
DRAFT STATUTORY INSTRUMENTS

No.

NATIONAL HEALTH SERVICE, ENGLAND

PUBLIC HEALTH, ENGLAND

**The Health and Social Care Act 2008 (Regulated Activities)
(Amendment) (No. 2) Regulations 2026**

Made - - - -

Coming into force in accordance with regulation 1(2) and (3)

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 8(1), 20(1), (2) and (3)(b) and (c), 35, 86(2), 87(1) and (2) and 161(3) and (4) of the Health and Social Care Act 2008(a).

In accordance with section 20(8) of the Health and Social Care Act 2008, the Secretary of State has consulted such persons as the Secretary of State considers appropriate.

A draft of these Regulations was laid before Parliament in accordance with section 162(3) of the Health and Social Care Act 2008(b), and was approved by a resolution of each House of Parliament.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Health and Social Care Act 2008 (Regulated Activities) (Amendment) (No. 2) Regulations 2026.

(2) This regulation comes into force on the day after the day on which these Regulations are made.

(3) Regulations 2 to 10 come into force—

(a) on [insert CIF date 1] for the purpose of exercising a function under Part 1 of the Health and Social Care Act 2008 with a view to—

(i) making, granting, refusing or rejecting a relevant application, or

(a) 2008 c. 14. Section 20 was amended by sections 81 and 95 of the Care Act 2014 (c. 23), section 1 of the Health and Social Care (Safety and Quality) Act 2015 (c. 28) and sections 173 and 181 of the Health and Care Act 2022 (c. 31). Section 35 was amended by S.I. 2015/664. Section 87 was amended by S.I. 2015/664. Section 161(3) was amended by section 294(4) of the Health and Social Care Act 2012 (c. 7). See section 97(1) for the definition of “prescribed” and “regulations”.

(b) Section 162(3) was amended by section 31(5) of the Health and Care Act 2022.

- (ii) conducting, considering, or disposing of an appeal against a decision made in respect of a relevant application;
- (b) on [insert CIF date 2] for remaining purposes.
- (4) In paragraph (3), “relevant application” means an application for—
 - (a) registration under section 11 or 14 of the Health and Social Care Act 2008 (applications for registration as a service provider and applications for registration as a manager respectively), or
 - (b) variation or removal of a condition for the time being in force in relation to an existing registration under section 19(1) of that Act^(a) (applications by registered persons).
- (5) These Regulations extend to England and Wales.

Amendment of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014

2. The Health and Social Care Act 2008 (Regulated Activities) Regulations 2014^(b) are amended in accordance with regulations 3 to 9.

Amendment of regulation 2 (interpretation)

- 3.**—(1) Regulation 2 is amended as follows.
- (2) In paragraph (1), after the definition of “16 to 19 Academy” insert—
- ““dental practitioner” has the meaning given in paragraph 4(4)(c) of Schedule 1;”.
- (3) After paragraph (3) insert—
- “(4) For the purposes of these Regulations, a procedure is performed for cosmetic purposes if—
- (a) the purpose of the procedure is to alter the appearance of the person on whom it is performed, and
 - (b) the procedure is not—
 - (i) performed by a person acting for or on behalf of a health service body, or
 - (ii) otherwise performed by a healthcare professional for the purposes of treating disease, disorder or injury.
- (5) For the purposes of paragraph (4)(a), it is to be assumed that the purpose of the procedure is to alter the appearance of the person on whom it is performed if the procedure is generally performed for such a purpose.
- (6) For the purposes of these Regulations, a procedure is performed for wellbeing purposes if—
- (a) the likely or desired effect of the procedure on the person on whom it is performed is an improvement in the person’s—
 - (i) physical health, strength or stamina, or
 - (ii) mental, emotional or cognitive functioning, including alertness and concentration, and
 - (b) the procedure is not—
 - (i) performed by a person acting for or on behalf of a health service body, or

^(a) Section 19(1) was amended by section 86(2) of the Care Act 2014.

^(b) S.I. 2014/2936. Relevant amending instrument is S.I. 2015/64.

- (ii) otherwise performed by a healthcare professional for the purposes of treating disease, disorder or injury.”.

