POLICY NOTE

THE CIVIC GOVERNMENT (SCOTLAND) ACT 1982 (LICENSING OF NON-SURGICAL PROCEDURES) ORDER 2026

SSI 2026/XXX

The above instrument was made in exercise of the powers conferred by sections 3A(1) and (2), 44(1)(b) and (2) and 136(2) of the Civic Government (Scotland) Act 1982. The instrument is subject to affirmative procedure.

Summary Box

The purpose of the Civic Government (Scotland) Act 1982 (Licensing of Non-surgical Procedures) Order 2026 is to establish 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 of the provision of non-surgical procedures as an activity for which a licence under the Civic Government (Scotland) Act 1982 ("the 1982 Act") is required from 6 September 2027.

Policy Objectives

Non-surgical procedures are procedures undertaken for cosmetic purposes which pierce or penetrate the skin by means of a needle, chemical, medicine, heat or cold, laser, sound, light or electricity. They are currently performed by different types of practitioners. They may be carried out by regulated health care professionals who should be adequately trained and are subject to professional standards of competence and may be subject to investigation if concerns are raised. They may also be carried out by skilled beauty therapists and other practitioners who should also be adequately trained and may have voluntarily registered with a relevant professional organisation such as the British Association of Beauty Therapy and Cosmetology. However, in some cases individuals carry out procedures with no, or inadequate, training or oversight. Procedures are also sometimes carried out using unlicensed, unsuitable or low-quality products in inappropriate and unhygienic surroundings which can lead to an increased risk of harm to clients.

There is currently no restriction on where procedures can be carried out. They are currently carried out in clinical setting such as independent hospitals and clinics, subject to regular inspection by Healthcare Improvement Scotland (HIS). They are also carried out in beauty salons, which are not currently subject to any inspection or external scrutiny, and the Scottish Government is aware they are sometimes being carried out in hotels, mobile vehicles, someone's home and other unregulated settings. While some of these non-regulated settings may be kept to a good standard of hygiene, in the absence of regulation these premises are not subject to any external standards, verification or monitoring of cleanliness and safety.

When procedures go wrong, this can lead to harms ranging from mild to more serious, including permanent disfigurement. Some of these harms may require treatment from the NHS, adding pressure to these already-stretched services. Complications may include burns, infection, abnormal healing, increased skin sensitivity, nerve pain, changes to skin pigmentation, burns and scarring, which sometimes do not occur or become apparent until some time after the procedure has taken place.

Following extensive engagement with stakeholders, including health care professionals, non-health 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.

While the procedures to be covered by the Order carry risk of harm if they are not carried out correctly, the risk is considered to be lower and so a health care professional is not required to be present, because:

- A face-to-face consultation with a health care professional is not required to determine whether the procedure is appropriate for the client from a medical point of view;
- No prescription medications are required either as part of the procedure or to treat immediate complications; and
- The risk of complications arising which would immediately require the attention of a health care professional is low.

The Order

Article 3 of the Order defines what a non-surgical procedure is and what is excluded from this definition. The specific types of procedure included under the licensing scheme are described in schedule 1 of the Order, the Annex to this note includes descriptions of these procedures.

As well as defining what a non-surgical procedure is, the Order clarifies that it is not a procedure carried out by a person acting on or behalf of the health service, or for the prevention, diagnosis or treatment of an illness or injury, and that it is not, for the purpose of the Order, a procedure that will be carried out in premises which will be regulated by the primary legislation referred to above. Additionally, procedures licenced under the Order cannot be used alongside prescribed anaesthetic, nor (with the exception of non-ablative laser hair removal) can they be carried out on intimate areas of the body.

Article 4 sets out the activity to be licensed, and that the licensing scheme will be operational from 6 September 2027.

Article 5 introduces schedule 2 which makes modifications to the 1982 Act which will apply specifically to this licencing scheme. Schedule 2 of the Order read with the relevant parts of the 1982 Act, governs how the licensing scheme will operate. This includes applying the enforcement and offences provision in section 5, 6 and 7 of the 1982 Act to the licencing scheme and extending the enforcement powers to apply to authorised officers of the Local

Authority. Additionally schedule 2 of the Order introduces mandatory conditions which either must be met either prior to a licence being granted or for the duration of the licence. These include hygiene standards and conditions relating to the quality of the premises where the non-surgical procedures will be carried out.

Advice from clinical experts, evidence from professional bodies such as the Nuffield Council on Bioethics and the British Association of Aesthetic Plastic Surgeons, along with feedback from stakeholders, including responses to the Scottish Government's public consultation[1] on the regulation of non-surgical cosmetic procedures, made clear the view that these procedures are not suitable for young developing bodies. The potential physical and psychological harms that inappropriate procedures could do to young people mean they should only be carried out on adults. Therefore there is also a mandatory condition which states that a non-surgical procedure must not be carried out on a person under the age of 18.

