

SCOTTISH STATUTORY INSTRUMENTS

**2013 No. 292**

**The National Health Service (Cross-Border Health Care) (Scotland) Regulations 2013**

**NHS charges**

**11.**—(1) Where a <sup>F1</sup>... patient is provided with a cross border healthcare service which is a service prescribed by the Scottish Ministers under section 98 of the NHS Act (charges in respect of non-residents) the amount of the charge to the <sup>F1</sup>... patient for that service must not exceed the amount the person or body responsible for providing the service would assess as the cost of the service if it had been provided to a [<sup>F2</sup>British citizen who is ordinarily resident in Scotland].

[<sup>F3</sup>(1A) But paragraph (1) does not apply to a cross-border healthcare service insofar as it is provided after the cut-off day.

(1B) For the purpose of paragraph (1A), the cut-off day in a case where the service is provided as a consequence of an exercise of the patient's rights under the Directive, the day falling 1 year after IP completion day.]

(2) In this regulation “cross-border healthcare service” means healthcare—

- (a) provided in Scotland to or prescribed for a <sup>F4</sup>... patient as a consequence of that patient exercising their rights in relation to access to healthcare under the Directive [<sup>F5</sup>or a cross-border arrangement with an EEA State]; and
- (b) provided by a Health Board.

**Textual Amendments**

- F1** Word in reg. 11(1) omitted (31.12.2020) by virtue of [The Cross-border Health Care \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2019 \(S.S.I. 2019/131\)](#), regs. 2, **5(9)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in reg. 11(1) substituted (31.12.2020) by [The Cross-border Health Care \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2019 \(S.S.I. 2019/131\)](#), regs. 2, **5(9)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Reg. 11(1A)(1B) inserted by [The Cross-border Health Care \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2019 \(S.S.I. 2019/131\)](#), regs. 2, **5(9)(b)** (as substituted by [S.S.I. 2020/478](#), regs. 1, **5(g)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F4** Word in reg. 11(2)(a) omitted (31.12.2020) by virtue of [The Cross-border Health Care \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2019 \(S.S.I. 2019/131\)](#), regs. 2, **5(9)(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in reg. 11(2)(a) inserted (31.12.2020) by [The Cross-border Health Care \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2019 \(S.S.I. 2019/131\)](#), regs. 2, **5(9)(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

**Changes to legislation:**

There are currently no known outstanding effects for the The National Health Service (Cross-Border Health Care) (Scotland) Regulations 2013, Section 11.