

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

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## Groupings of Amendments for Stage 2

This document provides procedural information which will assist in preparing for and following proceedings on the above Bill. The information provided is as follows:

- the list of groupings (that is, the order in which amendments will be debated). Any procedural points relevant to each group are noted;
- the text of amendments to be debated on the day of Stage 2 consideration, set out in the order in which they will be debated. **THIS LIST DOES NOT REPLACE THE MARSHALLED LIST, WHICH SETS OUT THE AMENDMENTS IN THE ORDER IN WHICH THEY WILL BE DISPOSED OF.**

At introduction the Presiding Officer determined that a financial resolution was not required for this Bill. Under Rule 9.12.6C, it is for the Presiding Officer to determine whether an amendment either individually or in combination with other amendments, cause (or might cause) the Bill, to which they relate, to require a financial resolution which it would not otherwise require. The Presiding Officer has determined that amendment 105, if agreed to, would change the Bill in a way that makes the costs likely to arise from the Bill exceed the “significant” threshold of £500,000 or more in any single financial year and therefore would require it to have a financial resolution. Amendment 105 may be debated, but may not be agreed to in the absence of a financial resolution.

The Presiding Officer has also ruled that amendments 36, 37, 50, 52, 54, 93, 94, 98, 99, 100, 104, 28, 106, 59, 107, 108, 109, 110, 111 and 35 are cost-bearing amendments. However, the potential cumulative cost of the amendments would not require a financial resolution. As such, these amendments and any amendments that would be consequential on those amendments, may be debated and the question put on them.

## Groupings of amendments

### **UKIMA: power to establish individual assessment process**

5, 28, 30, 34

### **Meaning of “non-surgical procedure”**

6, 7, 8, 64, 65, 36, 37, 10, 38, 11, 12, 13, 14, 15, 16, 17, 39, 18, 19, 20, 21

### **Meaning of “permitted premises”**

9, 22, 22A, 22B, 22C, 22D, 40, 23, 68, 69, 24, 41, 71, 25, 42, 43, 73, 44, 31, 112, 113, 60, 61

*Notes on amendments in this group*

Amendment 22 pre-empts amendment 40

**Age verification**

1, 2, 3, 4

**Standards, guidance and requirements for providers**

75, 79, 100, 106, 118

**Costs to, and support for, providers**

76, 51, 105, 110, 117, 119

*Notes on amendments in this group*

Amendment 105 may be debated, but may not be agreed to in the absence of a financial resolution.

**Risk-based approach and risk management**

77, 78, 80, 81, 83, 46, 47, 84, 87, 88, 89, 91, 92, 95, 97, 98, 99, 103, 58, 115, 120

**Power to make further provision about non-surgical procedures**

45, 48, 49, 50, 52, 90, 53, 54, 93, 94, 96, 55, 35

**Enforcement**

26, 56, 102, 57, 27, 104

**Minor and technical**

29, 32, 33

**Review of Part 1**

59, 107, 108, 109, 111

**Commencement**

62, 63, 121

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**Amendments in debating order**

**UKIMA: power to establish individual assessment process**

**Jenni Minto**

- 5 In section 1, page 1, line 10, after <Part> insert <(other than in section (*UK internal market: power to establish individual assessment process*)(5))>

**Jenni Minto**

- 28 After section 13, insert—

*<UK internal market: power to establish individual assessment process*

**UK internal market: power to establish individual assessment process**

- (1) The Scottish Ministers may by regulations make provision for or in connection with the establishment and administration of one or more processes to which section 26 of the 2020 Act applies under which individuals may apply for approval to provide (or supervise the provision of) in Scotland—
  - (a) non-surgical procedures, or
  - (b) licensed procedures.
- (2) Regulations under subsection (1) may, in particular, make provision in relation to—
  - (a) the form and manner of an application,
  - (b) the procedure for making an application,
  - (c) the information to be provided in connection with an application,
  - (d) any fees to be paid in connection with an application,
  - (e) the designation of a person (which may include the Scottish Ministers) (“the regulator”) responsible for—
    - (i) making decisions in relation to applications, and
    - (ii) other matters in connection with administering the process (or processes),
  - (f) the duties and powers of a regulator in connection with an application,
  - (g) reviews of the regulator’s decisions in relation to applications,
  - (h) appeals against the regulator’s decisions in relation to applications.
- (3) Regulations under subsection (1) may—
  - (a) modify any enactment (including this Act),
  - (b) create an offence of making a false or misleading statement in connection with an application,
  - (c) designate different persons as the regulator in relation to different processes.
- (4) The maximum penalty that may be provided for in regulations under subsection (1) for a person who commits an offence created by regulations under that subsection is, on summary conviction, a fine not exceeding level 5 on the standard scale.
- (5) In this section—

“the 2020 Act” means the United Kingdom Internal Market Act 2020,

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“licensed procedure” means a non-surgical procedure within the meaning of the Civic Government (Scotland) Act 1982 (Licensing of Non-surgical Procedures) Order 2026 (S.S.I. 2026/87).>

### Jenni Minto

- 30 In section 15, page 8, line 33, after <procedure> insert <(other than in section (*UK internal market: power to establish individual assessment process*)(5))>

### Jenni Minto

- 34 In section 19, page 10, line 9, at end insert—
- <( ) Regulations under section (*UK internal market: power to establish individual assessment process*)(1) are subject to—
- (a) the affirmative procedure for the first regulations under that subsection,
  - (b) the negative procedure for subsequent regulations under that subsection.>

### Meaning of “non-surgical procedure”

### Jenni Minto

- 6 In section 1, page 1, line 19, at end insert—
- <( ) that is carried out in relation to a clinical trial (within the meaning given by regulation 2(1) of the Medicines for Human Use (Clinical Trials) Regulations 2004 (S.I. 2004/1031)), or>

### Jenni Minto

- 7 In section 1, page 1, line 20, leave out <that> and insert <the provision of which>

### Jenni Minto

- 8 In section 1, page 1, line 22, leave out <1> and insert <2>

### Sandesh Gulhane

- 64 In section 1, page 2, leave out line 14

### Sandesh Gulhane

- 65 In section 1, page 2, leave out line 15

### Maurice Golden

- 36 In section 1, page 2, line 20, at end insert—

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- <( ) Before making regulations under subsection (5) to specify new procedures in schedule 1, the Scottish Ministers must—
- (a) publish the evidence relied upon for the proposed addition of procedures to the schedule, including any evidence of—
    - (i) harms,
    - (ii) risks of harm,
    - (iii) practical enforceability,
  - (b) consult—
    - (i) HIS,
    - (ii) local authorities,
    - (iii) persons they consider to represent the interests of providers of non-surgical procedures, and
    - (iv) such other persons as they consider appropriate.>

