

Non-surgical Procedures and Functions of Medical Reviewers (Scotland) Act 2026

2026 asp 13

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Non-surgical Procedures and Functions of Medical Reviewers (Scotland) Act 2026

2026 asp 13

The Bill for this Act of the Scottish Parliament was passed by the Parliament on 17th March 2026 and received Royal Assent on 12th May 2026

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 (other than in section 14(5)), 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 (or is a combination of two or more of those kinds of procedures), 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),

(iii) that is carried out in relation to a clinical trial (within the meaning given by regulation 2(1) of the Medicines for Human Use (Clinical Trials) Regulations 2004 (S.I. 2004/1031)), or

(iv) the provision of which 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 2 of that Act.

(2) In subsection (1)(b)(ii)—

"health care provider" means—

(a) an independent health care service that is registered under section 10P of the 1978 Act,

(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 the accused had taken such steps to establish the client's age as the Scottish Ministers may by regulations specify.

(4) 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.

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.

(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

(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) premises of a registered independent clinic whose services are provided or managed by a person mentioned in subsection (2) if—

(i) the address of the premises is entered in the register in relation to the registered independent clinic, or

(ii) the premises are a vehicle that is not a dwelling of the person to whom the non-surgical procedure is being provided,

(b) premises the address of which is entered in the register in relation to a registered independent hospital,

(c) any premises (or vehicle), other than a dwelling or care home, at or in which general dental services are provided in accordance with an agreement pursuant to section 25 of the 1978 Act,

(d) premises, other than a dwelling or care home, the address of which 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,

(e) premises, other than a dwelling or care home, the address of which 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,

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

(2) The persons referred to in subsection (1)(a) 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.

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

(4) 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),

"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,

"the register" means the register maintained under regulation 6 of the Healthcare Improvement Scotland (Applications and Registration) Regulations 2011 (S.S.I. 2011/35),

"registered independent clinic" means an independent clinic within the meaning given by section 10F(2) of the 1978 Act that is registered under section 10P of that Act,

"registered independent hospital" means an independent hospital within the meaning given by section 10F(2) of the 1978 Act that is registered under section 10P of that Act,

"vehicle" means—

(a) a mechanically-propelled vehicle, or

(b) a structure that is capable of being moved from one place to another by being—

(i) towed, or

(ii) transported on a mechanically-propelled vehicle or trailer.

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.

(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—

(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,

(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,

(e) require providers of non-surgical procedures to—

(i) carry out and document a pre-procedure assessment of relevant medical history, and

(ii) ensure that enhanced informed consent procedures are followed where factors are identified that may increase the risk of harm.

(4) Regulations under subsection (1) may make different provision in relation to the provision of non-surgical procedures to different descriptions of persons to take account of any risks associated with providing non-surgical procedures to those persons, including risks relating to those persons'—

(a) medical history,

(b) anatomical factors, and

(c) mental health.

(5) The maximum penalty that may be provided for in regulations under that subsection is—

(a) on summary conviction, a fine not exceeding £20,000,

(b) on conviction on indictment, a fine.

(6) Subject to subsection (7), the Scottish Ministers must, by no later than the end of the period of 3 years beginning with the day on which section 3 comes into force, lay a

draft of a Scottish statutory instrument containing regulations under subsection (1) specifying—

(a) persons, or descriptions of persons, who may provide, or supervise the provision of, a non-surgical procedure, and

(b) requirements about the training or qualifications of persons who may provide, or supervise the provision of, a non-surgical procedure.

(7) If the Scottish Ministers consider that it is not practicable to lay such a draft Scottish statutory instrument (or lay two or more such draft instruments which, taken together, specify each of the matters mentioned in paragraphs (a) and (b) of subsection (6)) before the Scottish Parliament within the period mentioned in that subsection, they must before the end of the period lay a report before the Parliament explaining why they are unable to comply with the duty under that subsection.

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.

(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.

(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.

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

(b) that 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—

(a) on summary conviction, to a fine not exceeding £20,000,

(b) on conviction on indictment, to a fine.

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—

Organisation	*Individual*
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

UK internal market: power to establish individual assessment process

14 UK internal market: power to establish individual assessment process

(1) The Scottish Ministers may by regulations make provision for or in connection with the establishment and administration of one or more processes to which section 26 of the 2020 Act applies under which individuals may apply for approval to provide, or supervise the provision of, in Scotland—

(a) non-surgical procedures, or

(b) licensed procedures.

