POLICY NOTE

THE NATIONAL HEALTH SERVICE (CHARGES TO OVERSEAS VISITORS) (SCOTLAND) AMENDMENT REGULATIONS 2023

SSI 2023/173

The above instrument was made in exercise of the powers conferred by sections 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 overseas visitors from certain British Overseas Territories will not be charged for certain treatment provided by Health Boards in Scotland, in accordance with healthcare agreements.

Policy Objectives

1. This instrument amends the National Health Service (Charges to Overseas Visitors) (Scotland) Regulations 1989 (S.I. 1989/364) (the 1989 Regulations). The 1989 Regulations provide for Health Boards in Scotland to make and recover charges from overseas visitors (anyone not ordinarily resident in the UK) for relevant services provided to them, unless the overseas visitor, or the service which they receive, is covered by one of a number of exemptions.

2. The UK Government have had longstanding reciprocal healthcare agreements with most of the British Overseas Territories – these territories are currently listed in schedule 2 of the 1989 Regulations. Following a review of the Overseas Territories NHS Quota System and other healthcare support available to the British Overseas Territories, the UK Government has now entered into healthcare agreements with a further five territories.

3. This instrument amends schedule 2 (countries or territories in respect of which the United Kingdom Government has entered into a reciprocal agreement) of the 1989 Regulations, inserting Ascension Island, Bermuda, Cayman Islands, Pitcairn, Henderson, Ducie and Oeno Islands and Tristan da Cunha. This ensures that overseas visitors from those places are not subject to charges when accessing certain treatments provided by Health Boards in Scotland, in accordance with the healthcare agreements between those places and the UK.

4. This instrument amends regulation 5(c) (exemption from charges for treatment the need for which arose during the visit) to reflect that the healthcare agreements between the UK Government and Bermuda, Cayman Islands and Pitcairn, Henderson, Ducie and Oeno Islands do not contain provision for an exemption from charges for treatment the need for which arose during a visit to the UK. The reference to Israel in regulation 5(c) is removed as it is not mentioned in schedule 2.

Consultation

5. There is no statutory duty to consult in relation to this instrument. The Regulations will only impact on the administration of overseas visitor's charges within NHS Boards. However, the Scottish Government will monitor the impact of these amendments on healthcare services.

6. The UK Government laid a similar instrument, amending the English overseas charging regulations, on 9 May 2023. Charging policy for NHS services is a devolved matter, and the Scottish Government is responsible for taking forward any amendments to the 1989 Regulations.

Impact Assessments

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

8. The impact on the public sector is that the existing obligation on Health Boards and the providers of certain healthcare services to make and recover charges from overseas visitors from Ascension Island, Bermuda, Cayman Islands, Pitcairn, Henderson, Ducie and Oeno Islands and Tristan da Cunha when providing certain services is removed.

9. The obligation on Health Boards and the providers of certain healthcare services to make and recover charges from overseas visitors from Ascension Island and Tristan da Cunha for services, provided only for the purpose of giving treatment, the need for which arose during a visit, is also removed.

10. An equality impact assessment has not been completed for these minor amendments. Health Boards have a duty to comply with the Equality Act 2010 in the provision of NHS care and services.

Financial Effects

11. The Cabinet Secretary for NHS Recovery, Health and Social Care 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 Health Boards and NHS Inform who will be involved in the operation of these changes.

Contact

13. John Cameron (email: john.cameron@gov.scot), Planning and Quality Division, Directorate for Healthcare Quality and Improvement, can be contacted with any queries regarding this instrument.

Scottish Government
Directorate for Healthcare Quality and Improvement

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