

POLICY NOTE

THE HEALTHCARE IMPROVEMENT SCOTLAND (FEES) REGULATIONS 2024

SSI 2024/130

The above instrument was made in exercise of the powers conferred by Section 10Z5 of the National Health Service (Scotland) Act 1978. The instrument is subject to the negative procedure.

Summary Box

The purpose of the instrument is to enable HIS, under Section 10Z5 of the National Health Service (Scotland) Act 1978 (“the 1978 Act”), to be able to prescribe the maximum fees which HIS may impose in respect of Independent Medical Agencies “IMAs”; and raise the maximum fees which may be imposed by HIS on all independent healthcare services in respect of applications for registration or cancellation of registration of independent health care services; the annual continuation of any such registration; and applications for the variation or removal of a condition of registration.

Policy Objectives

The instrument will revoke and replace the Healthcare Improvement Scotland (Fees) Regulations 2016 to;

- 1) prescribe the maximum fees which HIS may impose in respect of Independent Medical Agencies (IMAs);
- 2) to raise the maximum fees which may be imposed by HIS on all regulated independent health care services in respect of:
 - applications for registration or cancellation of registration
 - annual continuation of any such registration,
 - applications for the variation or removal of a condition of registration.

The fee for issuing a new certificate of registration will remain at £100 and include IMAs.

IMAs are not currently included as a service in which HIS may impose fees in the existing fees regulations. The Healthcare Improvement Scotland (Fees) Regulations 2024, enable HIS to prescribe the maximum fees in relation to IMAs.

In prescribing the maximum fees, HIS will have regard to its reasonable expenses in being able to carry out its functions, as required under section 10Z5(3) of the 1978 Act. It is important for patient safety reasons that healthcare is adequately regulated.

EU Alignment Consideration

This instrument is not relevant to the Scottish Government’s policy to maintain alignment with the EU.

Consultation

To comply with the requirements of section 10Z5(1) of the 1978 Act, a public consultation took place from 16 October 2023 to 11 December 2023.

The consultation contained proposals to allow Healthcare Improvement Scotland (HIS) to increase the maximum fees they can charge independent healthcare providers. The current maximum fees HIS are permitted to charge are as follows:

Service	Application for Registration (£)	Annual Continuation (£)	Variation or Removal of Condition (£)	Cancellation of Registration (£)
Independent Hospital	5,000	250 per place*	100	100
Private Psychiatric Hospital	5,000	250 per place*	100	100
Independent Clinic	3,500	3,500	100	100
Independent Medical Agency	N/A	N/A	N/A	N/A

*per bed

Consideration was given to increasing the fees to the following:

Service	Application for Registration (£)	Annual Continuation (£)	Variation or Removal of Condition (£)	Cancellation of Registration (£)
Independent Hospital	10,000	500 per place*	1000	100
Private Psychiatric Hospital	10,000	500 per place*	1000	100
Independent Clinic	7,000	7,000	1000	100
Independent Medical Agency	7,000	7,000	1000	100

As a result of the consultation the following general themes emerged; the vast majority (83%) of respondents did not agree with the proposed maximum fees that HIS can charge and as a balance between not imposing an undue burden on business and prioritising adequate regulation, we are proceeding with the following reduced maximum fee cap:

Service	Application for Registration (£)	Annual Continuation (£)	Variation or Removal of Condition (£)	Cancellation of Registration (£)
Independent Hospital	7,500	500 per place*	1000	100
Private Psychiatric Hospital	7,500	500 per place*	1000	100
Independent Clinic	5,000	5,000	1000	100

Service	Application for Registration (£)	Annual Continuation (£)	Variation or Removal of Condition (£)	Cancellation of Registration (£)
Independent Medical Agency	5,000	5,000	1000	100

A full list of those consulted and who agreed to the release of this information is attached to the consultation report published on the Scottish Government website, which includes responses from the Royal College of General Practitioners – Scotland, the Royal Pharmaceutical Society Scotland, and the Royal College of Surgeons of Edinburgh.

Impact Assessments

A Child Rights and Wellbeing, Equality, Fairer Duty Scotland, and Island Communities impact assessment have been completed on the SSI and are attached. There are no foreseen impact issues and no action is being taken.

Financial Effects

A Business and Regulatory Impact Assessment (BRIA) has been completed and is attached. The impact of this policy on business will be a rise of business expenses.

Scottish Government
Chief Operating Officer, NHS Scotland Directorate

10 April 2024