

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

Groupings of Amendments for Stage 3

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 3 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.**

Note: The time limits indicated are those set out in the timetabling motion to be considered by the Parliament before the Stage 3 proceedings begin. If that motion is agreed to, debate on the groups above the line must be concluded by the times indicated, although the amendments in those groups may still be moved formally and disposed of later in the proceedings.

Groupings of amendments

Group 1: Meaning of “non-surgical procedure”

1, 2, 10, 8, 9

Group 2: Meaning of “permitted premises”

11, 12, 13, 14, 15, 29, 30

Group 3: Regulations: power to make further provision and consultation requirements

16, 3, 4, 19, 20, 21, 22, 31, 32

45 minutes

Group 4: Qualifications and training of persons who may provide non-surgical procedures

5, 17, 18, 23

Group 5: Guidance and information

24, 6

1 hour 15 minutes

Group 6: Reviews

25, 26, 27, 28, 33, 37

Group 7: Commencement

34, 7, 35, 36

1 hour 40 minutes

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Amendments in debating order

Group 1: Meaning of “non-surgical procedure”

Jenni Minto

- 1 In section 1, page 1, line 14, after <1> insert <(or is a combination of two or more of those kinds of procedures)>

Jenni Minto

- 2 In section 1, page 1, line 19, leave out <or>

Sandesh Gulhane

- 10 In section 1, page 2, leave out line 18

Jenni Minto

- 8 In schedule 1, page 13, line 14, after <injected> insert <(including by means of a microneedle)>

Jenni Minto

- 9 In schedule 1, page 13, line 17, after <intravenously> insert <(including by insertion of a microneedle)>

Group 2: Meaning of “permitted premises”

Ash Regan

- 11 In section 4, page 3, line 37, 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.>

Ash Regan

- 12 In section 4, page 3, line 37, at end insert—
<() premises for which a license is in force in accordance with section (*Permitted premises: licensing scheme*).>

Ash Regan

- 13 In section 4, page 4, line 7, at end insert—
<() a non-healthcare aesthetics professional.>

Ash Regan

- 14 In section 4, page 4, line 13, 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.>

Ash Regan

15 After section 4, insert—

<Permitted premises: licensing scheme

- (1) The Scottish Ministers must, by regulations, provide a scheme for non-healthcare premises to obtain a license from—
 - (a) HIS, or
 - (b) such other body as the Scottish Ministers may specify in regulations, to provide non-surgical procedures.
- (2) Regulations under subsection (1) may—
 - (a) specify—
 - (i) the minimum standards with which premises must comply,
 - (ii) the procedures which a premises being issued a licence is permitted to provide,
 - (b) modify any enactment (including this Act).>

Ash Regan

29 In section 19, page 11, line 31, after <1(5),> insert <4(1),>

Ash Regan

30 In section 19, page 11, line 31, after <4(4)> insert <, (Permitted premises: licensing scheme)(1)>

Group 3: Regulations: power to make further provision and consultation requirements

Sandesh Gulhane

16 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.>

Jenni Minto

3 In section 5, page 5, leave out lines 18 to 20

Jenni Minto

4 In section 5, page 5, line 25, at end insert—

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<() Regulations under subsection (1) may make different provision in relation to the provision of non-surgical procedures to different descriptions of persons to take account of any risks associated with providing non-surgical procedures to those persons, including risks relating to those persons?—

- (a) medical history,
- (b) anatomical factors, and
- (c) mental health.>

Colin Beattie

19 In section 5, page 5, line 30, after <must> insert <, no later than the end of the period of 3 years beginning with the day on which section 3 comes into force,>

Colin Beattie

20 In section 5, page 5, line 31, after <specifying> insert <—
(a) persons, or descriptions of persons, who may provide, or supervise the provision of, a non-surgical procedure, and
(b)>

Colin Beattie

21 In section 5, page 5, line 32, leave out from <a> to end of line 34 and insert <, or supervise the provision of, a non-surgical procedure.>

Colin Beattie

22 In section 5, page 5, line 36, leave out from <before> to <(5)> in line 37 and insert <(or lay two or more such draft instruments which, taken together, specify each of the matters mentioned in paragraphs (a) and (b) of subsection (5)) before the Scottish Parliament within the period mentioned in that subsection>

Sandesh Gulhane

31 In section 19A, page 12, line 2, leave out <such persons, or groups of persons, as they consider appropriate> and insert <the persons specified in subsection (2)>

Sandesh Gulhane

32 In section 19A, page 12, line 9, at end insert—
<(2) Those persons referred to in subsection (1) are—
(a) patient organisations,
(b) relevant clinical experts,
(c) regulators and enforcement bodies,
(d) representatives of the beauty and aesthetics industry,
(e) such other persons or groups of persons, as the Scottish Ministers consider appropriate.>

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Group 4: Qualifications and training of persons who may provide non-surgical procedures

Jeremy Balfour

5 In section 5, page 5, line 25, at end insert—

<(3A) Regulations under subsection (1) must specify that a person may only provide a non-surgical procedure unsupervised if they are—

(a) a person mentioned in section 4(3), or

(b) a non-medical practitioner who has a qualification relevant to the provision of non-surgical procedures at a level at least equivalent to level 11 of the Scottish credit and qualifications framework.