### **Jeremy Balfour**

**37** In section 1, page 2, line 20, at end insert—

- <( ) Before making regulations under subsection (5), the Scottish Ministers must—
- (a) carry out an assessment of the risk associated with any new procedures proposed to be specified in schedule 1,
  - (b) consult—
    - (i) persons they consider to represent the interests of the beauty and aesthetics industry,
    - (ii) persons they consider to represent the interests of small businesses, and
    - (iii) such other persons as they consider appropriate.>

### **Jenni Minto**

**10** In schedule 1, page 11, leave out lines 6 to 8

### **Maurice Golden**

**38** In schedule 1, page 11, line 17, after <tattooing> insert <, mesotherapy and skin boosters,>

### **Jenni Minto**

**11** In schedule 1, page 11, line 17, after <skin> insert <for a cosmetic or wellbeing purpose (or both)>

### **Jenni Minto**

**12** In schedule 1, page 11, line 19, after <intravenously> insert <for a cosmetic or wellbeing purpose (or both)>

### **Jenni Minto**

**13** In schedule 1, page 11, line 19, at end insert—

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*<Licensed procedure carried out with prescribed anaesthetic*

A procedure—

- (a) that is of a kind specified in schedule 1 of the Civic Government (Scotland) Act 1982 (Licensing of Non-surgical Procedures) Order 2026 (S.S.I. 2026/87), and
- (b) for which a prescribed anaesthetic is used.

*Licensed procedure carried out on an intimate area (other than non-ablative laser treatment for hair removal)*

A procedure, other than non-ablative laser treatment for hair removal, that—

- (a) is of a kind specified in schedule 1 of the Civic Government (Scotland) Act 1982 (Licensing of Non-surgical Procedures) Order 2026 (S.S.I. 2026/87), and
- (b) is carried out on an intimate area.>

### **Jenni Minto**

- 14** In schedule 1, page 11, line 21, leave out from <microneedles> to end of line 22 and insert <one or more microneedles are used to puncture skin multiple times on a single occasion—
- (a) to any depth if one or more microneedles are used to deliver radio frequency electromagnetic radiation, or
  - (b) to a depth of 1.5 millimetres or more in any other case.>

### **Jenni Minto**

- 15** In schedule 1, page 11, line 22, at end insert—
- <But paragraph 7 does not include—
- (a) acupuncture, cosmetic body piercing, electrolysis or tattooing, or
  - (b) the use of a microneedle to—
    - (i) inject a substance into or under skin, or
    - (ii) administer a substance intravenously.>

### **Jenni Minto**

- 16** In schedule 1, page 11, line 22, at end insert—
- <Subcision*
- A procedure in which a needle is used to cut fibrous bands that connect skin to underlying tissue.>

### **Jenni Minto**

- 17** In schedule 1, page 11, line 28, at end insert—
- <<“intimate area” means anus or genitals or an area around the anus or genitals,  
“non-ablative laser treatment for hair removal” means a procedure in which a laser is used to remove hair and which does not remove any of the epidermis,

## THIS IS NOT THE MARSHALLED LIST

“prescribed anaesthetic” means an anaesthetic that is a prescription only medicine within the meaning given by regulation 8 of the Human Medicines Regulations 2012 (S.I. 2012/1916),>

### **Maurice Golden**

39 In schedule 1, page 11, line 28, at end insert—

<“mesotherapy and skin boosters” means the insertion of superficial injectable treatments into the intradermal or superficial sub-dermal plane of skin using fine-gauge needles,>

### **Jenni Minto**

18 In schedule 1, page 11, line 29, after <“substance”> insert <—

( )>

### **Jenni Minto**

19 In schedule 1, page 11, line 29, at end insert—

<( ) does not include—

- (i) a controlled drug (within the meaning of section 2 of the Misuse of Drugs Act 1971), or
- (ii) a psychoactive substance (within the meaning of section 2 of the Psychoactive Substances Act 2016),>

### **Jenni Minto**

20 In schedule 1, page 11, leave out lines 30 and 31 and insert—

<In this schedule, the following terms have the same meaning as they have in the Civic Government (Scotland) Act 1982 (Licensing of Skin Piercing and Tattooing) Order 2006 (S.S.I. 2006/43)—

“acupuncture”,

“cosmetic body piercing”,

“electrolysis”,

“tattooing”.>

### **Jenni Minto**

21 In schedule 1, page 11, line 31, at end insert—

<For the purposes of paragraph 5 or 6, a substance is to be treated as being injected into, or administered to, a person for a wellbeing purpose if it is injected or administered for the purpose of achieving an actual or perceived improvement in the person’s—

- (a) physical, mental or emotional wellbeing,
- (b) physical strength or stamina,
- (c) ability to concentrate, or
- (d) mental alertness.>

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### Meaning of “permitted premises”

#### **Jenni Minto**

9 In section 1, page 1, line 25, leave out <with HIS> and insert <under section 10P of the 1978 Act>

#### **Jenni Minto**

22 In section 4, page 3, line 27, leave out subsections (1) and (2) and insert—

<(1) In section 3, “permitted premises” means—

(a) premises of a registered independent clinic whose services are provided or managed by a person mentioned in subsection (3) if—

5 (i) the address of the premises is entered in the register in relation to the registered independent clinic, or

(ii) the premises are a vehicle that is not a dwelling of the person to whom the non-surgical procedure is being provided,

10 (b) premises the address of which is entered in the register in relation to a registered independent hospital,

(c) any premises (or vehicle), other than a dwelling or care home, at or in which general dental services are provided in accordance with an agreement pursuant to section 25 of the 1978 Act,

15 (d) premises, other than a dwelling or care home, the address of which is specified in an agreement pursuant to section 17C of the 1978 Act as one at which primary medical services are to be provided in accordance with the agreement,

(e) premises, other than a dwelling or care home, the address of which is specified in a contract pursuant to section 17J of the 1978 Act as one at which general medical services are to be provided in accordance with the contract,

20 (f) a registered pharmacy within the meaning of section 74 of the Medicines Act 1968.>

#### **Maurice Golden**

22A As an amendment to amendment 22, line 20, at end insert—

<( ) in relation to non-surgical procedures of a type specified in regulations made under section (*Licensed non-healthcare premises*)(1), a licensed non-healthcare premises.>

#### **Maurice Golden**

22B As an amendment to amendment 22, line 20, at end insert—

<( ) premises for which a licence is in force in accordance with section (*Permitted premises: licensing scheme*).>

#### **Stuart McMillan**

22C As an amendment to amendment 22, line 20, at end insert—

<( ) premises managed by a non-healthcare aesthetics professional that meet such registration requirements as may be specified by the Scottish Ministers in regulations.>