Article 6 sets out the transitional arrangements that will apply to the scheme.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

The Scottish Ministers have made the following statement regarding children's rights:

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 (the Act), the Scottish Ministers certify that, in their view, the Civic Government (Scotland) Act 1982 (Licensing of Non-surgical Procedures) Order 2026 is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

Consultation

A public consultation[2] on the Scottish Government's proposals to regulate non-surgical cosmetic procedures ran from 20 December 2024, to 14 February 2025. In the consultation:

- 2,207 responses were received;
- 94% of which came from individuals; and
- 45% of all respondents stated a connection with the delivery of non-surgical procedures, as a practitioner themselves or the representative of an organisation providing these procedures.

The consultation asked for views on both the proposed licensing scheme which is the subject of the Order, and the proposed regulation scheme that is the subject of the primary legislation referred to above.

The consultation contained questions about:

- the grouping of non-surgical procedures and whether they could be undertaken under:

[1] https://consult.gov.scot/healthcare-quality-and-improvement/regulation-of-non-surgical-cosmetic-procedures/
[2] https://consult.gov.scot/healthcare-quality-and-improvement/regulation-of-non-surgical-cosmetic-procedures/

    - a licensing scheme by non-health care practitioners (referred to in the consultation as group 1),
    - or by a health care professional (group 3) or
    - under the supervision of a health care professional (group 2),
- age restrictions, and
- details of the proposed licensing scheme, including standards of hygiene, health and safety, training and qualifications, and insurance and indemnity.

In general responses showed a high level of overall support for our proposal to regulate these procedures. While there was a good level of agreement with the procedures that were proposed to be in groups 1 and 3, responses were more mixed with regard to proposals for group 2. For example, a number of respondents, including many from a health care background felt that some of the proposed group 2 procedures should be placed into group 3. Other respondents, including many working in the currently unregulated non-clinical part of the sector believed that the same procedures should be placed in group 1, where they would be subject to the proposed licensing scheme, but not restricted to HIS regulated settings. In addition, between 64% (for the lower risk procedures which could potentially be carried out by non-health care professionals under the local authority licensing scheme) and 88% (for the highest risk procedures which should only be carried out by a health care professional) of respondents felt there should be an age restriction of 18 years and above for each group of non-surgical procedures. Further information is available in the Scottish Government's analysis[3] of the consultation.

Organisations who responded to the consultation include the Advertising Standards Authority, Aberdeenshire Council, Angus Council, Argyll & Bute Council, British Association of Medical Aesthetic Nurses, British Institute and Association of Electrolysis, British Dental Association, City of Edinburgh Council, East Dunbartonshire Council, Consumer Scotland, Fife Council, Federation of Small Businesses, General Dental Council, General Medical Council, Glasgow City Council, Healthcare Improvement Scotland, Highland Council, Inverclyde Council, North Lanarkshire Council, Dumfries and Galloway Council, the Medicines and Healthcare products Regulatory Agency, the National Pharmacy Association, North Ayrshire Council, Perth and Kinross Council, Nursing and Midwifery Council, the Professional Standards Authority for Health and Social Care, the Joint Council for Cosmetic Practitioners, Aberdeen City Council, Renfrewshire Council, Royal College of Nursing, Royal College of Surgeons of Edinburgh Intercollegiate Cosmetic Surgery Board, the Royal Environmental Health Institute of Scotland, the Scottish Medical Aesthetics Safety Group, the Scottish Qualifications Authority, South Ayrshire Council, South Lanarkshire Council, The Law Society of Scotland, the British Beauty Council, West Dunbartonshire Council and West Lothian Council.

Impact Assessments

The following impact assessments have been completed on the licensing and regulation of non-surgical procedures, which cover the Order and the associated primary legislation:

- Child Rights and Wellbeing Impact Assessment;
- Equality and Fairer Scotland Duty Impact Assessment[4]; and

[3] https://consult.gov.scot/healthcare-quality-and-improvement/regulation-of-non-surgical-cosmetic-procedures/
[4] https://www.gov.scot/publications/equality-fairer-scotland-duty-impact-assessment-regulation-non-surgical-procedures/

- Island Communities Impact Assessment Consideration[5].

There are no privacy, or environmental impact issues.

Financial Effects

A Business and Regulatory Impact Assessment (BRIA)[6] has been completed on the licensing and regulation of non-surgical procedures, which considers the impact of the whole Scottish Government policy position including measures to be provided for in the Order, in the associated primary legislation, and proposals for future legislation. As set out in the BRIA the financial effects of regulation on businesses will depend on existing business models and other factors. The impact of the policy overall is that procedures that are currently not consistently subject to any regulatory oversight will be brought either into a licensing scheme or be required to be undertaken in a clinical setting with appropriate regulatory oversight. The latter change is a result of the associated primary legislation, with the licensing scheme introduced by this Order. The impact of both the Order and primary legislation which introduces regulation for higher risk procedures on businesses and the relevant regulatory and enforcement bodies (HIS, and local authorities, especially EHOs) should be considered together and not in isolation.

Businesses carrying out procedures set out in schedule 1 of the Order, and which are not exempt under article 3(b) will be required to apply for a licence to undertake these procedures. The main impact on businesses are anticipated to be the costs of application and renewal, which will be set by local authorities, as well as costs associated with meeting the requirements of mandatory conditions (which are included in schedule 2 of the Order). The Scottish Government considers that, taking into account fees for existing schemes, licensing fees are anticipated to be less than £500 per year in most cases but this will be decided by local authorities.

