



Transvaginal Mesh Removal (Cost Reimbursement) (Scotland) Act 2022

2022 asp 1

The Bill for this Act of the Scottish Parliament was passed by the Parliament on 25th January 2022 and received Royal Assent on 3rd March 2022

An Act of the Scottish Parliament to enable the Scottish Ministers to reimburse costs relating to the removal of transvaginal mesh.

Power to reimburse costs

1 Power for Scottish Ministers to reimburse costs relating to the removal of transvaginal mesh

- (1) The Scottish Ministers may make a scheme for the making of payments by them reimbursing costs incurred in connection with qualifying mesh removal surgery.
- (2) “Mesh removal surgery” is surgery a principal purpose of which is to wholly or partially remove from a person’s body synthetic mesh which was originally implanted transvaginally (that is, by means of insertion through the person’s vaginal wall) for the purpose of treating stress urinary incontinence or pelvic organ prolapse.
- (3) Mesh removal surgery is “qualifying” mesh removal surgery if it was arranged—
 - (a) other than by a health board,
 - (b) in relation to a person who was ordinarily resident in Scotland at (either or both)—
 - (i) the time the mesh removal surgery was arranged,
 - (ii) the time of implantation of any of the mesh which it is the purpose of the mesh removal surgery to wholly or partially remove, and
 - (c) before a date specified in the scheme, which can be no earlier than the day of Royal Assent.
- (4) The following are costs incurred in connection with qualifying mesh removal surgery—
 - (a) the cost of the qualifying mesh removal surgery, as charged to or in respect of the person who underwent the surgery,
 - (b) reasonable costs incurred by—

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- (i) that person, and
 - (ii) one other person who was supporting that person,
- in travelling to and from the place where the surgery took place,
- (c) reasonable accommodation and subsistence costs incurred by those persons while at that place, and
 - (d) any other costs specified as such in the scheme.
- (5) In [subsection \(3\)](#), “health board” means a board constituted under section 2(1)(a) of the National Health Service (Scotland) Act 1978.

2 Further provision about scheme

- (1) A scheme under section 1 may in particular make provision—
- (a) requiring an application to be made for a payment under the scheme (a “reimbursement payment”),
 - (b) requiring applications to be made before a date specified in the scheme,
 - (c) about the persons by whom applications may be made,
 - (d) about how applications may be made,
 - (e) about information and evidence to be provided with, or in relation to, applications,
 - (f) about factors that may be taken into account in determining—
 - (i) whether a reimbursement payment should be made,
 - (ii) the amount of a reimbursement payment,
 - (g) about the persons to whom reimbursement payments may be made,
 - (h) about review of—
 - (i) a decision to refuse to make a reimbursement payment,
 - (ii) the amount of a reimbursement payment,
 - (i) about the persons by whom such reviews should be carried out,
 - (j) about the circumstances in which a reimbursement payment (or part of a payment) may require to be repaid,
 - (k) appointing a person to administer the scheme on Scottish Ministers’ behalf.
- (2) The Scottish Ministers must, as soon as reasonably practicable after making a scheme under section 1—
- (a) lay a copy of the scheme before the Scottish Parliament, and
 - (b) publish the scheme in such way as they consider appropriate.

Final provisions

3 Ancillary provision

- (1) The Scottish Ministers may by regulations make any incidental, supplementary, consequential, transitional, transitory or saving provision that they consider appropriate for the purposes of, in connection with, or for giving full effect to this Act or any provision made under it.
- (2) Regulations under [subsection \(1\)](#) may—
- (a) modify any enactment (including this Act),
 - (b) make different provision for different purposes.

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- (3) Regulations under [subsection \(1\)](#)—
- (a) are subject to the affirmative procedure if they add to, replace or omit any part of the text of an Act,
 - (b) otherwise, are subject to the negative procedure.

4 Commencement

- (1) This section and sections 3 and 5 come into force on the day after Royal Assent.
- (2) Sections 1 and 2 come into force at the end of the period of two months beginning with the day of Royal Assent.

5 Short title

The short title of this Act is the Transvaginal Mesh Removal (Cost Reimbursement) (Scotland) Act 2022.