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**Maurice Golden**

**Supported by: Fulton MacGregor**

**22D** As an amendment to amendment 22, line 20, at end insert—

<( ) premises of an independent non-surgical procedure service registered with HIS under section 10PA of the 1978 Act,>

**Maurice Golden**

**40** In section 4, page 3, leave out lines 31 to 32 and insert—

<( ) that has a named clinical governance lead responsible for compliance with provisions included in this Part, and

( ) where that clinic provides procedures involving the use, administration or supply of a prescription only medicine, has a named prescriber governance arrangement in compliance with section (*Provision of non-surgical procedures: prescription-only medicines governance*),>

**Jenni Minto**

**23** In section 4, page 4, line 9, leave out <(1)(b)(ii)> and insert <(1)(a)>

**Stuart McMillan**

**68** In section 4, page 4, line 18, at end insert—

<( ) a non-healthcare aesthetics professional.>

**Maurice Golden**

**69** In section 4, page 4, line 18, at end insert—

<(3A) For the avoidance of doubt, nothing in this section requires a prescriber to be physically present on permitted premises during a non-surgical procedure.

(3B) The Scottish Ministers must set out in regulations an arrangement for named prescribers to be attached to each permitted premises, with a clear governance structure in place, including the ability to escalate issues to the named prescriber.>

**Jenni Minto**

**24** In section 4, page 4, leave out lines 25 and 26

**Maurice Golden**

**41** In section 4, page 4, line 26, at end insert—

<“licensed non-healthcare premises” is to be construed in accordance with section (*Licensed non-healthcare premises*),>

**Stuart McMillan**

**71** In section 4, page 4, line 26, at end insert—

<“non-healthcare aesthetics professional” means an individual who has a qualification relevant to the provision and supervision of non-surgical procedures at a level at

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least equivalent to level 11 of the Scottish credit and qualifications framework or a level 7 qualification in England, Wales, and Northern Ireland.>

### Jenni Minto

25 In section 4, page 4, line 37, at end insert—

<“the register” means the register maintained under regulation 6 of the Healthcare Improvement Scotland (Applications and Registration) Regulations 2011 (S.S.I. 2011/35),

“registered independent clinic” means an independent clinic within the meaning given by section 10F(2) of the 1978 Act that is registered under section 10P of that Act,

“registered independent hospital” means an independent hospital within the meaning given by section 10F(2) of the 1978 Act that is registered under section 10P of that Act,

“vehicle” means—

- (a) a mechanically-propelled vehicle, or
- (b) a structure that is capable of being moved from one place to another by being—
  - (i) towed, or
  - (ii) transported on a mechanically-propelled vehicle or trailer.>

### Maurice Golden

42 After section 4, insert—

#### <Licensed non-healthcare premises

- (1) The Scottish Ministers must, by regulations—
  - (a) provide a scheme for non-healthcare premises to obtain a licence from—
    - (i) HIS, or
    - (ii) such other body as the Scottish Ministers may specify in the regulations, to provide certain non-surgical procedures,
  - (b) specify the type of procedure that may be provided by licensed premises under paragraph (a).
- (2) Regulations under subsection (1) may modify any enactment (including this Act).>

### Maurice Golden

43 After section 4, insert—

#### <Permitted premises: licensing scheme

- (1) The Scottish Ministers must, by regulations, establish a licensing scheme for the purposes of regulating community clinics providing specified categories of non-surgical procedures.
- (2) Regulations under subsection (1) must specify—
  - (a) the minimum standards with which premises must comply,
  - (b) the procedures which a premises being issued a licence is permitted to provide.

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- (3) Regulations under subsection (1) may modify any enactment (including this Act).
- (4) For the purposes of this section, a “community clinic” is a clinic that—
  - (a) provides non-surgical procedures of a type specified in regulations under subsection (1),
  - (b) is not an independent health care service as defined by section 10F of the 1978 Act.>

**Maurice Golden**

**Supported by: Fulton MacGregor**

73 After section 4, insert—

### <Registration of independent non-surgical procedure services

- (1) The 1978 Act is amended as follows.
- (2) After section 10P insert—

#### “10PA Registration of independent non-surgical procedure services

- (1) A person who seeks to provide a non-surgical procedure service must apply to HIS for registration of the service.
- (2) An application must—
  - (a) give such information as may be prescribed about prescribed matters,
  - (b) identify an individual (who may be the applicant) who is to manage the service,
  - (c) give any other information which HIS may reasonably require the applicant to give,
  - (d) without prejudice to subsection (1)(b) of section 10Z5, be accompanied by the fee imposed under subsection (2)(a) of that section,
  - (e) be accompanied by any annual continuation fee, or any instalment of an annual continuation fee, that remains due in respect of a previous registration of that service that has been cancelled.
- (3) In this section, “non-surgical procedure” has the meaning given in section 1 of the Non-surgical Procedures and Functions of Medical Reviewers (Scotland) Act 2026.”.
- (3) In section 10Q, after subsection (1), insert—
  - “(1A) HIS may grant or refuse registration of an independent non-surgical procedure service under section 10PA.
  - (1B) Granting or refusing registration under 10PA must be based on the nature of the service provided rather than the professional background of the practitioner.”.
- (4) In section 10Z, in subsection (1) after “10P” insert “or 10PA”.
- (5) In section 10Z2, in subsection (1) after “10P” insert “or 10PA”.
- (6) In section 10Z6, in subsection (1)—
  - (a) in paragraph (b) after “10P” insert “or 10PA”,
  - (b) in paragraph (e) after “10P” insert “or 10PA”.>

## THIS IS NOT THE MARSHALLED LIST

### **Maurice Golden**

44 After section 4, insert—

*<Provision of non-surgical procedures: prescription-only medicines governance*

#### **Provision of non-surgical procedures: prescription-only medicines governance**

- (1) Where the provision of a non-surgical procedure involves the—
  - (a) use,
  - (b) administration, or
  - (c) supply,of a prescription-only medicine, the provider must have a named prescriber governance arrangement in place.
- (2) A named prescriber governance arrangement mentioned in subsection (1) must include—
  - (a) records of the prescriber’s registration, qualifications and authorisation to order drugs medicines and appliances as an independent prescriber,
  - (b) details of the record-keeping approach used to identify any medicines used or supplied, including—
    - (i) batch numbers, or
    - (ii) where applicable, other traceability information,
  - (c) a process for the review of adverse events, and
  - (d) a process for audit of compliance with the governance arrangement.
- (3) The Scottish Ministers may, by regulations, make further provision about the requirements for named prescriber governance arrangements.
- (4) Regulations under subsection (3) may make provision for different requirements for different categories of procedure.>

