
STATUTORY INSTRUMENTS

1989 No. 364

The National Health Service (Charges to Overseas Visitors) (Scotland) Regulations 1989

Overseas visitors exempt from charges

4. No charge shall be made in respect of any services forming part of the health service provided for an overseas visitor, being a person or the spouse or child of a person—

- (a) who is shown to the satisfaction of the Health Board to be present in the United Kingdom or in a designated area of the Continental Shelf or, if his employer has his principal place of business in the United Kingdom, in or over any area of the Continental Shelf, or on a stationary structure within the territorial waters of the United Kingdom, for the purpose of—
 - (i) engaging in employment as an employed or self-employed person; or
 - (ii) working as a volunteer with a voluntary organisation that is providing a service similar to a relevant service as defined in sections 64(3)(b) and 65(3)(c) of the Health Services and Public Health Act 1968(1), in section 16B of the Act(2) or service to which article 71 of the Health and Personal Social Services (Northern Ireland) Order 1972(3) applies; or
 - (iii) pursuing a course of study where a period of study during the first year of the course is broken by a period or periods of industrial or analogous experience forming an integral part of the course amounting in aggregate to not less than 12 weeks; or
 - (iv) taking up permanent residence in the United Kingdom; or
- (b) who has resided in the United Kingdom for a period of not less than one year immediately preceding the time when the services are provided, whether or not immediately prior to the completion of one year's residence as aforesaid, charges under these Regulations may have been made in respect of services provided as part of the same course of treatment; or
- (c) who has been accepted as a refugee in the United Kingdom, or who has made a formal application for leave to stay as a refugee in the United Kingdom; or
- (d) who is employed on a ship or vessel registered in the United Kingdom; or
- (e) who is in receipt of any pension or other benefit under a Personal Injuries Scheme, Service Pensions Instrument or a 1914-1918 War Injuries Scheme as defined in regulation 2(1) of the Social Security (Overlapping Benefits) Regulations 1979(4); or
- (f) who is a diplomatic agent for the purposes of the Articles of the Vienna Convention on Diplomatic Relations set out in Schedule 1 to the Diplomatic Privileges Act 1964(5); or

(1) 1968 c. 46; section 64 ceased to have effect with regard to Scotland by virtue of section 3 of the Health and Social Services and Social Security Adjudications Act 1983 (c. 41) ("the 1983 Act"), and was amended by S.I. 1968/1699, by the National Health Service Reorganisation Act 1973 (c. 32), Schedule 4, paragraph 125(2) and by the Health Services Act 1980 (c. 53), Schedule 1, paragraph 19(1)(4).

(2) Section 16B was inserted by the 1983 Act, section 3.

(3) S.I. 1972/1265 (N.I. 14).

(4) S.I. 1979/597; the relevant amending instrument is S.I. 1980/1927

(5) 1964 c. 81

- (g) who is a member of Her Majesty's United Kingdom Forces; or
- (h) who is some other Crown servant employed in the right of Her Majesty's Government of the United Kingdom, having been recruited in the United Kingdom; or
- (i) who is an employee, recruited in the United Kingdom, of the British Council or the Commonwealth War Graves Commission; or
- (j) who is working in employment that is financed in part by the Government of the United Kingdom in accordance with arrangements made with the Government of some other country or territory or a public body in such other country or territory; or
- (k) who has at any time had not less than ten years' continuous residence in the United Kingdom and is engaged in employment as an employed or self-employed person outside the United Kingdom—
 - (i) that has not lasted for a period of five years; or
 - (ii) that has lasted for five or more years, if he takes or has a contractual right to take home leave in the United Kingdom at least once in every two years or if he has a right, under the contract by which he was engaged, to have the cost of his passage to the United Kingdom paid on completion of his engagement; or
- (l) who is employed in another Member State and who is contributing as an employed or self-employed earner under the Social Security Act 1975⁽⁶⁾ or the Social Security (Northern Ireland) Act 1975⁽⁷⁾; or
- (m) who, in the case of a national of a Member State, a refugee or a stateless person, has entitlement to the provision of the services in question by virtue of regulations made by the Council of the European Communities under Article 51 of the Treaty establishing the European Economic Community or, in the case of a national of another country, is entitled to be provided with such services by virtue of an agreement entered into between that Community and any other country; or
- (n) whose detention in prison or in an institution provided by the Secretary of State under section 31(1) of the Prisons (Scotland) Act 1952⁽⁸⁾ is for the time being authorised by law; or who is detained under the provisions of the Immigration Act 1971⁽⁹⁾; or
- (o) in whose case the services are provided in circumstances covered by a reciprocal agreement with a country or territory specified in Schedule 2.

⁽⁶⁾ 1975 c. 14

⁽⁷⁾ 1975 c. 15

⁽⁸⁾ 1952 c. 61; section 31(1) was amended by the Criminal Justice (Scotland) Act 1963 (c. 39), section 2(1) and Schedule 5, and by the Criminal Justice (Scotland) Act 1980 (c. 62), Schedule 7, paragraph 3(a).

⁽⁹⁾ 1971 c. 77