Local authorities will be the authorities issuing new licences under the Order. As well as the licensing functions themselves, the Scottish Government expects that Environmental Health Officers (EHOs) will support the issuing of licences through inspection activity. The Scottish Government also expects that EHOs will both enforce licensing conditions and enforce compliance with the licensing regime overall by identifying settings which do not seek a licence who should. The additional workload, and the potential additional cost or demand on staff resource within LAs, is anticipated to be offset by increases in fees payable in respect of licence applications. The Scottish Government expects that fees will be set at a level to cover the additional financial cost that local authorities will incur to regulate this sector.

Some businesses applying for a licence may also have an existing licence under the Civic Government (Scotland) Act 1982, for instance in order to carry out tattooing, skin piercing, or electrolysis. The overlap between these regimes may lead to efficiencies and reduce the impact on local authorities. The requirements of the Order in schedule 2 are deliberately drafted to be similar in nature to with the requirements of the existing Civic Government (Scotland) Act 1982 (Licensing of Skin Piercing and Tattooing) Order 2006. This may also benefit businesses who operate/undertake procedures covered by both Orders.

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[5] https://www.gov.scot/publications/island-communities-impact-assessment-consideration-regulation-non-surgical-procedures/

[6] https://www.gov.scot/publications/business-regulatory-impact-assessment-licensing-further-regulation-non-surgical-procedures/

The impact on local authorities and EHOs will also be balanced against the decreased need for officers to intervene reactively on the basis of reports of unsafe practice, which currently officers are required to investigate and manage using existing powers under Health and Safety legislation. This is because settings which may pose such a risk will be required to either apply for a licence or may be required to register with HIS under provisions of the associated primary legislation. EHOs currently report that the exercise of such powers are a burden on their resource, and there is no scope to recoup the costs of such activity through fees.

The Scottish Government therefore recognises that there is a financial effect, both for businesses and for local authorities, but that this effect is proportionate to the public safety aims of the policy.

Scottish Government
Directorate of the Chief Operating Officer of the NHS in Scotland

10 December 2025

Annex: Descriptions of procedures which are licensable activities regulated by this order

Procedures included in the Order, which will be licensable activities, are undertaken for a range of reasons, advertised as having a range of benefits, and advertised under different names, including brand names. The definitions below are to aid understanding of the procedures included in the Order. The Scottish Government does not endorse any claim to the efficacy of these procedures.

In some cases the definition of a licensable activity excludes variations, or similar, procedures. For instance, the definition of a chemical peel for the purposes of the Order excludes deeper peels. Under a licence, procedures must not be undertaken in intimate areas (the genitals, anus, or immediate surrounding area) with the exception of non-ablative laser hair removal.

Chemical peels

Chemical peel procedures use acidic preparations to remove skin at a variety of depths depending on the strength and composition of the peel and/or the duration of its application. Only peels which penetrate the skin up to but not beyond the epidermis (the skin's outer layer) are included the licensing scheme, this includes fruit peels or glycolic acid peels.

Cryolipolysis

Cryolipolysis, also known as 'fat freezing', uses a specialised device that cools fat cells to a temperature with the intention of destroying and removing them from the body.

Cryotherapy (or cryocautery)

Cryotherapy treatment is used to freeze and destroy skin cells with the intention of, for instance, removing or reducing lesions or blemishes. Most commonly liquid nitrogen is applied for the purpose, but other substances may be used.

Electrocautery (or advanced electrolysis)

Electrocautery treatment uses heat from an electric current to destroy skin tissue with the intention of, for instance, removing or reducing lesions or blemishes.

Electrolysis hair removal is not included in this licensing scheme as it is already licensed under the Civic Government (Scotland) Act 1982 (Licensing of Skin Piercing and Tattooing) Order 2006.

High intensity focused ultrasound

High intensity focused ultrasound (also known as HIFU) penetrates the skin to heat deep tissue, including subcutaneous fat with the intention of improving the appearance of the skin.

Microneedling

Microneedling treatment uses very fine needles to puncture skin. Only where this is undertaken to a depth of less than 1.5mm in the skin's surface is this procedure included in the licensing

scheme with the intention of improving the appearance of the skin. This does not include radio frequency electromagnetic radiation.

Non-ablative laser and light treatment

Non-ablative laser and light treatments use light energy to heat, stimulate, or cause controlled damage to the skin without removing the outer skin layer. This may include the use of lasers (including for laser hair removal), which produce a focused beam of light, but may also include LED light, or the use of IPL ("Intense Pulsed Light") Technology. Laser hair removal may be carried out in an intimate area.

Radio frequency treatments

Radio frequency procedures penetrate the skin through radio frequency electromagnetic radiation to generate heat in skin tissue with the intention of stimulating the production of collagen, elastin and new skin cells to give it more strength and flexibility. Radio frequency electromagnetic radiation does not include when the procedure uses microneedles.

Interpretation

In this schedule references to "skin lesions or blemishes" includes but is not limited to acne, blisters, cysts, freckles, moles, skin tags, scarring, rashes and warts.