POLICY NOTE

THE CIVIC GOVERNMENT (SCOTLAND) ACT 1982 (LICENSING OF SKIN PIERCING AND TATTOOING) AMENDMENT ORDER 2026

SSI 2026/XXX

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

Summary Box

This instrument amends the Civic Government (Scotland) Act 1982 (Licensing of Skin Piercing and Tattooing) Order 2006 ("the Order"), which regulates skin piercing and tattooing by giving local authorities in Scotland powers to license and inspect businesses carrying out these activities. It provides for consistent controls over businesses in order to manage and reduce the risks faced by potential clients, in relation to health and specifically the transmission of bloodborne viruses. It places requirements on such businesses including acupuncture therapists to comply with in terms of health and hygiene.

The amendments to the Order made by this instrument remove the requirements for acupuncture therapists to wear disposable non-latex gloves should they know the client they are treating is infected with a blood-borne virus.

Policy Objectives

The objective of the amendments to the Order made by this instrument is to remove the requirements that stipulate that operators performing acupuncture must wear disposable non-latex gloves if treating a client who is known by the operator to be living with a blood-borne virus. The amendments are made following a review of the Order and stakeholder engagement during summer 2025.

The requirements to wear disposable non-latex gloves in all circumstances may restrict operators performing acupuncture, which is not to the benefit of the client. The disposable non-latex gloves potentially create a barrier which can cause difficulty for the acupuncturist to pinpoint the exact location to insert the needles and provide the most effective results.

In addition, due to advances in medication and treatment of blood-borne viruses, those undergoing treatment for blood-borne viruses present a very low risk of transmission. Treatment for HIV now ensures that many people whose disease is well controlled on HIV medication have a negligible risk of transmission. Hepatitis C is a curable condition and is treated using direct-acting antiviral (DAA) agents. They are highly effective at clearing the infection in more than 90% of people. Hepatitis B can be cleared spontaneously and sometimes through treatment, or controlled through ongoing medication. Hepatitis B acquisition can also be prevented through vaccination. Consequently there is no longer the clinical justification to treat someone differently when accessing acupuncture treatment, simply due to their known blood-borne virus status.

The risk where a person is living with an undiagnosed blood-borne virus is, in fact, potentially greater than those who have been diagnosed, and therefore individual risk assessments should be undertaken rather than singling out those known to be living with a blood-borne virus in the requirements in the Order. The amendments will still allow for acupuncturists to complete their own risk assessment when consulting with clients and wear disposable non-latex gloves if they see fit to do so, but removes the legal requirement to wear them if they know the client is living with a blood-borne virus.

Operators will continue to be required to wear disposable non-latex gloves where the operator has an open lesion on their hands, the operator is handling items that may be contaminated with blood or other bodily fluids, or the client is bleeding or has an open lesion on an exposed part of their body. (These requirements are re-stated in the amendments to ensure consistency in the numbering of the provisions in the Order.) Although there will be cases where the wearing of disposable non-latex gloves protects health, such as in the aforementioned circumstances, it is no longer considered necessary from a clinical perspective for disposable non-latex gloves to always be required to be worn where the client is known by the operator to be living with a blood-borne virus.

The amendments will also contribute to reducing the stigma that people who live with blood-borne viruses face when accessing healthcare services and provide parity of treatment for people who are aware of their status. The amendments will remove the risk of people feeling obliged to declare their status when accessing acupuncture treatment, when they may not feel comfortable doing so.

The supporting guidance used across Scotland by environmental health officers (EHOs) who are responsible for the enforcement of the Order and issuing licences to acupuncturists will be updated.

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

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 Skin Piercing and Tattooing) Amendment 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

Due to the specific scope of the review, public consultation was not necessary and instead a targeted engagement exercise was undertaken with key stakeholders who represent the acupuncture industry across Scotland and the UK, the staff responsible for the enforcement of the Order and the over-arching organisations who represent the environmental workforce and standards in Scotland.

Engagement with relevant external stakeholders was completed over the summer period in 2025 via email and virtual meetings.

