

POLICY NOTE

The Public Health etc. (Scotland) Act 2008 (Notifiable Organisms) Amendment Regulations 2020

SSI 2020/408

The above instrument was made in exercise of the powers conferred by section 12(2) of the Public Health etc. (Scotland) Act 2008. The instrument is subject to negative procedure.

This instrument amends Part 2 of schedule 1 of the Public Health etc. (Scotland) Act 2008 to add carbapenemase-producing organisms, excluding those with intrinsic carbapenem resistance from any human specimen, to the list of notifiable organisms.

Policy Objectives

1. The effect of making the Regulations is that if a carbapenemase-producing organism (CPO) within the above definition is identified by a diagnostic laboratory in Scotland, that the director of that laboratory must provide information to the health board in the laboratory's area, the Common Services Agency and Public Health Scotland. This action to add CPOs to the list of notifiable organisms has been agreed as a priority by all four UK nations under the UK National Action Plan on Antimicrobial Resistance, 2019-24.
2. The Regulations are required to be in place in public health interests so that the notification requirements contained in section 16 of the Public Health etc. (Scotland) Act 2008 ("the 2008 Act") will apply should a CPO be identified in Scotland.

Consultation

3. There has been no public consultation in relation to this instrument. However, representatives of key stakeholders involved in human health aspects of AMR across Scotland have been consulted on the proposal to make CPOs notifiable and on the definition to be used.

Impact Assessments

4. There is no, or no significant, impact on business, charities or voluntary bodies.
5. The impact on the public sector is that relevant bodies providing certain NHS services will have additional duties in respect of sharing information regarding CPOs with health boards, the Common Services Agency and Public Health Scotland.
6. The Information Commissioner's Office (ICO) was contacted on 6 October 2020 with regard to intended data processing under this proposal. This fulfilled the obligation to consult the ICO under Article 36 (4) of the General Data Protection Regulation 2016 and the ICO does not intend to input further. A Data Processing Impact Assessment is not needed in this case.

Financial Effects

7. The Cabinet Secretary for Health and Sport confirms that no Business and Regulatory Impact Assessment is necessary, as the instrument has no, or no significant financial effect on the Scottish Government, local government or on business.

Guidance

8. The Scottish Government will provide guidance to NHS Boards and diagnostic laboratories who will be involved in the operation of these changes and the protection of public health when CPOs are identified in Scotland.

Contact

9. Elizabeth Burgess Telephone 07557 240 797 or email: Elizabeth.Burgess@gov.scot can be contacted with any queries regarding this instrument.

Scottish Government
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