### **Jenni Minto**

31 In section 15, page 8, leave out line 34

### **Stuart McMillan**

112 In section 19, page 10, line 9, after <1(5),> insert <4(1),>

### **Maurice Golden**

113 In section 19, page 10, line 9, after <1(5),> insert <4(3B),>

### **Maurice Golden**

60 In section 19, page 10, line 9, after <4(4)> insert <, (Licensed non-healthcare premises)(1)>

### **Maurice Golden**

61 In section 19, page 10, line 9, after <4(4)> insert <, (Provision of non-surgical procedures: prescription-only medicines governance)(3)>

## THIS IS NOT THE MARSHALLED LIST

### Age verification

#### **Clare Haughey**

- 1 In section 2, page 2, leave out lines 34 and 35 and insert <the accused had taken such steps to establish the client’s age as the Scottish Ministers may by regulations specify.>

#### **Clare Haughey**

- 2 In section 2, page 2, line 36, leave out subsection (4)

#### **Clare Haughey**

- 3 In section 2, page 3, line 14, leave out subsection (6)

#### **Clare Haughey**

- 4 In section 19, page 10, line 8, leave out <2(6)> and insert <2(3)>

### Standards, guidance and requirements for providers

#### **Fulton MacGregor**

#### **Supported by: Davy Russell**

- 75 After section 4, insert—

#### **<Standard of relevant permitted premises**

- (1) HIS have to set standards applicable to relevant permitted premises.
- (2) The standards set under subsection (1) must be proportionate to the risk of the procedures being carried out.
- (3) Relevant permitted premises must meet only the standards set by HIS under subsection (1).
- (4) In this section, “relevant permitted premises” means permitted premises that provide only non-surgical procedures.>

#### **Sandesh Gulhane**

- 79 After section 4, insert—

#### *<Non-surgical procedures: guidance*

#### **Provision of non-surgical procedures: guidance on complaints processes**

The Scottish Ministers must prepare and publish guidance on—

- (a) complaints processes for persons who have been provided with a non-surgical procedure, and
- (b) how such persons can access independent advice in respect of the procedure they have been provided with.>

#### **Maurice Golden**

- 100 After section 5, insert—

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*<Standards and guidance about non-surgical procedures*

### **Standards and guidance about non-surgical procedures**

- (1) HIS must publish standards and guidance about non-surgical procedures.
- (2) Providers of non-surgical procedures must comply with any standards and guidance published under subsection (1).>

### **Sandesh Gulhane**

**106** After section 13, insert—

*<Guidance*

### **Provision of non-surgical procedures: guidance**

- (1) The Scottish Ministers must, as soon as reasonably practicable after Royal Assent, publish guidance on the application of this Part in relation to the provision of non-surgical procedures.
- (2) Guidance under subsection (1) must include provision about—
  - (a) how providers of non-surgical procedures can identify clients with body dysmorphic disorder,
  - (b) additional safeguards, where necessary, for the provision of non-surgical procedures to clients with body dysmorphic disorder,
  - (c) the duties of inspectors in respect of the supervision of clients with body dysmorphic disorder.
- (3) The Scottish Ministers may, by regulations, make provision for guidance under subsection (1) to include other mental health conditions.>

### **Sandesh Gulhane**

**118** In section 19, page 10, line 9, after <5(1)> insert <or (*Provision of non-surgical procedures: guidance*)(3)>

## **Costs to, and support for, providers**

### **Maurice Golden**

**Supported by: Fulton MacGregor**

**76** After section 4, insert—

*<Costs to providers of non-surgical procedures*

### **Costs to providers of non-surgical procedures**

- (1) The Scottish Ministers must ensure that any costs to providers of non-surgical procedures associated with regulation under this Act are proportionate to the size of the service provider and the risk profile of the services provided.
- (2) In particular, the Scottish Ministers must ensure—
  - (a) any costs of registration incurred in order to be a “permitted premises” under section 4,

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- (b) any costs associated with HIS regulation and enforcement powers under the 1978 Act,
- (c) any costs incurred as a result of the exercise of entry, search and seizure powers under section 7,
- (d) any penalties issued under—
  - (i) section 12,
  - (ii) regulations under section 5,
  - (iii) the 1978 Act,

are proportionate to the size and risk profile of the service.>

### Jeremy Balfour

51 In section 5, page 5, line 17, at end insert—

<( ) specify the rate, or rates, of any fees chargeable by HIS for the purposes of registering to provide, or supervise, non-surgical procedures within a permitted premises.>

### Sandesh Gulhane

105 After section 13, insert—

*<Non-surgical Procedures Transition Support Fund*

#### **Transition support fund**

- (1) The Scottish Ministers must, before making regulations under section 20(2) to commence sections 2 and 3, establish a fund to be known as the Non-surgical Procedures Transition Support Fund (“the Fund”).
- (2) The purpose of the Fund is to provide—
  - (a) financial assistance,
  - (b) advisory support,
  - (c) guidance,to businesses affected by provisions under this Part.
- (3) The Fund must be made available only to businesses in operation on the day of Royal Assent.
- (4) The Scottish Ministers may, by regulations, make further provision about—
  - (a) eligibility criteria for accessing the Fund,
  - (b) the types and level of support to be made available, and
  - (c) the duration of the Fund.
- (5) The Scottish Ministers may, by regulations, make such other provision as they consider appropriate in relation to the Fund.>

### Carol Mochan

110 After section 15, insert—

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*<Assessment of support provided to providers of non-surgical procedures*

### **Assessment of support provided to providers of non-surgical procedures**

- (1) The Scottish Ministers must, within the reporting period, undertake an assessment of the support provided to—
  - (a) independent, and
  - (b) non-medical,providers of non-surgical procedures to assist them with compliance under this Part.
- (2) An assessment under subsection (1) must consider—
  - (a) the training opportunities available to providers to assist them to upskill,
  - (b) any guidance provided in relation to minimum training and competence requirements,
  - (c) qualification and accreditation pathways for practitioners, including those who are non-medical practitioners,
  - (d) any financial support available to providers,
  - (e) support for providers operating in rural and remote areas.
- (3) An assessment under subsection (1) may consider such other matters at the Scottish Ministers consider appropriate.
- (4) As soon as reasonably practicable after completing the assessment under subsection (1), the Scottish Ministers must prepare and publish a report on the findings of the assessment.
- (5) In this section, “reporting period” means—
  - (a) in the case of the first report, the period of 12 months beginning with the day after Royal Assent,
  - (b) the subsequent period of 12 months.>

### **Sandesh Gulhane**

- 117 In section 19, page 10, line 9, after <5(1)> insert <or (*Transition support fund*)(4) and (5)>