The following stakeholders were consulted to gather their views on the Order in general and the requirement for operators to wear disposable non-latex gloves when carrying out the activity of acupuncture where the client is known to be infected with a blood-borne virus.

- Acupuncture Association of Chartered Physiotherapists (AACP)
- British Acupuncture Council (BacC)
- British Medical Acupuncture Society (BMAS)
- UK Association of Professional Piercers (UKAPP)
- Health and Safety Executive (HSE)
- Association of Traditional Chinese Medicine (ATCM) – (no response)
- British Institute & Association of Electrolysis (BIAE)
- British Association of Dermatologists (BAD) – (no response)
- Royal Environmental Health Institute for Scotland (REHIS)
- Society of Chief Officers in Environmental Health in Scotland
- Public Health Scotland (PHS)
- Antimicrobial Resistance & Healthcare Associated Infection Scotland (ARHAI)

The feedback of the above stakeholders and the clinical advice demonstrated it was necessary to adopt standard precautions at all times and allow operators to consider the requirement to wear disposable non-latex gloves based on the risk assessment and nature of exposure to a blood-borne virus, but not be specifically required to wear disposable non-latex gloves where it is known to the operator that the client has a blood-borne virus. The feedback and advice has informed our assessment and recommendations.

During the consultation meetings, stakeholders and officials discussed an overview of the Order, its purpose and related matters. Stakeholders were asked for a view on the provisions and their opinion on whether they were content with or objected to the requirements for acupuncturists to wear disposable non-latex gloves if they are treating someone known to be living with a blood-borne virus. All stakeholders who met with officials advised they were content for these requirements to be removed and did not perceive there to be any adverse issues related to doing so.

All stakeholders were given the opportunity to provide any views or feedback on any other parts of the Order that could be updated or amended at the same time or anything that should be included, that is not currently in the Order. There was some feedback provided on general operational issues, such as length of time in some local authorities to issue new licences or renew existing licences. There were no proposed further amendments to the Order provided at any stakeholder meeting, as part of the consultation.

In addition, the National AIDS Trust (NAT) provided feedback on the provisions within the Order and a preference that the specific requirements be removed to ensure equality between

people living with blood-borne viruses and those who are not, or who are but not aware of their of status when accessing acupuncture treatment.

Impact Assessments
The following impact assessments have been completed, to accompany the amending instrument:-

Equality Impact Assessment (EQIA) – The impact, either positively or negatively, was considered for each of the protected characteristics. The key finding of the EQIA was that people living with disabilities will be positively impacted by these amendments. People living with disabilities (in this case blood-borne viruses) will be treated the same as people not living with one or unaware they are living with one.

Business Regulatory Impact Assessment (BRIA) – The evidence suggests that the amendments will not impact businesses financially. Acupuncture businesses will be made aware of the amendments and may need to alter their procedures as a result. This will be completed in conjunction with the local authorities who enforce the Order. The guidance on the licensing requirements will be amended.

Childrens' Rights and Wellbeing Impact Assessment (CRWIA) - The evidence suggests that if the amendments are made children and young people who are living with disabilities and seek acupuncture procedures will not be asked questions or feel obliged to provide health information due to their disability. They will be treated with the same dignity and respect as other clients, who are either not living with a blood-borne virus or are not aware that they are living with one.

The following impact assessments were considered, but not required for this amendment:-

Data Protection Impact Assessment (DPIA) – The Scottish Government is satisfied that a DPIA is not required, as the instrument does not make provision about the use of personal data and there is no impact on data protection.

Fairer Scotland Duty Assessment (FSDA) **–** The Scottish Government is satisfied that a FSDA is not required. The amendments do not impact socio-economic disadvantages.

Island Communities Impact Assessment (ICIA) – The amendments have no effect on an island community and therefore the impact assessment is not required.

Financial Effects
A Business and Regulatory Impact Assessment (BRIA) has been completed. There is no identifiable impact of this policy on business in terms of financial benefit and financial cost. The Order as amended will be enforced by local authorities, who are already responsible for the enforcement of the Order. The amendments will not result in increased costs or significant impacts associated with enforcement.

Scottish Government
Population Health Directorate

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