

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

[As amended at Stage 2]

Supplementary Financial Memorandum

Introduction

1. As required under Rule 9.7.8B of the Parliament's Standing Orders, this Supplementary Financial Memorandum is published to accompany the Non-surgical Procedures and Functions of Medical Reviewers (Scotland) Bill (introduced in the Scottish Parliament on 8 September 2025) as amended at Stage 2.
2. The Memorandum has been prepared by the Scottish Government. It does not form part of the Bill and has not been endorsed by the Parliament. It should be read in conjunction with the original Financial Memorandum published to accompany the Bill as introduced.
3. The purpose of this Financial Memorandum is to set out the expected costs associated with the new and amended provisions included in the Bill following the amendments made at Stage 2. This document addresses those amendments with anticipated or potential cost implications. Amendments agreed at Stage 2 which are not covered in this supplementary Financial Memorandum are considered not to significantly or materially affect the assumptions in the original Financial Memorandum.

Costs on the Scottish Administration

Section 5(4) and 12: penalties

4. Amendments were made to the Bill that increase the penalties set out in the Bill as introduced. The costs relating to the penalties in the Bill as introduced were covered in Annex C (paragraphs 64 and 65) of the Financial Memorandum submitted on 8 October, 2025, and then updated in the [supplementary information](#) provided on 15 December, 2025, which updated the average cost to the Scottish Legal Aid Board of a sheriff court summary criminal case.

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5. The amendments made at Stage 2 increased the maximum penalty that could be imposed on a person who is found guilty of an offence under the Bill. These amendments replace the penalties originally included which were that a person convicted of an offence under section 2, 3 or 11 of the Bill was liable on summary conviction to a fine not exceeding level 5 on the standard scale (currently £5,000) (this scale is set out in section 225 of the Criminal Procedure (Scotland) Act 1995), with a maximum £20,000 fine on summary conviction or an unlimited fine on indictment. This represents a significant increase on the penalties in the Bill as introduced.

6. Taking the same approach to estimating costs as set out in the Financial Memorandum, but including Sheriff Court Solemn procedure costs using the [2016-17 data set published in 2019](#) would produce the estimate set out in **Table 1** below.

Table 1

Part of Procedure (Body)	Unit Cost
Prosecution cost (Crown Office and Procurator Fiscal Service)	£4,363
Court costs (Scottish Court and Tribunal Service)	£2,190
Legal Aid (Scottish Legal Aid Board)	£3,731* *Taken from table 3.26 - annual report page
Total	£10,284

7. This would increase the total for five prosecutions from £7,505 to £51,420. However, as set out in the Financial Memorandum, prosecutions would be a last resort for HIS and the Scottish Government expect that their number would be extremely low, and unlikely to exceed five in a given year, it can also be assumed that only a proportion of prosecutions will be tried on indictment. Estimating that one out of five annual prosecutions would be carried out on indictment, this would total **£16,288**. This is an addition of **£8,783** compared to the originally provided figure.

Section 13A: UKIMA power to establish individual assessment process

8. This section contains a new enabling power which would allow the Scottish Ministers to establish by regulations an individual assessment process to which section 26 of the UK Internal Market Act 2020 (“UKIMA”) would apply. Section 26 of UKIMA allows for an exception to the automatic recognition principle in section 24(2) of that Act by means of an individual assessment process. A section 26 process enables a qualified UK resident to have their qualifications, experience, knowledge or skills

assessed to ensure they meet any standards of training and qualification which may be set out by one part of the UK.

9. When created, this section 26 process will give individuals the opportunity to apply to have their level of training and qualification recognised as equivalent to any standard established in Scotland. In turn this would allow them to provide non-surgical procedures to which that standard relates. These procedures may be non-surgical procedures in the Bill or licensed procedures i.e. the lower risk non-surgical procedures which are contained in the Civic Government (Scotland) Act 1982 (Licensing of Non-surgical Procedures) Order 2026 which introduces a local authority licensing scheme.

10. Regulations made under this new provision will be able to designate one or more regulatory bodies to set up, administer and run an individual assessment process, make provision in relation to fees, and the application process for an individual under the process. Whilst it is anticipated that over time this process could be run on a cost neutral basis, it is likely that to establish such a process would incur initial administrative costs and may also incur the cost of expert advice.

11. It is estimated that the establishment and administration of the scheme would take up no more than 0.5 FTE of a permanent member of staff to manage the process within an existing organisation. The cost of establishing the scheme would be met by the Scottish Government but it is likely that an existing body, such as Healthcare Improvement Scotland (HIS), noting this may not be the body who would undertake this role but they are included here as an illustration, would host this role. The anticipated cost is in the region of £45,480 (based on 0.5FTE of a C1 level post) for the first year to establish the process and deliver initial work.