### **Sandesh Gulhane**

- 119 In section 20, page 10, line 11, after <sections> insert <(Transition support fund),>

## **Risk-based approach and risk management**

### **Sandesh Gulhane**

- 77 After section 4, insert—

*<Non-surgical procedures: additional provisions*

### **Providers of non-surgical procedures: further requirements**

Providers of non-surgical procedures must, before carrying out such a procedure, have in place—

- (a) appropriate insurance arrangements, and
- (b) a professional indemnity arrangement.>

## THIS IS NOT THE MARSHALLED LIST

**Sandesh Gulhane**

78 After section 4, insert—

*<Non-surgical procedures: information for prospective clients*

### **Non-surgical procedures: information for prospective clients**

- (1) Providers of non-surgical procedures must provide information to prospective clients to explain—
  - (a) the process for administering non-surgical procedures,
  - (b) the risks of each procedure, and
  - (c) the aftercare requirements of each procedure.
- (2) Providers must have in place a procedure to record receiving informed consent from a client that they wish to be provided with the non-surgical procedure.>

**Fulton MacGregor**

**Supported by: Davy Russell**

80 After section 4, insert—

*<Training and qualifications required for non-surgical procedures*

### **Training and qualifications required for non-surgical procedures**

- (1) A person must not provide a non-surgical procedure to another person unless the person providing the procedure has completed any training, and obtained any qualifications, that the Scottish Ministers may specify in regulations.
- (2) In determining the training and qualifications to specify in regulations under subsection (1), the Scottish Ministers—
  - (a) may set different requirements for different procedures,
  - (b) must ensure the requirements are proportionate to the risks posed by the procedure.>

**Sandesh Gulhane**

81 After section 4, insert—

*<Additional requirements for providing Botulinum Toxin Type A*

### **Offence of providing Botulinum Toxin Type A other than by specified person in specified premises**

- (1) It is an offence for a person to provide a non-surgical procedure to another person where that procedure involves Botulinum Toxin Type A unless—
  - (a) the person providing the procedure is a person mentioned in subsection (2),
  - (b) the permitted premises where the procedure is being provided is registered with HIS.
- (2) The persons referred to in subsection (1)(a) are—
  - (a) a registered medical practitioner,
  - (b) a person registered in the dentists register under the Dentists Act 1984,
  - (c) a registered nurse who is noted in the Nursing and Midwifery Register as being qualified to order drugs, medicines and appliances as a nurse independent prescriber,

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- (d) a registered midwife who is noted in the Nursing and Midwifery Register as being qualified to order drugs, medicines and appliances as a nurse independent prescriber,
  - (e) a pharmacist independent prescriber.
- (3) In this section—
- “Nursing and Midwifery Register”, and
  - “pharmacist independent prescriber”,
- have the meaning given in section 4.>

### **Gillian Mackay**

**83** In section 5, page 5, line 4, at end insert—

- <( ) In making regulations under subsection (1), the Scottish Ministers must have regard to the need to protect individuals whose risk of harm from non-surgical procedures is increased by reason of—
- (a) congenital facial difference,
  - (b) prior facial surgery,
  - (c) altered anatomy or significant scar tissue.>

### **Maurice Golden**

**46** In section 5, page 5, line 8, at end insert—

- <( ) Regulations under subsection (1) must—
- (a) make provision for the classification of non-surgical procedures into categories by reference to risk and potential harm, having regard to available evidence on potential harms and complications,
  - (b) provide for different requirements for different categories of non-surgical procedure, including (where appropriate) in relation to—
    - (i) supervision of the provision of non-surgical procedures,
    - (ii) permitted premises,
    - (iii) training or qualifications of persons who may provide, or supervise the provision of, a non-surgical procedure.>

### **Maurice Golden**

**47** In section 5, page 5, line 8, at end insert—

- <( ) Regulations under subsection (1) must make provision to require—
- (a) appropriate consultation and consent processes to be undertaken in advance of a non-surgical procedure being provided,
  - (b) record-keeping appropriate to the category of non-surgical procedure being provided,
  - (c) aftercare information to be provided to the client, and
  - (d) where a non-surgical procedure involves the use of an injectable substance, product traceability records to enable identification of the substance used, including—
    - (ii) the relevant product batch, or

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(iii) where applicable, equivalent traceability information.>

### **Stuart McMillan**

84 In section 5, page 5, line 8, at end insert—

<(2A) Regulations under subsection (1) must provide for the following minimum staffing ratios—

- (a) for procedures involving the provision of prescription-only medicines, one prescribing healthcare professional to two providers who are not prescribing healthcare professionals,
- (b) for procedures where there is a reasonably foreseeable immediate need for prescription-only medicines in the event of complications, one prescribing healthcare professional to one provider who is not prescribing healthcare professional.

(2B) For the purposes of subsection (2A), a “prescribing healthcare professional” is a person mentioned in section 4(3).>

### **Sandesh Gulhane**

87 In section 5, page 5, leave out lines 12 and 13

### **Gillian Mackay**

88 In section 5, page 5, line 17, at end insert—

<( ) make provision enabling different or additional requirements for non-surgical procedures where there are individual client risk factors, including risk factors based on the client’s medical history or anatomical considerations.>

### **Gillian Mackay**

89 In section 5, page 5, line 17, at end insert—

<( ) require providers of non-surgical procedures to—

- (i) carry out and document a pre-procedure assessment of relevant medical history, and
- (ii) ensure that enhanced informed consent procedures are followed where factors are identified that may increase the risk of harm.>

### **Maurice Golden**

#### **Supported by: Fulton MacGregor**

91 In section 5, page 5, line 17, at end insert—

<( ) Regulations under subsection (1) must ensure that regulation of non-surgical procedures is based on the nature and risk of the service provided, rather than the professional title or background of the practitioner.>

### **Sandesh Gulhane**

92 In section 5, page 5, line 17, at end insert—

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- <(3A) Regulations under subsection (1) must specify that a person may provide a non-surgical procedure unsupervised if they—
- (a) are an Advanced Medical Practitioner,
  - (b) are a person who is noted in the Nursing and Midwifery Register as being qualified to order drugs, medicines and appliances as an independent prescriber,
  - (c) a licensed medical doctor, or
  - (d) have been so specified by the Scottish Ministers.>

### **Sandesh Gulhane**

- 95 In section 5, page 5, line 20, at end insert—

<( ) For the purposes of this section—

“Advanced Medical Practitioner” means a registered health and care practitioner holding a post-registration masters level award, or equivalent, encompassing—

- (a) clinical practice,
- (b) leadership and management, and
- (c) education and research,

“licensed medical doctor” means a person registered with the General Medical Council with a licence to practise.>

