POLICY NOTE

THE NATIONAL HEALTH SERVICE (CHARGES TO OVERSEAS VISITORS) (SCOTLAND) AMENDMENT (NO. 2) REGULATIONS 2022

SSI 2022/213

The above instrument was made in exercise of the powers conferred by section 98 and 105 of the National Health Service (Scotland) Act 1978. The instrument is subject to negative procedure.

Purpose of the instrument. This instrument ensures that certain NHS services for any overseas visitor who requires diagnosis or treatment for Monkeypox are provided without charge to that overseas visitor.

This instruments also updates the name of one of the diseases already listed in schedule 1, from "Wuhan novel coronavirus (2019-nCoV)" to "Severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2)".

Policy Objectives

1. The changes made by this instrument are necessary to ensure continued availability of, and easy access to, NHS treatment in Scotland in the event of an outbreak of Monkeypox.

2. This instrument amends the NHS (Charges to Overseas Visitors) (Scotland) Regulations 1989 (S.S.I. 1989/364) (the 1989 Regulations).

3. Sections 98 and 105 of the National Health Service (Scotland) Act 1978 (the 1978 Act) authorise Scottish Ministers to make regulations for the making and recovery of charges from persons not ordinarily resident in Great Britain for NHS services, including that charges may only be made in such cases as may be determined in accordance with the regulations.

4. This instrument amends the 1989 Regulations to create a new exemption from charging for certain NHS services where diagnosis or treatment is provided to overseas visitors in response to an outbreak of Monkeypox.

   This instrument amends schedule 1 of the 1989 Regulations, in relation to Scotland, to add Monkeypox to the list of diseases (such as Tuberculosis and Pandemic Influenza) in respect of which no charge is to be made or recovered. This is to ensure that there is no financial barrier to overseas visitors in Scotland being given NHS hospital treatment for Monkeypox, so that they are not discouraged from seeking treatment and thus ensuring the risk to public health from symptomatic visitors is minimised.

5. This instrument also corrects the name of a disease currently listed in schedule 1, from "Wuhan novel coronavirus (2019-nCoV)" to "Severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2)".

Consultation

6. There has been no public consultation in relation to this instrument.

7. The UK Government laid a similar instrument, amending the English charging regulations, which came into force on 8 June 2022. Charging policy is a devolved matter with the devolved administrations responsible for taking forward any amendments to their charging regulations.

Impact Assessments

8. There is no, or no significant, impact on business, charities or voluntary bodies.

9. The impact on the public sector is that relevant bodies providing certain NHS services will have different obligations in respect of the making and recovery of charges from overseas visitors, but only in the context of the diagnosis and treatment of Monkeypox. The changes benefit patient care by providing access, without charge, by patients to the treatment and medicines they require.

10. An Impact Assessment has, therefore, not been prepared in relation to this instrument.

Financial Effects

11. The Minister for Public Health, Women's Health and Sport confirms that no BRIA is necessary, as the instrument has no, or no significant financial effect on the Scottish Government, local government or on business.

Guidance

12. The Scottish Government will provide guidance to NHS Boards and NHS Inform who will be involved in the operation of these changes and the protection of public health during any outbreak of Monkeypox in Scotland.

Contact

13. John Cameron email: john.cameron@gov.scot can be contacted with any queries regarding this instrument.

Scottish Government
Directorate for Healthcare Quality and Improvement
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