the affirmative procedure – which means it cannot be made unless it has been approved by a resolution of the Parliament.
3. The minutes of the meeting have been published on the Committee's webpages. The Official Report of the meeting will also be published on the Committee's webpages.

Civic Government (Scotland) Act 1982 (Licensing of Non-surgical Procedures) Order 2026 [draft]

4. The instrument establishes a licensing scheme for the provision of certain non-surgical procedures which pierce or penetrate the skin, and do not require the input of a health care professional. Procedures which are undertaken for health care treatment purposes are not included. The Order will ensure that these procedures are only provided from appropriate settings. It will designate the activity for which a licence under the Civic Government (Scotland) Act 1982 is required from 6 September 2027.
5. The [Policy Note](#) accompanying the instrument states that those non-surgical procedures covered by the instrument are currently carried out by a variety of types of practitioners and that there is currently no restriction on where these procedures can be carried out. The instrument will create a requirement for practitioners performing certain non-surgical procedures to obtain a licence. Schedule 1 of the Order specifies which non-surgical procedures will be included.
6. The Order is related to primary legislation, namely the [Non-surgical Procedures and Functions of Medical Reviewers \(Scotland\) Bill](#). The Policy Note accompanying the instrument explains that the Scottish Government has grouped non-surgical procedures according to level of risk:
 - ” Following extensive engagement with stakeholders, including health care professionals, nonhealth care practitioners, business owners, environmental health officers and clinical advisers, the Scottish Government has grouped procedures into those which require the input of a health care professional, whether for initial consultation and the prescribing of medicines or to treat any complications which might arise, and those which do not. The former category are the subject of separate primary legislation and the latter are to be subject to a licensing regime run by local authorities put in place by this Order. This Order and primary legislation form a suite of legislation which will regulate non-surgical procedures, ensuring they take place in appropriate settings where standards of hygiene and safety can be met. ¹
7. The following impact assessments have been carried out in relation to this instrument:
 - [Child Rights and Wellbeing Impact Assessment](#);
 - [Equality and Fairer Scotland Duty Impact Assessment](#);
 - [Island Communities Impact Assessment Consideration](#).

Delegated Powers and Law Reform Committee Consideration

8. The Delegated Powers and Law Reform (DPLR) Committee is required to consider every instrument laid before the Parliament and decide whether to draw it to the attention of the Parliament on any of the “reporting grounds” set out in Rule 10.3 of the Parliament's standing orders.
9. The DPLR Committee considered the instrument on 20 January 2026 and reported on it in its [8th Report, 2026](#). The DPLR Committee made no recommendations in relation to the instrument.

Health, Social Care and Sport Committee consideration

10. The Health, Social Care and Sport Committee is required to consider and report on the instrument.
11. Ahead of its consideration of the instrument, the Committee wrote to a number of stakeholders seeking their written views on the Order. The Committee received 20 responses and these have been published on the Scottish Parliament's [website](#). SPICe have also published a [summary analysis of the responses](#). This includes an analysis of those responses to the Committee's separate call for views on the [Non-surgical Procedures and Functions of Medical Reviewers \(Scotland\) Bill](#) which made reference to a local authority licensing model for regulating non-surgical procedures.
12. The Committee took evidence from the Minister, and supporting officials, on the instrument at its meeting on 27 January 2026. During the evidence session, the Minister highlighted that the Order is part of a 'suite' of legislation to regulate non-surgical procedures, which includes this Order and the [Non-surgical Procedures and Functions of Medical Reviewers \(Scotland\) Bill](#). She explained that the risks posed by the procedures regulated by the Order can be appropriately mitigated by a licensing scheme that sets mandatory standards for hygiene, processes and equipment.
13. The Minister was asked to explain the rationale behind including some procedures in the Order, rather than the Bill. The Minister responded that extensive work had been undertaken to ensure that the right procedures were subject to the appropriate and proportionate level of regulation.
14. The Minister was then asked to respond to concerns that the boundaries between procedures regulated by the Bill and the Order may not be entirely clear, particularly with regards to technical aspects. She was further asked if the Scottish Government would be providing funding for training for local authority staff who would be carrying out inspections and enforcing the Order. The Minister responded that work was being undertaken to ensure local authorities work collaboratively with Healthcare Improvement Scotland on this. She suggested this could include a working group bringing different organisations and areas of expertise together to ensure consistency of implementation. Scottish Government official Owen Griffiths explained that detailed guidance would be provided, for example to specify which products could be used in procedures covered by the Order versus the Bill.
15. Members asked for clarification regarding whether local authorities will be expected to make any assessments on training or skills requirements for license applicants. In response, the Minister acknowledged the importance of training requirements. However, she explained that section 3 of the UK Internal Market Act would be engaged should the Scottish Government decide to regulate in this area and that discussions with the UK Government to address this issue were ongoing.
16. Members also asked how the Scottish Government plans to support local authorities with undertaking new duties resulting from the Order, given current

resourcing challenges. The Minister responded by recognising there would be an increase in work for environmental health officers resulting from the Order, but added that the Scottish Government would work with local authorities to provide guidance on this.

17. The Minister was further asked how the Scottish Government will raise public awareness of the new regulatory regime and whether there were any plans for a register of practitioners to be created to support consumers to be able to access procedures safely. Owen Griffiths explained that, although there were no plans for a national register, local authorities are already required to maintain a list of businesses that have been granted a license and that it could be made a requirement across local authorities for this information to be made easily accessible to consumers.
18. The Minister was asked how the Scottish Government plans to tackle rogue, unlicensed operators in this sector and whether new protocols will be developed. The Minister responded that Police Scotland and local authorities will have powers to search unlicensed premises should there be enough evidence to suggest non-surgical procedures are taking place there.
19. Finally, the Minister responded to a query about any steps that would be taken to ensure the granting of temporary licenses does not become a loophole to avoid proper regulation. The Minister responded that the Scottish Government planned to work with local authorities and COSLA to ensure that temporary licenses would only be granted for strictly defined time periods.
20. Following the evidence session, the Minister moved motion [S6M-20213](#):

That the Health, Social Care and Sport Committee recommends that the Civic Government (Scotland) Act 1982 (Licensing of Non-surgical Procedures) Order 2026 be approved.
21. The motion was agreed to.

22. The Health, Social Care and Sport Committee recommends to the Scottish Parliament that the Civic Government (Scotland) Act 1982 (Licensing of Non-surgical Procedures) Order 2026 be approved.

- [1] Scottish Government. (2025). The Civic Government (Scotland) Act 1982 (Licensing of Non-surgical Procedures) Order 2026 Policy Note. Retrieved from https://www.legislation.gov.uk/sdsi/2026/9780111064917/pdfs/sdsipn_9780111064917_en_001.pdf