### **Sandesh Gulhane**

- 97 After section 5, insert—

#### **<Meaning of “supervision”**

Before making regulations under section 5, the Scottish Ministers must publish a definition of “supervision” in relation to the provision of non-surgical procedures.>

### **Gillian Mackay**

- 98 After section 5, insert—

#### *<Guidance on higher-risk patients*

#### **Guidance on higher-risk patients**

- (1) The Scottish Ministers must publish guidance on the application of this Act in relation to individuals whose risk of harm from non-surgical procedures may be increased by reason of—
  - (a) congenital facial difference,
  - (b) prior facial surgery, or
  - (c) altered anatomy.
- (2) Guidance under subsection (1) may include information on—
  - (a) how to identify higher-risk clients,
  - (b) additional safeguards that may be applied to reduce risk of harm, and
  - (c) appropriate referral pathways in the event of complications.>

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### Sandesh Gulhane

99 After section 5, insert—

*<Guidance on higher-risk clients*

#### **Guidance on higher-risk clients**

- (1) The Scottish Ministers must, as soon as reasonably practicable after Royal Assent, publish guidance on the application of this Part in relation to individuals whose risk of harm from non-surgical procedures may be increased by reason of—
  - (a) congenital facial difference,
  - (b) prior facial surgery, or
  - (c) altered anatomy.
- (2) Guidance under subsection (1) must include information on—
  - (a) how to identify higher-risk clients,
  - (b) additional safeguards that may be applied to reduce risk of harm,
  - (c) duties on inspectors in relation to the supervision of higher-risk clients, and
  - (d) appropriate referral pathways in the event of complications.>

### Sandesh Gulhane

103 In section 12, page 7, line 29, after <3> insert <, (*Offence of providing Botulinum Toxin Type A other than by specified person in specified premises*)>

### Maurice Golden

58 Before section 15, insert—

#### **<Meaning of “supervision”**

- (1) In this Part, “supervision” in relation to the provision of a non-surgical procedure means arrangements that provide for—
  - (a) real-time availability of a person (“the supervisor”) to provide direction,
  - (b) the supervisor having the ability to review relevant records and information,
  - (c) a process to escalate a non-surgical procedure for—
    - (i) urgent review,
    - (ii) referral to another practitioner, or
    - (iii) emergency action, and
  - (d) governance arrangements for the purposes of—
    - (i) audit, and
    - (ii) incident review.
- (2) Supervision may be provided in person or remotely, unless otherwise specified by the Scottish Ministers in regulations.
- (3) In this section, “remotely” means using equipment which enables the supervisor to—
  - (a) observe a non-surgical procedure, and

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- (b) communicate with the person providing the non-surgical procedure.>

**Fulton MacGregor**

**Supported by: Davy Russell**

- 115 In section 19, page 10, line 9, after <4(4)> insert <, (*Training and qualifications required for non-surgical procedures*)(1)>

**Sandesh Gulhane**

- 120 In section 20, page 10, line 14, at end insert—

<( ) Sections 2, 3, and 5 must not come into force before the day that guidance is published under section (*Guidance on higher-risk clients*).>

### **Power to make further provision about non-surgical procedures**

**Maurice Golden**

- 45 In section 5, page 5, line 6, after <Act> insert <but may not modify sections, 2, 3, 4 or schedule 1>

**Maurice Golden**

- 48 In section 5, page 5, line 8, at end insert—

<( ) Regulations under subsection (1) must include such transitional or saving provision as the Scottish Ministers consider appropriate, including provision for—

- (a) the timescales for compliance, and
- (b) a phased implementation period for providers of non-surgical procedures to ensure compliance with the regulations.>

**Maurice Golden**

- 49 In section 5, page 5, line 8, at end insert—

<( ) Regulations under subsection (1) must include such transitional, transitory or saving provision as the Scottish Ministers consider appropriate, including provision for—

- (a) the timescales for compliance,
- (b) a phased implementation period for providers of non-surgical procedures to ensure compliance with the regulations,
- (c) providers of non-surgical procedures to demonstrate competence in the procedures provided, including recognition of prior learning and experience,
- (d) providers of non-surgical procedures to undertake any further training required by the regulations,
- (e) assessment of prior competence, including by supervised practice,
- (f) arrangements intended to prevent providers of non-surgical procedures from ceasing to practise during the transition period due to the introduction of new training or qualification requirements.>

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### Jeremy Balfour

50 In section 5, page 5, line 15, at end insert—

<( ) establish a regulatory scheme to enable trained, non-medical practitioners to supervise the provision of a non-surgical procedure,>

### Maurice Golden

52 In section 5, page 5, line 17, at end insert—

<( ) Regulations under subsection (1) related to matters mentioned in subsection (3)(c) must include—

- (a) provision for the recognition of equivalent competence, including prior learning and experience,
- (b) requirements for continuing professional development by reference to categories of non-surgical procedure,
- (c) requirements relating to—
  - (i) record-keeping,
  - (ii) audit,
  - (iii) incident reporting, and
  - (iv) competence in complications management,appropriate to the category of non-surgical procedure.>

### Maurice Golden

90 In section 5, page 5, line 17, at end insert—

<( ) Regulations specifying the requirements mentioned in subsection (3)(c) must ensure that there are pathways for practitioners from different professional backgrounds, not only healthcare professionals.>

### Maurice Golden

53 In section 5, page 5, line 20, at end insert—

<( ) Before making regulations under subsection (1), the Scottish Ministers must have regard to—

- (a) the practicalities of implementing the regulations, and
- (b) resource capacity of HIS to implement the regulations.>

### Maurice Golden

54 In section 5, page 5, line 20, at end insert—

<( ) Before making regulations under subsection (1), the Scottish Ministers must consult—

- (a) HIS,
- (b) local authorities,

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- (c) persons whom they consider to represent the interests of providers of non-surgical procedures, including but not limited to—
  - (i) independent providers,
  - (ii) non-medical providers,
- (d) representatives of education and training bodies providing qualifications and training relevant to non-surgical procedures, and
- (e) such other persons as they consider appropriate.>

### **Gillian Mackay**

**93** In section 5, page 5, line 20, at end insert—

- <( ) Before making regulations under subsection (1), the Scottish Ministers must consult—
- (a) such persons appearing to them to represent the interests of clients,
  - (b) persons with relevant clinical expertise, and
  - (c) such regulatory or enforcement bodies as they consider appropriate.>

