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SCOTTISH STATUTORY INSTRUMENTS

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**2014 No. 70**

**NATIONAL HEALTH SERVICE**

**The National Health Service (Charges to Overseas Visitors) (Scotland) (Amendment) Regulations 2014**

<i>Made</i>	- - - -	<i>5th March 2014</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>7th March 2014</i>
<i>Coming into force</i>	- -	<i>1st May 2014</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 98 and 105 of the National Health Service (Scotland) Act 1978(1) and all other powers enabling them to do so.

**Citation and commencement**

1. These Regulations may be cited as the National Health Service (Charges to Overseas Visitors) (Scotland) (Amendment) Regulations 2014 and come into force on 1st May 2014.

**Amendment of the National Health Service (Charges to Overseas Visitors) (Scotland) Regulations 1989**

2.—(1) The National Health Service (Charges to Overseas Visitors) (Scotland) Regulations 1989(2) are amended as follows.

(2) In regulation 3(d) (services exempted from charges) omit from “, but” to “result” inclusive.

(3) In regulation 5 (exemption from charges for treatment the need for which arose during the visit)—

(a) after sub-paragraph (f) insert—

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(1) 1978 c.29. Section 98 was amended by the Health and Medicines Act 1998 (c.49), section 7(13) and (14). Section 105(7), which was amended by the Health Services Act 1980 (c.53), Schedule 6, paragraph 5 and Schedule 7, the Health and Social Services and Social Security Adjudications Act 1983 (c.41), Schedule 9, paragraph 24 and the Health Act 1999 (c.8), Schedule 4, paragraph 60, contains provisions relevant to the exercise of the powers under which these Regulations are made. Section 108(1) contains definitions of “prescribed” and “regulations” relevant to the exercise of the statutory powers under which these Regulations are made. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of the Scotland Act 1998 (c.46), section 53.

(2) S.I. 1989/364, as amended by S.I. 1992/411, S.I. 1994/1770, S.I. 1998/251, S.S.I. 2004/369, S.S.I. 2006/141, S.S.I. 2008/290 and S.S.I. 2012/87.

“(fa) in Scotland between 7th July and 7th August 2014 inclusive as part of the “Games Family” (in this regulation “Games Family” means the group of individuals who are taking part or are involved in the Commonwealth Games in Glasgow and who have been given a letter code for the purpose of receiving free treatment the need for which arose during the visit to Scotland).”; and

(b) omit sub-paragraph (g).

(4) In Schedule 1 (diseases for the treatment of which no charge is to be made) insert “Human Immunodeficiency Virus” after the entry for ‘Food Poisoning’.

(5) In Schedule 2 (countries or territories in respect of which the United Kingdom Government has entered into a reciprocal agreement)—

(a) omit the following entries—

Guernsey and its bailiwick  
Hungary  
Iceland  
Malta  
Poland  
Romania  
Slovak Republic  
Union of Soviet Socialist Republic  
Yugoslavia

(b) insert the following entries in the correct place alphabetically—

Armenia  
Azerbaijan  
Belarus  
Bosnia  
Croatia  
Georgia  
Kazakhstan  
Kyrgystan  
Macedonia  
Moldova  
Montenegro  
Russia  
Serbia  
Tajikistan  
Turkmenistan  
Ukraine  
Uzbekistan

## **Revocation**

3. The National Health Service (Charges to Overseas Visitors) (Scotland) Amendment Regulations 2012(3) are revoked.

St Andrew's House,  
Edinburgh  
5th March 2014

*ALEX NEIL*  
A member of the Scottish Government

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Regulation 5 of the National Health Service (Charges to Overseas Visitors) (Scotland) Regulations 1989 (“the 1989 Regulations”) exempts certain categories of overseas visitors from the requirement to pay for treatment the need for which arose during a visit to the United Kingdom. These Regulations amend regulation 5 to include within those categories of visitors who are taking part or involved in the Commonwealth Games 2014. It is anticipated that members of the Games Family will be in Scotland in the period from 7th July to 7th August 2014 inclusive for the Games.

These Regulations also amend Schedule 1 to the 1989 Regulations to include Human Immunodeficiency Virus in the list of diseases for the treatment of which no charge is to be made; and they amend Schedule 2 by adding and removing some countries to the list of countries with which the United Kingdom has a reciprocal agreement.

These Regulations also revoke the National Health Service (Charges to Overseas Visitors) (Scotland) Regulations 2012 which applied similar exemptions in respect of the London 2012 Olympics.