(2) Regulations under subsection (1) may, in particular, make provision in relation to—

(a) the form and manner of an application,

(b) the procedure for making an application,

(c) the information to be provided in connection with an application,

(d) any fees to be paid in connection with an application,

(e) the designation of a person (which may include the Scottish Ministers) ("the regulator") responsible for—

(i) making decisions in relation to applications, and

(ii) other matters in connection with administering the process (or processes),

(f) the duties and powers of a regulator in connection with an application,

(g) reviews of the regulator's decisions in relation to applications,

(h) appeals against the regulator's decisions in relation to applications.

(3) Regulations under subsection (1) may—

(a) modify any enactment (including this Act),

(b) create an offence of making a false or misleading statement in connection with an application,

(c) designate different persons as the regulator in relation to different processes.

(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 that subsection is, on summary conviction, a fine not exceeding level 5 on the standard scale.

(5) In this section—

"the 2020 Act" means the United Kingdom Internal Market Act 2020,

"licensed procedure" means a non-surgical procedure within the meaning of the Civic Government (Scotland) Act 1982 (Licensing of Non-surgical Procedures) Order 2026 (S.S.I. 2026/87).

Minor and consequential modifications of the 1978 Act

15 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

16 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" (other than in section 14(5)) has the meaning given by section 1.

Guidance

17 Guidance about the provision of non-surgical procedures

(1) The Scottish Ministers must issue guidance about the provision of non-surgical procedures.

(2) The guidance may, in particular, include information about—

(a) the requirements imposed under this Part in relation to the provision of non-surgical procedures, and

(b) steps to be taken by providers of non-surgical procedures in connection with complying with those requirements including—

(i) registration with HIS,

(ii) staffing requirements, and

(iii) establishing the age of persons to whom non-surgical procedures may be provided.

(3) The Scottish Ministers—

(a) must publish the guidance, and

(b) may revise or revoke the guidance.

Review

18 Review of Part 1

(1) The Scottish Ministers must, within the period of 5 years beginning with the day on which section 3 comes into force—

(a) carry out a review of—

(i) the inclusion of the kinds of procedures that are specified in schedule 1 at the time of the review, and

(ii) the operation of Part 1,

(b) prepare a report on the findings of the review, and

(c) publish the report.

(2) The Scottish Ministers may delegate any or all of their functions under subsection (1) to such person as they consider appropriate.

(3) The review must, in particular, include an assessment of—

(a) the impact of this Part on businesses,

(b) the enforcement of the requirements imposed under this Part, and

(c) such other matters as are considered appropriate by the Scottish Ministers (or, if applicable, the delegatee).

(4) When carrying out the review, the Scottish Ministers (or, if applicable, the delegatee) must consult—

(a) HIS,

(b) the chief constable of the Police Service of Scotland, and

(c) such other persons as are considered appropriate by the Scottish Ministers (or, if applicable, the delegatee).

(5) The Scottish Ministers must, as soon as reasonably practicable after a report on the findings of the review is prepared, lay the report before the Scottish Parliament.

(6) In this section, "the delegatee" means the person to whom the Scottish Ministers have delegated their functions under subsection (2).

PART 2

CERTIFICATION OF DEATH AND AUTHORISATION OF CREMATION OR HYDROLYSIS

Certification of death

19 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 or hydrolysis

20 Deaths outwith the United Kingdom: authorisation of cremation or hydrolysis by medical reviewer

(1) The Certification of Death (Scotland) Act 2011 is amended as follows.

(2) In section 14 (power to require documents), in subsection (1)(b), for "Scotland" substitute "the United Kingdom".

(3) In section 18 (medical reviewers to authorise cremation or hydrolysis), in subsection (1)(a), for "Scotland" substitute "the United Kingdom".

(4) The italic heading before section 17 becomes "Deaths outwith the United Kingdom".

PART 3

FINAL PROVISIONS

21 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).

22 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 21—

(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(3) are subject to the negative procedure.

(4) Regulations under section 1(5), 4(3) or 5(1) are subject to the affirmative procedure.

(5) Regulations under section 14(1) are subject to—

(a) the affirmative procedure for the first regulations under that subsection,

(b) the negative procedure for subsequent regulations under that subsection.

