

Update from Independent Healthcare Team

24th March 2026

Please note that this document reflects HIS's current position at this time.

Providers should also be aware of the ***Non-surgical Procedures and Functions of Medical Reviewers (Scotland) Bill***, which was introduced to the Scottish Parliament in October 2025 and passed by Parliament on 17 March 2026.

The Bill will introduce increased regulation of certain specified non-surgical cosmetic procedures and wellbeing treatments, including provisions relating to permitted premises, age restrictions and additional inspection and enforcement powers for HIS.

The key provisions are not expected to come into force immediately, with the Scottish Government indicating implementation at the earliest from September 2027.

We would therefore encourage providers to familiarise themselves with the final provisions and to begin considering how these new requirements may affect their service model.

Definition of an Independent Clinic

Under the National Health Service (Scotland) Act 1978 (the Act), an independent clinic is:

“A clinic that is not part of a hospital and from which [healthcare] services are provided by a medical practitioner, dental practitioner, registered nurse, registered midwife, registered pharmacist, registered pharmacy technician or dental care professional.”

If *any* of these healthcare professionals provide services in a clinic, including under practising privileges, the clinic must be registered with Healthcare Improvement Scotland.

Further guidance is available on our website:

Independent healthcare: Find out if you need to register – Healthcare Improvement Scotland

<https://www.healthcareimprovementscotland.scot/inspections-reviews-and-regulation/regulation-of-independent-healthcare/independent-healthcare-find-out-if-you-need-to-register/>

You should also review Regulation 12 of the Regulations which set out the requirements in relation to staffing in the service when healthcare is being delivered:

Practising Privileges (PPs): Position Statement

Practising privileges are an established method of allowing a registered healthcare professional to work within a regulated independent healthcare service without creating a separate, new service.

This model originated in England and has long been used in Scotland for medical practitioners, and more recently for other registered healthcare professionals (for example, a nurse practitioner working within a HIS registered independent clinic).

It is important to note:

- Practising privileges **only** apply to regulated healthcare professionals.
- They cannot be given to individuals who are *not* subject to professional regulation.
- If a healthcare professional provides healthcare services independently of the provider's registration, that activity is not covered by practising privileges and they should register their service independently with HIS.

Practising privileges rely on a clear relationship between:

1. The clinical governance duties of the registered healthcare professional, and
2. The regulatory responsibilities of the HIS registered service.

Due to the nature of this relationship, practising privileges **must not** be used for non-healthcare professionals.

Providers should use other forms of contractual agreement if they wish to engage non-healthcare professionals on a regular or occasional basis.

These contractual agreements must clearly describe boundaries and responsibilities of both parties in the agreement. If not, the hosting organisation may be considered responsible for the practitioner's activities and any loss that arises as the result of something done on their premises.

More information on practising privileges can be found here:

Room Rental Arrangements in HIS Registered Premises

Room rental agreements are allowed in HIS registered clinics, but the following rules apply.

1. If the room is to be rented to a healthcare professional listed in the Act they must register their own separate independent clinic

2. If the room is rented to someone who is not a healthcare professional there is no requirement for an additional registration. However, the independent healthcare provider leasing the room should be aware that they may still be considered responsible for activities taking place on their premises and for any loss that arises as the result of something done on their premises.

Therefore, room rental agreements must clearly set out:

- Responsibilities
- Boundaries of practice
- Terms of the lease

Use of prescription only medicines

If a non-healthcare professional provides services that involve prescription only medicines, they cannot simply rent a room from a HIS registered service. They must either:

- Register with HIS separately as an independent clinic, naming their prescribing arrangements, and as such falling within the definition of *the Act*
- Work under the oversight of the registered provider through a formal contractual arrangement, for which the provider should seek their own independent legal advice.