Insertion of regulations 19A and 19B (additional requirements relating to procedures for cosmetic or wellbeing purposes)

4. After regulation 19 insert—

“Additional requirements relating to surgical procedures for cosmetic purposes

19A.—(1) This regulation applies where a registered person carries on procedures specified in paragraph 6A(1) of Schedule 1.

(2) Subject to paragraph (3), the registered person must—

- (a) ensure that the procedures are performed by a medical practitioner,
- (b) ensure that the procedures are not performed on persons under the age of 18 years, and
- (c) not make arrangements, or allow another person to make arrangements on behalf of the registered person, for the procedures to be performed on persons under the age of 18 years.

(3) Paragraph (2) does not apply in relation to a procedure where the performance of that procedure constitutes an offence under the Botulinum Toxin and Cosmetic Fillers (Children) Act 2021(a).

Additional requirements relating to non-surgical procedures for cosmetic or wellbeing purposes

19B.—(1) This regulation applies where a registered person carries on procedures specified in paragraph 6B(1) of Schedule 1.

(2) Subject to paragraph (3), the registered person must—

- (a) ensure that the procedures are performed by a healthcare professional specified in paragraph (4),
- (b) ensure that the procedures are not performed on persons under the age of 18 years, and
- (c) not make arrangements, or allow another person to make arrangements on behalf of the registered person, for the procedures to be performed on persons under the age of 18 years.

(3) Paragraph (2) does not apply in relation to a procedure where the performance of that procedure constitutes an offence under the Botulinum Toxin and Cosmetic Fillers (Children) Act 2021.

(4) The healthcare professionals specified in this paragraph are—

- (a) a medical practitioner;
- (b) a nurse independent prescriber;
- (c) a dental practitioner;
- (d) a pharmacist independent prescriber.

(a) 2021 c. 19.

(5) In this regulation, “nurse independent prescriber” and “pharmacist independent prescriber” have the meanings given in regulation 8(1) of the Human Medicines Regulations 2012(a).”.

Amendment of regulation 22 (offences)

5. In regulation 22(1), after sub-paragraph (c) insert—

- “(ca) regulation 19A(2);
- (cb) regulation 19B(2);”.

Amendment of regulation 23 (offences: penalties)

6. In regulation 23, after paragraph (5) insert—

“(5ZA) A person guilty of an offence under regulation 22(1) for breach of regulation 19A(2) or 19B(2) is liable, on summary conviction, to a fine.”.

Amendment of Schedule 1 (regulated activities)

7.—(1) Schedule 1 is amended in accordance with this regulation.

(2) In paragraph 6—

- (a) for the heading substitute “Surgical procedures other than for cosmetic purposes”;
- (b) in sub-paragraph (1)—
 - (i) in the text before paragraph (a), omit “(including all pre-operative and post-operative care associated with such procedures)”;
 - (ii) at the end of paragraph (b) insert “ or”;
 - (iii) omit paragraph (c) and the “or” immediately after it;
- (c) after sub-paragraph (1) insert—

“(1A) All pre-operative and post-operative care associated with such procedures which is carried on by a healthcare professional.”;
- (d) after sub-paragraph (3) insert—

“(3A) For the purposes of this paragraph, reconstructive surgery is a surgical procedure for the purposes of treating disease, disorder or injury.”.

(e) omit sub-paragraph (4).

(3) After paragraph 6 insert—

“Surgical procedures for cosmetic purposes

6A.—(1) Subject to sub-paragraph (3), surgical procedures which are performed for cosmetic purposes.

(2) All pre-operative and post-operative care associated with such procedures which is carried on by a healthcare professional.

(3) The procedures listed in paragraph 6(2) of this Schedule are excepted from sub-paragraph (1) where performed—

- (a) without anaesthesia, or

(a) S.I. 2012/1916. There are amendments to regulation 8(1), but none are relevant.

(b) using local anaesthesia.

(4) For the purposes of this paragraph, a procedure involving the subcutaneous or submucous injection of a filler into a part of the body, other than the face, is a surgical procedure.

(5) In this paragraph, “filler” means any substance used for dermal or mucous membrane filling (whether or not designed to be so used).