### **Sandesh Gulhane**

**94** In section 5, page 5, line 20, at end insert—

- <( ) Regulations under subsection (1) related to matters mentioned in subsection (3)(b) and (c) may not be made until the Scottish Ministers—
- (a) publish, in such manner as they consider appropriate, the—
    - (i) proposed minimum requirements, including qualifications, for persons who may supervise the provision of a non-surgical procedure,
    - (ii) proposed minimum standards for persons providing non-surgical procedures, and
  - (b) consult—
    - (i) patient organisations,
    - (ii) relevant clinical experts,
    - (iii) regulators and enforcement bodies,
    - (iv) representatives of the beauty and aesthetics industry,
    - (v) such other persons as they consider appropriate.>

### **Fulton MacGregor**

**96** In section 5, page 5, line 20, at end insert—

- <(5) Subject to subsection (6), the Scottish Ministers must lay a draft of a Scottish statutory instrument containing regulations under subsection (1) specifying requirements about the training or qualifications of persons who may provide a non-surgical procedure by no later than the end of the period of 3 years beginning with the day on which section 3 comes into force.
- (6) If the Scottish Ministers consider that it is not practicable to lay such a draft Scottish statutory instrument before the Scottish Parliament within the period mentioned in

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subsection (5), they must before the end of the period lay a report before the Parliament explaining why they are unable to comply with the duty under that subsection.>

### Maurice Golden

55 After section 5, insert—

#### <Assessment of likely impact of making further provision about non-surgical procedures

- (1) Before making regulations under section 5, the Scottish Ministers must undertake an assessment of the likely impact of the regulations on—
  - (a) businesses providing non-surgical procedures,
  - (b) HIS.
- (2) An assessment under subsection (1) must consider the likely impact of regulations on—
  - (a) practical compliance and enforceability,
  - (b) the availability of—
    - (i) services providing non-surgical procedures,
    - (ii) staff to provide, or supervise, non-surgical procedures,
  - (c) implementation costs for public bodies with functions under this Part,
  - (d) persons with protected characteristics within the meaning of the Equality Act 2010, including assessment of impacts by sex,
  - (e) compliance, so far as applicable, with the—
    - (i) public sector duty regarding socio-economic inequalities under section 1 of the Equality Act 2010, and
    - (ii) public sector equality duty under section 149 of the Equality Act 2010.
- (3) As soon as reasonably practicable after completing the assessment under subsection (1), the Scottish Ministers must prepare and publish a report on the findings of the assessment.
- (4) A report under subsection (3) must, where regulations include provision on matters described in section 5(3)(d), be accompanied by a statement setting out the resourcing and capacity assumptions relied upon by the Scottish Ministers in making such regulations.>

### Jenni Minto

35 After section 19, insert—

#### <Regulations subject to the affirmative procedure: consultation

The Scottish Ministers must consult such persons, or groups of persons, as they consider appropriate before laying a draft of a Scottish statutory instrument containing—

- (a) regulations under section 1(5),
- (b) regulations under section 4(4),
- (c) regulations under section 5(1),
- (d) the first regulations under section (*UK internal market: power to establish individual assessment process*)(1),
- (e) regulations under section 18 which add to, replace or omit any part of the text of an Act.>

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### **Enforcement**

#### **Gillian Mackay**

- 26 In section 5, page 5, line 19, leave out from <subsection (1)> to end of line 20 and insert <that subsection is—
- (a) on summary conviction, a fine not exceeding £20,000,
  - (b) on conviction on indictment, a fine.>

#### **Maurice Golden**

- 56 After section 6, insert—

##### **<HIS: inspection and enforcement for non-surgical procedures**

- (1) HIS must have regard to the need for regulation activities in relation to persons registered with HIS for the purpose of providing non-surgical procedures to be undertaken in a manner that is—
  - (a) proportionate,
  - (b) transparent,
  - (c) fair, and
  - (d) focused on public safety and the improvement of standards.
- (2) For the purposes of subsection (1), “regulation activities” includes inspections and interventions.>

#### **Fulton MacGregor**

##### **Supported by: Davy Russell**

- 102 After section 6, insert—

##### **<Proportionality of enforcement**

HIS must ensure that enforcement powers that are available in relation to providers of non-surgical procedures are used in a way that is proportionate to the size of the service provider and the risk profile of the services provided.>

#### **Maurice Golden**

- 57 After section 6, insert—

##### **<Governance and accountability**

- (1) An authorised person must exercise their functions under this Part in a way which is proportionate, having regard to—
  - (a) the category of non-surgical procedure, and
  - (b) the seriousness of the suspected offence committed.
- (2) An authorised person, where they obtain or inspect client records, must take reasonable steps to—
  - (a) protect the confidentiality of the client, and
  - (b) ensure information is used for purposes connected to functions under this Part.

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- (3) The Scottish Ministers must prepare and publish guidance on the exercise of enforcement provisions under this Part, including but not limited to—
  - (a) handling of client records,
  - (b) retention and return of items in accordance with sections 7 and 8,
  - (c) appeals against, or review of, enforcement actions.>

### **Gillian Mackay**

- 27** In section 12, page 7, line 29, leave out from <on> to end of line 30 and insert—
- <(a) on summary conviction, to a fine not exceeding £20,000,
  - (b) on conviction on indictment, to a fine.>

### **Sandesh Gulhane**

- 104** After section 13, insert—

#### **<Review of enforcement provisions**

- (1) The Scottish Ministers must, within 12 months beginning with the day on which section 12 of this Act comes into force, review the enforcement provisions under this Part.
- (2) The review under subsection (1) must—
  - (a) include information on the total number of fines issued in accordance with section 12, broken down by—
    - (i) fines issued to individuals providing non-surgical procedures, including whether multiple fines have been issued to the same individual,
    - (ii) fines issued to responsible individuals (with the meaning given by section 13), including whether multiple fines have been issued,
    - (iii) fines issued to relevant organisations (with the meaning given by section 13), including whether multiple fines have been issued,
  - (b) include an assessment of the enforcement powers contained in this Part to ensure they are acting as a deterrent for the offences established under sections 2 and 3, and
  - (c) consider whether the level of fine under section 12 should be modified as a result of the assessment under paragraph (b),
  - (d) consider the introduction of different levels of penalty based on whether the offence being committed is—
    - (i) a first offence,
    - (ii) a repeated offence.
- (3) The review under subsection (1) may include consideration of such other matters as the Scottish Ministers consider appropriate.
- (4) As soon as reasonably practicable after completing the review under subsection (1), the Scottish Ministers must prepare and publish a report on the findings of the review.
- (5) The Scottish Ministers must—
  - (a) lay a copy of the report under subsection (4) before the Scottish Parliament, and

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- (b) at the same time, also lay before the Scottish Parliament a statement setting out what action, if any, they will take in response to the findings of the review.>

### **Minor and technical**

#### **Jenni Minto**

- 29 In schedule 2, page 12, line 21, at end insert—

<In section 76 (inquiries), in subsection (1), for “or under the 2021 Act” substitute “, the 2021 Act or Part 1 of the Non-surgical Procedures and Functions of Medical Reviewers (Scotland) Act 2026”.

