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STATUTORY INSTRUMENTS

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**1994 No. 1770 (S.79)**

**NATIONAL HEALTH SERVICE, SCOTLAND**

**The National Health Service (Charges to Overseas Visitors) (Scotland) Amendment Regulations 1994**

<i>Made</i>	- - - -	<i>30th June 1994</i>
<i>Laid before Parliament</i>		<i>13th July 1994</i>
<i>Coming into force</i>	- -	<i>3rd August 1994</i>

The Secretary of State, in exercise of the powers conferred on him by sections 98, 105(7) and 108(1) of the National Health Service (Scotland) Act 1978(1) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the National Health Service (Charges to Overseas Visitors) (Scotland) Amendment Regulations 1994 and shall come into force on 3rd August 1994.

(2) In these Regulations, “the principal Regulations” means the National Health Service (Charges to Overseas Visitors) (Scotland) Regulations 1989(2).

**Amendment of regulation 1 of the principal Regulations**

2. Paragraph (2) of regulation 1 of the principal Regulations (citation, commencement and interpretation) shall be amended by substituting for the definition of “Member State” the following:—

““Member State” means a State which is a Contracting Party to the Agreement on the European Economic Area(3) but until that Agreement comes into force in relation to Liechtenstein does not include the State of Liechtenstein;”.

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(1) 1978 c. 29; section 98 was amended by the Health and Medicines Act 1988 (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 and by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), Schedule 9, paragraph 24 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.

(2) S.I.1989/364 amended by S.I. 1992/411.

(3) See the European Economic Area Act 1993 (c. 51).

### **Amendment of regulation 3 of the principal Regulations**

3. Paragraph (a) of regulation 3 of the principal Regulations (services exempted from charges) shall be amended by substituting for the words “, casualty department, or dental or ophthalmic emergency department” the words “or casualty department”.

### **Amendment of regulation 4 of the principal Regulations**

4. Regulation 4 of the principal Regulations (overseas visitors exempt from charges) shall be amended by—

- (a) inserting at the end of paragraph (o) the word “; or”;
- (b) inserting after paragraph (o) the following:—
  - “(p) who—
    - (i) is not a national of a Member State; and
    - (ii) is a national of a State which is a signatory to the European Social Charter<sup>(4)</sup>; and
    - (iii) is not entitled to be provided with such services under a reciprocal agreement specified in Schedule 2; and
    - (iv) is without sufficient resources to pay the charge.”.

### **Amendment of Schedule 1 to the principal Regulations**

5. Schedule 1 to the principal Regulations (diseases for the treatment of which no charge is to be made) shall be amended by—

- (a) inserting after the entry for Leptospirosis an entry for Lyme disease;
- (b) inserting after the entry for Tetanus an entry for Toxoplasmosis; and
- (c) substituting for the entry for Viral haemorrhagic fever an entry for Viral haemorrhagic fevers<sup>(5)</sup>.

### **Amendment of Schedule 2 to the principal Regulations**

6. Schedule 2 to the principal Regulations (countries or territories in respect of which the United Kingdom Government has entered into a reciprocal agreement) shall be amended by—

- (a) deleting the entries for Austria, Czechoslovakia, Finland and Norway;
- (b) inserting at such places in the alphabetical order as are appropriate entries for Barbados, Czech Republic, Russian Federation and Slovak Republic; and
- (c) inserting at the end of the entry for the Union of Soviet Socialist Republics the words “except the States of Estonia, Latvia, Lithuania and the Russian Federation<sup>(6)</sup>”.

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(4) See Cmnd.1667. The European Social Charter was opened for signature at Turin on 18 October 1961, and entered into force on 26 February 1965. Copies of Cmnd.1667, which is out of print, can be obtained via Her Majesty’s Stationery Office (Photocopies) from the British Library Lending Division.

(5) This entry covers, amongst others, Argentine haemorrhagic fever (Junin), Bolivian haemorrhagic fever (Machupo), Chikungunya haemorrhagic fever, Congo/Crimean haemorrhagic fever, Dengue fever, Ebola virus disease, haemorrhagic fever with renal syndrome (Hantaan), Kyasanur forest disease, Lassa fever, Marburg disease, Omsk haemorrhagic fever, Rift Valley disease and Yellow fever.

(6) As a result of concluding its own reciprocal agreement with the UK Government in April 1993, the Russian Federation no longer comes within the reciprocal agreement previously concluded with the USSR.

St. Andrew's House,  
Edinburgh  
30th June 1994

*Fraser of Carmyllie*  
Minister of State, Scottish Office

**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)*

These Regulations amend the National Health Service (Charges to Overseas Visitors) (Scotland) Regulations 1989 (“the principal Regulations”) which provide for the payment of charges for accommodation, services and other facilities provided as part of the Scottish health service in respect of persons not ordinarily resident in the United Kingdom (“overseas visitors”).

Regulation 2 amends in regulation 1 of the principal Regulations the definition of “Member State” to refer to a State which is a Contracting Party to the Agreement on the European Economic Area (“the EEA”), which came into existence on 1 January 1994 and extends the European Community provisions on freedom of movement and rights of residence to EEA nationals resident in the EEA.

Regulation 3 amends regulation 3(a) of the principal Regulations by removing services provided in a dental or ophthalmic emergency department from the category of services for which no charge may be made to overseas visitors.

Regulation 4 amends regulation 4 of the principal Regulations (overseas visitors exempt from charges) by inserting an additional exemption from charging in respect of certain nationals of States which are not States of the European Communities or the European Economic Area but are signatories to the European Social Charter.

Regulation 5 amends the list in Schedule 1 to the principal Regulations of diseases for the treatment of which no charge is to be made to overseas visitors.

Regulation 6 amends the list in Schedule 2 to the principal Regulations of countries or territories in respect of which the United Kingdom Government has entered into a reciprocal agreement for the provision of health services.