Non-surgical procedures for cosmetic or wellbeing purposes

6B.—(1) Procedures which—

(a) are specified in sub-paragraph (2), and

(b) are performed—

(i) in the case of a procedure in which a substance is administered intravenously, for cosmetic or wellbeing purposes;

(ii) in any other case, for cosmetic purposes.

(2) The specified procedures are—

(a) deep chemical peels;

(b) dermal microcoring;

(c) procedures in which a substance is administered intravenously;

(d) procedures in which—

(i) a laser is used to remove one or more layers of skin,

(ii) a laser is introduced into the skin through a puncture or incision in the skin,
or

(iii) a laser or intense pulsed light is used on the eyelid or within the periorbital rim;

(e) procedures involving the subcutaneous, submucous or intradermal injection of a non-resorbable filler into the tissue of the face;

(f) procedures in which an anaesthetic is administered as a separate injection;

(g) procedures in which a therapeutic product derived from human blood or plasma is introduced into the body;

(h) subcision.

(3) In this paragraph—

“deep chemical peel” means a procedure in which a chemical—

(a) is used to remove skin cells in the area of treatment, and

(b) penetrates deeper than the dermal-epidermal junction;

“dermal microcoring” means a procedure in which a needle is inserted into skin and is used to remove a small core of skin tissue;

“filler” has the meaning given in paragraph 6A(5) of this Schedule;

“subcision” means a procedure in which a needle is used to cut fibrous bands that connect skin to underlying tissue.”.

Amendment of Schedule 2 (regulated activities: general exceptions)

8. In paragraph 4 of Schedule 2, for sub-paragraph (d) substitute—

- “(d) surgical procedures performed for cosmetic purposes;
 (da) non-surgical procedures for cosmetic or wellbeing purposes;”.

Amendment of Schedule 5 (fixed penalty offences)

9. In the table in Schedule 5, after the entry for regulation 22(1)(b) or (c) insert—

“Regulation 22(1)(ca) or (cb) of these Regulations	Contravention of, or failure to comply with, requirements in regulation 19A(2) and 19B(2)	£4,000 in the case of an offence committed by a service provider; £2,000 in the case of an offence committed by a registered manager.”.
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Transitional provision

10. The amendments made by regulations 3 to 9 do not apply to a procedure started, but not completed, before [insert CIF date 2].

Date

Name

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 (S.I. 2014/2936) (“the 2014 Regulations”).

Regulation 7 amends Schedule 1 to the 2014 Regulations to (i) carve out from the existing regulated activity of surgical procedures the new and separate regulated activity of surgical procedures for cosmetic purposes and (ii) create the new regulated activity of non-surgical procedures for cosmetic or wellbeing purposes. Procedures are not for cosmetic or wellbeing purposes if they are performed by a person acting for or on behalf of a health service body or otherwise performed by a healthcare professional for the purposes of treating disease, disorder or injury (see the definitional provisions inserted by regulation 3).

Regulation 4 inserts new regulations 19A and 19B into the 2014 Regulations. These regulations impose requirements with respect to the new regulated activities of surgical procedures for cosmetic purposes and non-surgical procedures for cosmetic or wellbeing purposes. In particular, they require registered persons who carry on such procedures to ensure that they are performed by specified persons and are not offered to or performed on persons under the age of 18 years.

Regulation 5 amends regulation 22 of the 2014 Regulations to make it an offence for registered persons who carry on the above-mentioned procedures to fail to comply with the requirements of new regulations 19A or 19B. Regulation 6 sets out that the penalty for such an offence is a fine.

Regulation 8 amends the list of general exemptions in Schedule 2 to the 2014 Regulations to ensure that the exemption relating to the provision of treatment in a surgery or consulting room by medical practitioners does not apply in relation to procedures for cosmetic or wellbeing purposes.

Regulation 9 amends Schedule 5 to the 2014 Regulations to create fixed penalties as an alternative disposal for failure to comply with the requirements of new regulation 19A or 19B.

Regulation 1(3) brings these amendments into force on [insert CIF date 1] for the purposes specified in sub-paragraph (a) of that provision and for all remaining purposes on [insert CIF date 2]. Regulation 10 makes transitional provision.

[A full impact assessment has not been produced by this instrument as no significant impact on the private, voluntary or public sector is foreseen.]