In section 77 (default powers), in subsection (1), for “or by or under the 2021 Act” substitute “, the 2021 Act or Part 1 of the Non-surgical Procedures and Functions of Medical Reviewers (Scotland) Act 2026”.>

#### **Jenni Minto**

- 32 In section 17, page 9, line 23, at end insert—

<( ) In section 14 (power to require documents), in subsection (1)(b), for “Scotland” substitute “the United Kingdom”.>

#### **Jenni Minto**

- 33 In section 17, page 9, line 24, after <cremation> insert <or hydrolysis>

### **Review of Part 1**

#### **Maurice Golden**

- 59 After section 15, insert—

#### *<Reporting*

##### **Reporting: review of Part**

- (1) The Scottish Ministers must, as soon as reasonably practicable after the reporting period, prepare and publish a report on the operation and effectiveness of this Part.
- (2) A report under subsection (1) must include assessment of—
  - (a) safety outcomes of non-surgical procedures,
  - (b) patterns of adverse events broken down by non-surgical procedure,
  - (c) rates of compliance with regulations under section 5,
  - (d) enforcement activity,
  - (e) the impact of regulations relating to the provision of non-surgical procedures on—
    - (i) availability of services providing such procedures,
    - (ii) availability of persons employed to provide, or supervise, such procedures,
    - (iii) the viability of businesses providing such procedures,

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- (f) capacity and resource impact on—
  - (i) HIS,
  - (ii) local authorities,
- (g) alternative approaches to achieving the purpose of this Part.
- (3) A report under subsection (1) may include such other matters as the Scottish Ministers consider appropriate.
- (4) In preparing a report under subsection (1), the Scottish Ministers must consult—
  - (a) persons appearing to them to represent the interests of providers of non-surgical procedures, including—
    - (i) independent providers,
    - (ii) non-medical providers,
  - (b) persons appearing to them to represent the interests of clients,
  - (c) local authorities,
  - (d) relevant professional bodies.
- (5) In this section, “reporting period” means—
  - (a) in the case of the first report, the period of 18 months beginning with the day this Part comes into force,
  - (b) each subsequent period of 3 years.>

### **Stuart McMillan**

**107** After section 15, insert—

*<Review*

#### **Review of Part 1**

- (1) The Scottish Ministers must, within 5 years of section 3 coming into force, review the operation of this Part.
- (2) As soon as reasonably practicable after completing the review, the Scottish Ministers must prepare and publish a report on the findings of the review.>

### **Sandesh Gulhane**

**108** After section 15, insert—

*<Review*

#### **Review of Part: impact on businesses**

- (1) The Scottish Ministers must, within 12 months beginning with the day on which this section comes into force, review the impact and effectiveness of this Part.
- (2) The review under subsection (1) must—
  - (a) consider the impact of this Part on businesses which—
    - (i) provide non-surgical procedures, and
    - (ii) were in operation on the day of Royal Assent,

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- (b) evaluate the financial impact of this Part, including consideration of any job losses, on the beauty and aesthetics industry,
  - (c) make a recommendation on what changes, if any, are to be made to improve support for the beauty and aesthetics industry impacted by this Part.
- (3) The review under subsection (1) may include consideration of such other matters as the Scottish Ministers consider appropriate.
- (4) As soon as reasonably practicable after completing the review, the Scottish Ministers must prepare and publish a report on the findings of the review.
- (5) The Scottish Ministers must—
  - (a) lay a copy of the report under subsection (4) before the Scottish Parliament, and
  - (b) at the same time, also lay before the Scottish Parliament a statement setting out what action, if any, they will take in response to the findings of the review.>

### Carol Mochan

109 After section 15, insert—

#### *<Review*

#### **Review: impact of Part on NHS workforce**

- (1) The Scottish Ministers must, within 12 months beginning with the day of Royal Assent, review the impact of this Part on the NHS workforce.
- (2) The review under subsection (1) must consider the availability of—
  - (a) registered medical practitioners,
  - (b) persons registered in the dentists register under the Dentists Act 1984,
  - (c) registered nurses who are noted in the Nursing and Midwifery Register as being qualified to order drugs, medicines and appliances as a nurse independent prescriber,
  - (d) registered midwives who are noted in the Nursing and Midwifery Register as being qualified to order drugs, medicines and appliances as a nurse independent prescriber,
  - (e) pharmacist independent prescribers,across the healthcare sector.
- (3) The review under subsection (1) may include consideration of such other matters as the Scottish Ministers consider appropriate.
- (4) As soon as reasonably practicable after completing the review, the Scottish Ministers must prepare and publish a report on the findings of the review.
- (5) The Scottish Ministers must—
  - (a) lay a copy of the report under subsection (4) before the Scottish Parliament, and
  - (b) at the same time, also lay before the Scottish Parliament a statement setting out—
    - (i) the current NHS workforce levels,
    - (ii) what action, if any, they will take in response to the findings of the review, including plans to address any identified workforce shortages.>

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**Davy Russell**

**111** After section 15, insert—

*<Expiry of Part*

### **Evaluation and expiry of Part**

- (1) The Scottish Ministers must, within 4 years beginning with the day on which this Part comes fully into force—
  - (a) make provision for the collection of data on the impacts of the provisions under this Part, and
  - (b) commission an independent evaluation of the operation and effectiveness of this Part.
- (2) As soon as reasonably practicable after the evaluation under subsection (1)(b) has been completed, the Scottish Ministers must—
  - (a) prepare and publish a report on the findings of the evaluation, and
  - (b) lay a copy of that report before the Scottish Parliament.
- (3) The report under subsection (2) must be accompanied by a statement setting out what action, if any, the Scottish Ministers intend to take in response to the findings of the evaluation.
- (4) The Scottish Parliament must, within 6 months of a report being laid under subsection (2)(b), consider a motion to repeal the provisions in this Part.
- (5) If a motion in accordance with subsection (4) is agreed to then the provisions of this Part expire.>

### **Commencement**

**Jeremy Balfour**

**62** In section 20, page 10, line 13, at beginning insert <Subject to subsection (3),>

**Jeremy Balfour**

**63** In section 20, page 10, line 14, at end insert—

- <(3) Regulations under subsection (2) to commence sections 1 to 14 may not come into force before the expiry of 18 months beginning with the day after Royal Assent.>

**Davy Russell**

**121** In section 20, page 10, line 14, at end insert—

- <( ) But sections 3 to 14 may not be brought into force before the end of the period of 3 years beginning with the day after Royal Assent.>



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