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Comments - The Civic Government (Scotland) Act 1982 (Licensing of Non-surgical Procedures) Order 2026

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1. It was noted that the requirement for Licensing of Non-Surgical Procedures specified within Schedule 1 will not take place until 6 September 2027. It was also noted during a meeting of the Health, Social Care and Sport Committee held on 16 December 2025 that the Minister of Public Health & Women's Health intends the Non-Surgical Procedures & Functions of Medical Reviewers (Scotland) Act to come into force on the same day that the licensing scheme becomes operable.

This leaves a period of 20 months whereby high-risk procedures will or may be carried out by personnel with inadequate qualifications/competency and experience in which to carry out the Procedures. Is there a possibility that this time frame can be reduced to ensure suitable and sufficient regulation of Non-Surgical Procedures via both the proposed Civic Government (Scotland) Act 1982 (Licensing of Non-surgical Procedures) Order 2026 and Non-Surgical Procedures & Functions of Medical Reviewers (Scotland) Act?

2. Within Paragraph 5 of the proposed Order (Application of Part 1 of the 1982 Act) is states *“Part 1 of the Act has effect, subject to the modifications specified in Schedule 2 of this Order, for the purposes of the licensing activity designated by article 4”*. There is also mention of article 4 within Paragraph 6 (Transitional Provision). However, there are details concerning article 3 and article 5 within the Order but there does not appear to be anything with regards to article 4. Could this be reviewed and clarified?
3. Within Paragraph 7 (Schedule 1 (Licensing – further provisions as to the general system), sub-paragraph 2 (C) states at b(i) “*a wash hand basin with hot and cold running water supplied by taps that are not operated by hand*”. Consider changing this to “*a wash hand basin with hot and cold running water or warm water at a suitably controlled temperature, supplied by taps that are not operated by hand*”. Reason - This is to accommodate the use of localised water heaters at wash hand basins that provide hot water at a controllable temperature therefore separate cold supply not necessary to mix with hot water to provide same effect.
4. Within Paragraph 7 (Schedule 1 (Licensing – further provisions as to the general system), sub-paragraph 2 (C) states at b(v) “*a dispenser containing alcohol solution*”. Consider changing this to “**a dispenser containing hand sanitiser**”. Reason – There are many effective non-alcohol hand sanitisers on the market.

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5. Within Paragraph 7 (Schedule 1 (Licensing – further provisions as to the general system), sub-paragraph 2 (C) states at (e) “*the premises are well ventilated and illuminated for the purposes of providing non-surgical procedures*”. Consider providing guidance or direction on what “well-ventilated and illuminated” means. Reason – Different types of activities within a variety of settings require specific air flow rates/air changes per hour or lighting requirements depending on the type of activity being carried out. Therefore, It would be extremely helpful from an enforcement point of view to have guidance/advice on what these levels of ventilation or lighting should be. This will also help with consistent enforcement throughout the various Local Authorities.
6. Within Paragraph 2 (C) it is suggested that the following additional paragraph be inserted “*Floors, walls, and surfaces should be smooth, washable and durable*”
7. Within Paragraph 7 (Schedule 1 (Licensing – further provisions as to the general system), sub-paragraph 2 (D) states at (f) “*any equipment which is not disposable is sterilised, if practicable, or thoroughly cleaned with fresh disinfectant after each use*”. Consider changing this to “*any equipment which is not disposable is sterilised, if practicable, or thoroughly cleaned with fresh and disinfected disinfectant after each use*”. Reason: Equipment should be cleaned AND disinfected, which is a 2-stage process. This change should highlight this 2-stage process.
8. It is noted that within Schedule 1 “Specified Non-Surgical Procedures” the following procedures have been included:
 - Cryotherapy (or cryocautery)
 - Electrocautery (or advanced electrolysis)
 - Cryolipolysis
 - High Intensity Focussed Ultrasound (HIFU)
 - Radiofrequency

During previous discussions within the Scottish Government Intervention Expert Group (SCIEG) these had been inserted into higher risk Groups which required to be carried out within Healthcare Improvement Scotland (HIS) registered premises. Given, the higher risk these procedures pose and the lack of a formal competence framework to ensure the competence of those undertaking these procedures, it is suggested that consideration be given to these procedures only being allowed to be carried out within a HIS registered premises.

9. It is noted that within Schedule 1 “Specified Non-Surgical Procedures” the following procedures:
 - Cryotherapy (or cryocautery)
 - Electrocautery (or advanced electrolysis)

may be used for the removal of skin lesions or blemishes, with reference to skin lesions and/or blemishes including acne, blisters, cysts, freckles, moles, skin tags, scarring, rashes and warts. It is suggested that the use of these Procedures for treatment/removal of skin lesions and/or blemishes be reviewed, as there are significant concerns that unqualified individuals may treat skin conditions that may be cancerous, which would

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not be identified by a non-medical professional. It is our opinion that the use of such equipment for undertaking these types of Procedures, by non-medical personnel would introduce an unacceptable risk. Note: It is noted that a similar concern was raised at the Health, Social Care and Sport Committee held on 16 December 2025.

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