23 Regulations subject to the affirmative procedure: consultation

The Scottish Ministers must consult such persons, or groups of persons, as they consider appropriate before laying a draft of a Scottish statutory instrument containing—

(a) regulations under section 1(5),

(b) regulations under section 4(3),

(c) regulations under section 5(1),

(d) the first regulations under section 14(1),

(e) regulations under section 21 which add to, replace or omit any part of the text of an Act.

24 Commencement

(1) This section and sections 16, 21, 22 and 25 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.

(3) Regulations under subsection (2) may include transitional, transitory or saving provision.

(4) Regulations under subsection (2) may not appoint a day that is earlier than 6 September 2027 for the coming into force of section 3.

25 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

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

Chemical peel

2 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

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

Injectable procedure

4 A procedure other than tattooing in which a substance is injected (including by means of a microneedle) into or under skin for a cosmetic or wellbeing purpose (or both).

Intravenous procedure

5 A procedure in which a substance is administered intravenously (including by insertion of a microneedle) for a cosmetic or wellbeing purpose (or both).

Licensed procedure carried out with prescribed anaesthetic

6 A procedure—

(a) that is of a kind specified in schedule 1 of the Civic Government (Scotland) Act 1982 (Licensing of Non-surgical Procedures) Order 2026 (S.S.I. 2026/87), and

(b) for which a prescribed anaesthetic is used.

Licensed procedure carried out on an intimate area (other than non-ablative laser treatment for hair removal)

7 A procedure, other than non-ablative laser treatment for hair removal, that—

(a) is of a kind specified in schedule 1 of the Civic Government (Scotland) Act 1982 (Licensing of Non-surgical Procedures) Order 2026 (S.S.I. 2026/87), and

(b) is carried out on an intimate area.

Microneedling

8 A procedure in which one or more microneedles are used to puncture skin multiple times on a single occasion—

(a) to any depth if one or more microneedles are used to deliver radio frequency electromagnetic radiation, or

(b) to a depth of 1.5 millimetres or more in any other case.

9 But paragraph 8 does not include—

(a) acupuncture, cosmetic body piercing, electrolysis or tattooing, or

(b) the use of a microneedle to—

(i) inject a substance into or under skin, or

(ii) administer a substance intravenously.

Subcision

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

Thread lift

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

Interpretation

12 In this schedule—

"filler" means any substance used for dermal or mucous membrane filling (whether or not designed to be so used),

"intimate area" means the anus or genitals or an area around the anus or genitals,

"non-ablative laser treatment for hair removal" means a procedure in which a laser is used to remove hair and which does not remove any of the epidermis,

"prescribed anaesthetic" means an anaesthetic that is a prescription only medicine within the meaning given by regulation 8 of the Human Medicines Regulations 2012 (S.I. 2012/1916),

"substance"—

(a) includes any medicine, vitamin, mineral, toxin, filler and gas,

(b) does not include—

(i) a controlled drug (within the meaning of section 2 of the Misuse of Drugs Act 1971), or

(ii) a psychoactive substance (within the meaning of section 2 of the Psychoactive Substances Act 2016).

13 In this schedule, the following terms have the same meaning as they have in the Civic Government (Scotland) Act 1982 (Licensing of Skin Piercing and Tattooing) Order 2006 (S.S.I. 2006/43)—

"acupuncture",

"cosmetic body piercing",

"electrolysis",

"tattooing".

14 For the purposes of paragraph 4 or 5, a substance is to be treated as being injected into, or administered to, a person for a wellbeing purpose if it is injected or administered for the purpose of achieving an actual or perceived improvement in the person's—

(a) physical, mental or emotional wellbeing,

(b) physical strength or stamina,

(c) ability to concentrate, or

(d) mental alertness.

SCHEDULE 2
(introduced by section 15)

MINOR AND CONSEQUENTIAL MODIFICATIONS OF THE 1978 ACT

1 The 1978 Act is amended as follows.

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",

(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

(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 sub-paragraph (i) is repealed,

(b) after sub-paragraph (ii) insert ", or

(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.".

4 In section 76 (inquiries), in subsection (1), for "or under the 2021 Act" substitute ", the 2021 Act or Part 1 of the Non-surgical Procedures and Functions of Medical Reviewers (Scotland) Act 2026".

5 In section 77 (default powers), in subsection (1), for "or by or under the 2021 Act" substitute ", the 2021 Act or Part 1 of the Non-surgical Procedures and Functions of Medical Reviewers (Scotland) Act 2026".

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