

## POLICY NOTE

### THE PUBLIC SERVICES REFORM (SCOTLAND) ACT 2010 (COMMENCEMENT NO. 8) ORDER 2024

**SSI 2024/131 (C. 11)**

The above instrument was made in exercise of the powers conferred by Section 134(7) of the Public Services Reform (Scotland) Act 2010. The instrument is not subject to any procedure.

#### Summary Box

The purpose of the instrument is to commence HIS functions in the National Health Service (Scotland) Act 1978 in relation to “independent medical agencies” (IMAs).

#### Policy Objectives

The instrument will commence the provisions which permit HIS to regulate independent medical agencies, which will include wholly online healthcare services based in Scotland. The purpose is to increase public safety and avoid situations where wholly online providers are able to provide services to patients in Scotland without being regulated.

Online healthcare services do not currently fall within regulation by HIS. This is considered to pose a risk to public health and safety.

#### EU Alignment Consideration

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

#### Consultation

A public consultation took place from 1 February 2023 to 26 April 2023.

As a result of that consultation the following general themes emerged; the majority (76%) of respondents agree with the proposed regulation of IMAs, as a result it was decided to proceed with the proposals.

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 BMA Scotland, Directors of Pharmacy Scotland, General Medical Council, Royal Pharmaceutical Society, and the British Association of Cosmetic Nurses.

#### Impact Assessments

A Child Rights and Wellbeing, Equality, Fairer Duty Scotland, and Island Communities impact assessment have been completed on the draft 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 an additional business expense for all IMAs.

Scottish Government  
Chief Operating Officer, NHS Scotland Directorate

April 2024