(3B) For the avoidance of doubt, where a non-medical practitioner does not meet the criteria mentioned in subsection (3A)(b), the practitioner may only provide a non-surgical procedure under the supervision of a person mentioned in section 4(3).>

Ash Regan

17 In section 5, page 5, line 25, at end insert—

<() Regulations specifying the matters mentioned in subsection (3)(b) and (c) must ensure that there are pathways for practitioners who—

(a) have a qualification relevant to the provision and supervision of non-surgical procedures at a level at least equivalent to level 11 of the Scottish credit and qualifications framework, and

(b) are not healthcare professionals.>

Ash Regan

18 In section 5, page 5, line 29, at end insert—

<() Before making regulations under subsection (1) specifying requirements about the training or qualifications of persons who may provide a non-surgical procedure, the Scottish Ministers must have regard to recognised aesthetics qualifications.>

Ash Regan

23 In section 5, page 5, line 38, at end insert—

<() In this section, “recognised aesthetics qualifications” means qualifications relevant to the beauty and aesthetics industry at a level at least equivalent to level 11 of the Scottish credit and qualifications framework.>

Group 5: Guidance and information

Sandesh Gulhane

24 After section 13A, insert—

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<Additional resources

Provision of non-surgical procedures: additional resources

HIS must publish information on additional resources available to businesses providing non-surgical procedures, including but not limited to—

- (a) advice,
- (b) support, and
- (c) funding.>

Gillian Mackay

6 After section 15, insert—

<Guidance

Guidance about the provision of non-surgical procedures

- (1) The Scottish Ministers must issue guidance about the provision of non-surgical procedures.
- (2) The guidance may, in particular, include information about—
 - (a) the requirements imposed under this Part in relation to the provision of non-surgical procedures, and
 - (b) steps to be taken by providers of non-surgical procedures in connection with complying with those requirements including—
 - (i) registration with HIS,
 - (ii) staffing requirements, and
 - (iii) establishing the age of persons to whom non-surgical procedures may be provided.
- (3) The Scottish Ministers—
 - (a) must publish the guidance, and
 - (b) may revise or revoke the guidance.>

Group 6: Reviews

Sandesh Gulhane

25 Before section 15A, insert—

<Review prior to commencement of offences: capacity of HIS to enforce provisions of Part 1

- (1) The Scottish Ministers must, as soon as reasonably practicable after Royal Assent, undertake a review of the capacity of HIS to exercise the enforcement functions conferred on it by this Part.
- (2) On completing a review under subsection (1), the Scottish Ministers must publish and lay a report on the review before the Scottish Parliament.>

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Sandesh Gulhane

26 Before section 15A, insert—

<Review: capacity of HIS to enforce provisions of Part 1

- (1) The Scottish Ministers must, at least 12 months after the day on which sections 2 and 3 come into force, undertake a review of the capacity of HIS to exercise the enforcement functions conferred on it by this Part.
- (2) On completing a review under subsection (1), the Scottish Ministers must publish and lay a report on the review before the Scottish Parliament.>

Carol Mochan

27 In section 15A, page 10, line 20, at end insert—

- <() The review under subsection (1) must include an assessment of—
- (a) support provided to providers of non-surgical procedures, including providers that are—
 - (i) independent, and
 - (ii) non-medical,
 - (b) the training opportunities available to providers to assist them to upskill,
 - (c) any guidance provided in relation to minimum training and competence requirements,
 - (d) qualification and accreditation pathways for practitioners, including those who are non-medical practitioners,
 - (e) any financial support available to providers,
 - (f) support for providers operating in rural and remote areas.
- () The review under subsection (1) may consider such other matters as the Scottish Ministers consider appropriate.>

Stuart McMillan

28 Leave out section 15A and insert—

<Review of Part 1

- (1) The Scottish Ministers must, within the period of 5 years beginning with the day on which section 3 comes into force—
 - (a) carry out a review of—
 - (i) the inclusion of the kinds of procedures that are specified in schedule 1 at the time of the review, and
 - (ii) the operation of Part 1,
 - (b) prepare a report on the findings of the review, and
 - (c) publish the report.
- (2) The Scottish Ministers may delegate any or all of their functions under subsection (1) to such person as they consider appropriate.

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- (3) The review must, in particular, include an assessment of—
 - (a) the impact of this Part on businesses,
 - (b) the enforcement of the requirements imposed under this Part, and
 - (c) such other matters as are considered appropriate by the Scottish Ministers (or, if applicable, the delegatee).
- (4) When carrying out the review, the Scottish Ministers (or, if applicable, the delegatee) must consult—
 - (a) HIS,
 - (b) the chief constable of the Police Service of Scotland, and
 - (c) such other persons as are considered appropriate by the Scottish Ministers (or, if applicable, the delegatee).
- (5) The Scottish Ministers must, as soon as reasonably practicable after a report on the findings of the review is prepared, lay the report before the Scottish Parliament.
- (6) In this section, “the delegatee” means the person to whom the Scottish Ministers have delegated their functions under subsection (2).>

Sandesh Gulhane

- 33** In section 20, page 12, line 11, after <15,> insert <(Review prior to commencement of offences: capacity of HIS to enforce provisions of Part 1),>

Sandesh Gulhane

- 37** In section 20, page 12, line 14, at end insert—
- <() But sections 1 to 14 may not be brought into force before the day on which the Scottish Ministers lay the report under section (Review prior to commencement of offences: capacity of HIS to enforce provisions of Part 1)(2).>

Group 7: Commencement

Jeremy Balfour

- 34** In section 20, page 12, line 13, at beginning insert <Subject to subsection (3),>

Brian Whittle

- 7** In section 20, page 12, line 14, at end insert—
- <() Regulations under subsection (2) may include transitional, transitory or saving provision.>

Jenni Minto

- 35** In section 20, page 12, line 14, at end insert—
- <() Regulations under subsection (2) may not appoint a day that is earlier than 6 September 2027 for the coming into force of section 3.>

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Jeremy Balfour

36 In section 20, page 12, 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 24 months beginning with the day after Royal Assent.>

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