
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations consolidate and replace with amendments earlier Regulations on the subject of charges for accommodation, services and other facilities provided as part of the health service in respect of persons not ordinarily resident in the United Kingdom (“overseas visitors”).

The Regulations take account of changes made to section 98 of the National Health Service (Scotland) Act 1978 by section 7(13) and (14) of the Health and Medicines Act 1988 to the effect that the charge to be paid by an overseas visitor is no longer prescribed in the Regulations, but is determined by the Secretary of State. The power of the Secretary of State in this regard has been delegated to Health Boards. (See the National Health Service (Functions of Health Boards) (Scotland) Order 1989 ([S.I. 1989/446](#)).

Regulations 2 and 7 provide for a Health Board to make a charge and recover such charge from the person who is liable to make payment. There are exemptions from payment for certain services (regulation 3 and Schedule 1); in respect of certain overseas visitors (regulation 4 and Schedule 2); for emergency treatment (regulation 5) and for certain service personnel (regulation 6). Provision is also made for repayment where a charge was not duly made (regulation 8). The list of diseases set out at Schedule 1 has been amended in the light of the Public Health (Notification of Infectious Diseases) (Scotland) Regulations 1988 ([S.I. 1988/1550](#)).

The instruments which these Regulations replace are revoked by regulation 9 and Schedule 3.