

Stage 1 Briefing

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

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Introduction

The Law Society of Scotland is the professional body for over 13,000 Scottish solicitors.

We are a regulator that sets and enforces standards for the solicitor profession which helps people in need and supports business in Scotland, the UK and overseas. We support solicitors and drive change to ensure Scotland has a strong, successful and diverse legal profession. We represent our members and wider society when speaking out on human rights and the rule of law. We also seek to influence changes to legislation and the operation of our justice system as part of our work towards a fairer and more just society.

The Non-surgical Procedures and Functions of Medical Reviewers (Scotland) Bill¹ (the Bill) was introduced on 8 October 2025. The Bill has two parts: Part 1 makes it illegal to provide certain non-surgical procedures to people under the age of 18 and outside permitted premises. Part 2 contains changes to the [Certification of Death \(Scotland\) Act 2011](#). Our comments will be focused solely on Part 1.

We previously submitted written evidence on the Bill² to the Health, Social Care and Sport Committee of the Scottish Parliament (the Lead Committee).

The Health, Social Care and Sport Committee's Stage 1 Report on the Bill (the Stage 1 report) was published on 27 January 2026³.

We welcome the opportunity to consider and provide comment for the benefit of MSPs ahead of the Stage 1 debate scheduled to take place in the Scottish Parliament on 5 February 2026.

General comments

According to the Policy Memorandum, a significant number of unregulated non-surgical procedures are conducted in Scotland⁴. The Scottish Government is concerned about the harms that such procedures may cause if they are wrongly conducted, including "burns, blockages in blood vessels, infections, injury to the eyes or necrosis of cells in living tissue."⁵

To address these concerns, the Bill introduces two offences related to the provision of some non-surgical procedures. In addition, it provides wider

¹ [Non-surgical Procedures and Functions of Medical Reviewers \(Scotland\) Bill – as introduced | Scottish Parliament website](#)

² [Non-surgical Procedures and Functions of Medical Reviewers \(Scotland\) Bill written evidence | Law Society of Scotland website](#)

³ [Stage 1 report: Non-surgical Procedures and Functions of Medical Reviewers \(Scotland\) Bill | Scottish Parliament website](#)

⁴ [Non-surgical Procedures and Functions of Medical Reviewers \(Scotland\) Bill Policy Memorandum | Scottish Parliament website](#) (para. 8).

⁵ *Ibid* (para. 13).



enforcement powers to Healthcare Improvement Scotland (HIS), including the offence of obstructing an authorised person from HIS in the course of their duties.

Our comments on the Bill are mainly focused on the impact that provisions in Part 1 may have on the criminal justice system.

Section 1 – Meaning of “non-surgical procedure”

Section 1 defines a “non-surgical procedure” for the purpose of Part 1 of the Bill. The definition includes procedures that pierce or penetrate the skin and are specified in schedule 1.

Subsection 5 provides that the Scottish Ministers may, by regulations, modify the list of non-surgical procedures contained in schedule 1.

Sections 2 and 3 – Offences of providing a non-surgical procedure to person under 18 and providing a non-surgical procedure outwith permitted premises

Section 2(1) introduces the offence of providing a non-surgical procedure to a person under the age of 18.

Section 2(2) contains a statutory defence of reasonable belief that the client was 18 or over, if the accused took reasonable steps to establish the client’s age before providing the procedure.

The Lead Committee had expressed strong support for the introduction of this offence⁶.

Section 3(1) introduces the offence of providing a non-surgical procedure to another person outwith permitted premises. “Permitted premises” are defined in Section 4 and include independent hospitals and clinics registered with HIS, where services are delivered by regulated healthcare practitioners.

Section 3(2) provides a statutory defence based on reasonable belief that the procedure was provided in permitted premises.

The Lead Committee also supports the creation of this offence, recognising that restricting higher-risk procedures to permitted premises enhances the patient safety⁷. The Committee has also indicated that guidance and support for business will be important during the transition period⁸.

We previously expressed some concern regarding the definition of “non-surgical procedure” in Section 1, which is also used to define the offences in Sections 2

⁶ [Stage 1 report: Non-surgical Procedures and Functions of Medical Reviewers \(Scotland\) Bill | Scottish Parliament website](#) (para. 134).

⁷ Ibid (para. 96).

⁸ Ibid (para. 95).



and 3⁹. We note that the list of procedures under the scope of the offences may be modified by regulations, limiting parliamentary scrutiny.

Section 7 – Powers of entry, search and seizure

Section 7 provides enforcement powers to persons authorised by HIS. Those powers include entering and searching premises and seizing items under warrant, if there is a reasonable belief that an offence under Sections 2 or 3 has been or is being committed.

The Lead Committee considers that the Scottish Government should provide assurances that HIS will receive additional resources to enforce the Bill effectively. The Committee also calls for the publication of an implementation route map to ensure HIS has the capacity to exercise these powers and coordinate with bodies such as Police of Scotland and local authorities¹⁰.

In our written evidence, we expressed concern regarding the expertise of HIS authorised persons to undertake such enforcement actions. We consider that careful reflection is needed to ensure consistency with other statutory frameworks.

Sections 10 and 11 – Expiry of warrant and offence of obstructing an authorised person

Section 10 states that warrants remain in force for the period required for the purpose for which they are granted.

We consider that clarification is required on why time-limited warrants are not appropriate in this context.

Section 11 introduces the offence of obstructing the work of a HIS authorised person.

We consider that clarification is also needed on whether the accused must know that the authorised person has the authority to perform the relevant function. We consider this should be a necessary precondition.

⁹ [Non-surgical Procedures and Functions of Medical Reviewers \(Scotland\) Bill | Law Society of Scotland website](#)

¹⁰ [Stage 1 report: Non-surgical Procedures and Functions of Medical Reviewers \(Scotland\) Bill | Scottish Parliament website](#) (para. 163).



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