

2023 No. 173

NATIONAL HEALTH SERVICE

**The National Health Service (Charges to Overseas Visitors)
(Scotland) Amendment Regulations 2023**

<i>Made</i> - - - -	<i>31st May 2023</i>
<i>Laid before the Scottish Parliament</i>	<i>2nd June 2023</i>
<i>Coming into force</i> - -	<i>1st July 2023</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 98 and 105(7) of the National Health Service (Scotland) Act 1978(a) 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 2023 and come into force on 1 July 2023.

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(b) are amended as follows.

(2) In regulation 5(c) (exemption from charges for treatment the need for which arose during the visit) for “, other than Israel, or territory specified in Schedule 2” substitute “or territory specified in schedule 2, other than Bermuda, Cayman Islands or Pitcairn, Henderson, Ducie and Oeno Islands”.

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

- (a) in the appropriate alphabetical position, insert—
 - (i) “Bermuda”,
 - (ii) “Cayman Islands”,
 - (iii) “Pitcairn, Henderson, Ducie and Oeno Islands”, and

(a) 1978 c. 29. Section 98 was amended by section 7(13) and (14) of the Health and Medicines Act 1988 (c. 49). Section 105(7) was amended by paragraph 5 of schedule 6 and schedule 7 of the Health Services Act 1980 (c. 53), section 29(1) and paragraph 24 of schedule 9 of the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), and paragraph 60 of schedule 4 of the Health Act 1999 (c. 8). 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 section 53 of the Scotland Act 1998 (c. 46).

(b) As relevantly amended by S.S.I. 2014/70, S.S.I. 2019/333 and S.S.I. 2022/335.

(b) for “St Helena” substitute “St Helena, Ascension and Tristan da Cunha”.

St Andrew’s House,
Edinburgh
31st May 2023

MICHAEL MATHESON
A member of the Scottish Government

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 making and recovery of charges for health services provided to certain persons who are not ordinarily resident in the United Kingdom.

These Regulations amend regulation 5(c) of the principal Regulations so that it provides that no charge for services forming part of the health service, provided only for the purpose of giving treatment the need for which arose during the visit, shall be made in respect of any overseas visitor who is “a person resident in a country or territory specified in schedule 2, other than Bermuda, Cayman Islands or Pitcairn, Henderson, Ducie and Oeno Islands”.

These Regulations also amend schedule 2 of the principal Regulations by adding “Bermuda”, “Cayman Islands”, and “Pitcairn, Henderson, Ducie and Oeno Islands” to the list of countries and territories with which the United Kingdom has a reciprocal agreement. “St Helena” is substituted with “St Helena, Ascension and Tristan da Cunha”.

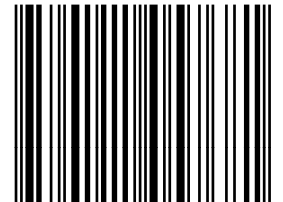
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£4.90

<http://www.legislation.gov.uk/id/ssi/2023/173>

ISBN 978-0-11-105768-1



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