

Ministear airson Slàinte Phoblach is Slàinte
Bhoireannach
Jenni Minto BPA



Scottish Government
Riaghaltas na h-Alba
gov.scot

Minister for Public Health and Women's Health
Jenni Minto MSP

T: 0300 244 4000
E: scottish.ministers@gov.scot

Health and Care Professions Council
Chartered Society of Physiotherapists
Royal College of Paramedics
Society of Radiographers
Royal College of Podiatry

cc. Clare Haughey MSP
Convener, Health, Social Care and Sport Committee

9 February 2026

Dear Colleagues,

I am grateful to your organisations for your engagement with, and for providing advice to, Scottish Government as we progress the [Non-surgical Procedures and Functions of Medical Reviewers \(Scotland\) Bill](#) (the Bill) through the Scottish Parliament.

I particularly welcome your discussions around the prescribing rights of allied healthcare professions regulated by the HCPC, their scope of practice, and whether non-surgical cosmetic activity currently falls within their roles.

I have considered the points raised carefully, and I wish to take this opportunity to confirm Scottish Government's position. I am sharing this correspondence with the Convener of the Health, Social Care and Sport Committee for transparency as this is an issue relevant to their consideration of the Bill in the coming months.

Current situation (the Bill as introduced)

In section 4 (as introduced) of the Bill, the following professions are listed as part of the definition of a HIS registered independent clinic that can be a "permitted premises". As such they are able to offer NSPs independently in their routine practice i.e. without any other health care professional to be present or involved in the service for which the NSPs are provided. These professions are:

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- Medical Practitioners (Doctors)
- Dentists
- Nurse/Midwife Independent Prescribers
- Pharmacist Independent Prescribers

Any other healthcare professional as listed in section 1(3) of the Bill, including HCPC regulated professionals, would not be able to offer NSPs independently. The exemption to this is any procedure that is being carried out for a health care purpose as outlined in 1(1)(b) of the Bill. I will provide further details of the exemption below.

Our intention is that professionals would be able to apply for a local authority licence and (if it were granted) independently provide lower risk procedures listed at Schedule 1 of the draft [Civic Government \(Scotland\) Act 1982 \(Licensing of Non-surgical Procedures\) Amendment Order 2026 \(the Order\)](#).

Officials are aware of a number of HCPC regulated healthcare professionals currently offering NSPs outwith HIS registered settings. Some of these practitioners have raised with me in correspondence, that they think they should be included in the Bill as being able to undertake procedures regulated by the Bill independently. For this reason, Scottish Government has been considering this position in more detail. In particular the Scottish Government has considered the position of any profession that is a) regulated by the HCPC and b) is capable of being registered as an Independent Prescriber.

The professions that fall into this category are, independent prescribing:

- Paramedics
- Physiotherapists
- Podiatrists
- Therapeutic Radiographers

We have reviewed information and statements published by your organisations, as well as responses to our public consultation and that of the Scottish Parliament.

For example, The Professional Standards Authority stated that “as it stands, some regulators and professional bodies prevent or discourage registrants from using their prescribing rights for activities/employment outside their primary scope of practice. For example, the HCPC has clarified that prescribing rights are tied to professional registration, job description and indemnity cover, therefore anyone qualified as a non-medical prescriber in one role e.g. a paramedic, but working in a different role should not be prescribing.” This aligns with the position of the Royal Pharmaceutical Society (RPS) which provides guidance on prescribing privilege (for all healthcare professionals not just pharmacists), stating that prescribing should be undertaken within a professional’s scope of practice and “scope of practice may be informed by regulatory standards, the professional body’s position, employer guidance, guidance from other relevant organisations and the individual’s professional judgement”.

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The HCPC indicated that they shared the PSA and RPS position, and that “Prescribing rights are connected to the relevant protected title in the legislation and as such it is only possible to prescribe whilst practising within the scope of practice of a profession’s protected title.” And that “prescribing activity must be within the generally accepted scope of practice of the base profession”. HCPC further confirmed that they would consider the professional bodies’ position to be key in determining the scope of a profession. They do not consider that independent prescribers under their regulation should be prescribing for cosmetic purposes. HCPC shared with us their guidance that says:

- Prescribing rights are connected to the relevant protected title in the legislation and as such it is only possible to prescribe whilst practising within the scope of practice of a protected title.
- Prescribing activity must be within the generally accepted scope of practice of a base profession (something that the professional body usually helps to shape).
- Prescribing must be connected to activities covered by indemnity insurance.
- The role individuals are prescribing in must require you to be registered with the HCPC and must draw on the knowledge, skills and experience of their base profession.
- When working in this role individuals need to be able to meet all of their other registration requirements, including but not limited to, maintaining a CPD portfolio and completing the renewal process including professional declaration.
- In determining this, individuals may find it useful to refer back to their professional body and HCPC’s webpages which provide some guidance on the issue:
<https://www.hcpc-uk.org/standards/meeting-our-standards/scope-of-practice/>

To be included in the Bill as requested we consider that a profession would have to be capable of independent prescribing relevant to Non-Surgical Procedures as regulated by the Bill, and we have concluded that for that to be the case the scope of practice of a profession’s protected title must include non-surgical (cosmetic) procedures.

It does not currently appear that NSPs, as defined by the Bill, currently fall within the scope of these four professions. We have drawn this conclusion based on the currently available information published by professional bodies and the regulator. Also there does not appear to be guidance on cosmetic roles for these professions, neither are there existing relationships with e.g. the voluntary registers (SaveFace and JCCP) operating in this area (who would provide guidance on training and skills etc.). On that basis HCPC indicated that they would not consider that the professions registered with them should necessarily be prescribing for NSPs at this time.

Current Position

Scottish Government therefore consider that it is not currently appropriate for settings provided or managed by HCPC regulated professionals with full independent prescribing privileges to be included in the definition of a “permitted premises” in the Bill at this time. Doing so would set the Scottish Government at odds with the professional regulator.

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We are aware that some professional bodies are undertaking work, and if positions change, work could be undertaken to amend this legislation to accommodate that. The Bill, as drafted, enables future secondary legislation to be used to amend the “permitted premises” included in section 4.

Scottish Government are happy to keep in contact with your organisations and the HCPC on this, once any revision on your positions are concluded.

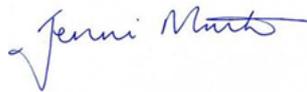
NSP Exemptions

The definition of “non-surgical procedure” in section 1 of the Bill includes a health care exception in section 1(1)(b). This exception is to ensure that the Bill does not regulate procedures provided for a health care purpose. The definition of “non-surgical procedure” does not include procedures which are provided by a health care provider, such as your members, for the purpose of, or in connection with, preventing diagnosing or treating an illness. “Health care provider” includes a “regulated health care professional” and section 1(3) of the Bill explains that this is a person who is regulated by one of the regulators listed in that subsection.

I would therefore like to reassure you and your members that this means that procedures provided for the purpose of, or in connection with, the prevention, diagnosis or treatment of illness are exempt from the Bill’s provisions and are not a “non-surgical procedure” covered by the Bill.

I hope this information has been helpful and Scottish Government officials look forward to working further with you as the Bill concludes.

Yours sincerely,



Jenni Minto MSP

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