
SCOTTISH STATUTORY INSTRUMENTS

2019 No. 333

**The National Health Service (Charges to Overseas Visitors)
(Scotland) (Amendment) (EU Exit) Regulations 2019**

New regulations 6B and 6C

8. After regulation 6A (exemption from charges for exceptional humanitarian reasons) insert—

“Exemption from charges for overseas visitors with UK reciprocal healthcare entitlements before exit day

6B.—(1) No charge may be made or recovered in respect of any services forming part of the health service provided on or after exit day to an overseas visitor who is ordinarily resident in an EEA State or Switzerland, was ordinarily resident there immediately before exit day, and either—

- (a) immediately before exit day held a valid UK reciprocal healthcare document, or
- (b) at the time that the treatment which constitutes the services was provided, would have been eligible to be issued with a UK reciprocal healthcare document if exit day had not occurred.

(2) In paragraph (1) “UK reciprocal healthcare document” means an S1 certificate, A1 healthcare certificate, European Health Insurance Card or equivalent document issued by a competent institution of the United Kingdom.

EU Exit: transitional arrangements

6C.—(1) No charge may be made or recovered in respect of any services forming part of the health service provided on or after exit day to an overseas visitor who is ordinarily resident in an EEA State or Switzerland, as part of a course of treatment which was authorised before exit day in accordance with Regulation (EC) No 883/2004 or Regulation (EEC) No 1408/71.

(2) No charge may be made or recovered in respect of any services forming part of the health service provided before 31 December 2020 to a person who is an overseas visitor by virtue of section 39 of the Immigration Act 2014⁽¹⁾ and who may be granted leave to remain in the United Kingdom by virtue of Appendix EU to the immigration rules⁽²⁾ (EU citizens and family members). This applies whether or not the person has applied for or has been granted leave to remain under Appendix EU to the immigration rules.”.

⁽¹⁾ 2014 c.22.

⁽²⁾ Appendix EU was amended by the statement of changes in immigration rules presented to Parliament on 7 March 2019 (HC 1919).