12. In addition, it is likely this will require supplementary support from an assessor or expert in training / standards in this sector in the first year. Were such an assessor / expert to provide two sessions per week (based on an estimate of £300/session – which was an indicative cost provided by HIS based on current costs for equivalent expert support used to support existing inspection activity) in the first year that would total £31,200. In total this would incur an estimated costs of **£76,680** in the first year of establishing a section 26 scheme.

13. Further information is provided below (paragraph 20) on the costs that may be incurred by individuals / businesses that may reduce this cost. However, it is not possible to estimate that amount at this stage so the full costs of establishing this process should be assumed to be borne by the Scottish Administration.

Section 15A: Review of Part 1

14. The Scottish Administration has included ongoing staff costs associated with the delivery and ongoing oversight of the Bill as part of the overall administrative costs for Bill implementation as set out in the Financial Memorandum (in Annex A). However, this is an additional task at a time when a full team may not still be working on the delivery

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of this Bill, and as such, direct staff costs anticipated as a result of the inclusion of the Review provision are set out in **Table 2**.

Table 2

What the cost is incurred for	Amount
0.5 FTE of a B2 (for one month's work)	£2,260
1 FTE of a B3 (for one month's work)	£5,780
0.5 FTE of 2 x C1 team members, one policy and one analysis (for one month's work)	£7,580
Total Costs	£15,620

15. In addition, there may be costs incurred by the Scottish Administration for engaging some external analytical resources to undertake work or provide evidence for the review. Costs may be incurred when gathering and analysing held data at a national level from bodies associated with the Bill, such as, Healthcare Improvement Scotland, Local Authorities, Police Scotland's Criminal History System or the Scottish Courts and Tribunals Service (SCTS). In setting the scope of the review, the Scottish Administration will work with partners to establish what data is already collected with a view to minimising additional data collection requirements and so minimising additional costs.

16. The cost to the Scottish Administration of engaging partners, seeking information and conducting the review is difficult to estimate. However, the costs needing to be met by the Scottish Administration are likely to be in a similar region to the costs incurred internally (an equivalent amount of work undertaken by external bodies) as such the same cost has been assumed as per the staff costs set out in table 2 of £15,620 resulting in a total of **£31,240**. Publication of a report is estimated to cost less than £1,000. Therefore, it is estimated that costs to deliver a review of the Bill may be approximately **£32,240**.

Section 19A: Duty to consult on affirmative regulations

17. This section adds a requirement that the Scottish Ministers must "consult such persons, or groups of persons, as they consider appropriate" where any regulation-making power that requires the affirmative procedure is used, that is:

- section 1(5) – power to amend list of procedures in schedule 1;
- section 4(4) – power to modify the meaning of "permitted premises";

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- section 5(1) – power to make further provision about non-surgical procedures;
- section 18 – ancillary provisions; and
- section 13A (added at Stage 2) - the power to establish individual assessment process under UKIMA (as set out in paragraphs 8-12 of this memorandum).

18. For section 13A, regulations will be made using the affirmative procedure on the first use of the power, but the negative procedure on further use. The new consultation requirement in section 19A will apply to the first regulations made under this enabling power.

19. It is estimated that a consultation including printing and publication of documents would cost no more than **£14,230**. This includes staffing costs to undertake the work directly associated with a consultation, although this is likely to in part duplicate some of the costs set out to cover ongoing staffing associated with the delivery and ongoing oversight of the Bill as set out in the Financial Memorandum (in Annex A). To exclusively deliver this work (i.e. a consultation that could cover one or multiple regulations at a single time) it is estimated that 0.5 FTE hours for four members of staff (in existing roles) for a month would be needed to prepare for, analyse and write up a consultation. The figures are set out in **Table 3** below.

Table 3

What the cost is incurred for	Amount
0.5 FTE of a B2 (for one month's work)	£2,260
0.5 FTE of a B3 (for one month's work)	£2,890
0.5 FTE of 2 x C1 team members, one policy and one analysis (for one month's work)	£7,580
Printing costs	£1,500
Total Costs	£14,230

Costs on other bodies, individuals and businesses

Section 13A: UKIMA power to establish individual assessment process

20. Paragraphs 8-12 of this document set out the costs to the Scottish Administration of establishing a section 26 process which will give individuals the opportunity to apply to have their level of training and qualification recognised as equivalent to any standard established in Scotland. Beyond the set up costs to the Scottish Administration, there will be small costs to the relevant practitioners who apply under the scheme (once established). It is anticipated that once a scheme was established the cost of reviewing an application would be met by the applicant. It is estimated that this cost may be in the region of £350-£500 / applicant and would only need to be paid once (not on an on-going/ annual basis). This is likely to be less than the costs of additional training or qualifications which someone might need to undertake in order to demonstrate their competence without this scheme.

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