SCOTTISH STATUTORY INSTRUMENTS

2025 No. 280

NATIONAL HEALTH SERVICE

The National Health Service (Charges to Overseas Visitors) (Scotland) Amendment Regulations 2025

Made - - - - at 8.45 a.m. on 7th October 2025

Laid before the Scottish Parliament at 3.30 p.m. on 7th October 2025

Coming into force - - 8th October 2025

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 2025 and come into force on 8 October 2025.

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) After regulation 4C, insert—

"**Exemption from charges for overseas visitors under the Gaza medical evacuations**

4D.—(1) No charge may be made or recovered in respect of any overseas visitor, being a person who—

(a) has been granted leave to enter the United Kingdom outside the immigration rules (made under section 3(2) of the Immigration Act 1971(**c**)), and

(b) is lawfully present in the United Kingdom after being evacuated from Gaza for the purposes of undergoing treatment in the United Kingdom under the "Gaza medical evacuations",

(**a**) 1978 c. 29. Section 98 was amended by the Health and Medicines Act 1988 (c. 49), section 7(13) and (14). Section 105(7), which was amended by the Health Services Act 1980 (c. 53), schedule 6, paragraph 5 and schedule 7, the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), schedule 9, paragraph 24 and the Health Act 1999 (c. 8), schedule 4, paragraph 60, contains provisions relevant to the exercise of the powers under which these Regulations are made. 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 the Scotland Act 1998 (c. 46), section 53.

(**b**) S.I. 1989/364; as relevantly amended by S.I. 1992/411, S.S.I. 2004/369, S.S.I. 2006/141, S.S.I. 2008/290 and S.S.I. 2022/114.

(**c**) 1971 c. 77.

for services forming part of the health service which the overseas visitor receives during the period the overseas visitor is lawfully present in the United Kingdom.

(2) No charge may be made or recovered in respect of any overseas visitor, being a person who—

(a) has been granted leave to enter the United Kingdom outside the immigration rules (made under section 3(2) of the Immigration Act 1971), and

(b) is lawfully present in the United Kingdom after being evacuated from Gaza for the purposes of accompanying an overseas visitor to whom paragraph (1) applies,

for services forming part of the health service, provided only for the purpose of giving treatment the need for which arose during the visit.

(3) For the purposes of paragraph (1), the "Gaza medical evacuations" means the evacuations described in a statement to Parliament by the Secretary of State for Health and Social Care on 1 September 2025(**a**).

(4) This paragraph applies to an overseas visitor who, during the relevant period, received services forming part of the health service and is exempt from charges for those services by virtue of paragraphs (1) or (2).

(5) An overseas visitor to whom paragraph (4) applies is to be treated for the purposes of these Regulations as if, at the time that the services forming part of the health service were provided, the overseas visitor was an overseas visitor in respect of whom no charge may be made or recovered for services forming part of the health service.

(6) A Health Board which, in respect of an overseas visitor to whom paragraph (4) applies, has—

(a) yet to make charges under regulation 2(**b**) (making and recovery of charges), must not make the charges,

(b) made charges under regulation 2 but has yet to recover the charges, must not recover the charges,

(c) made charges under regulation 2 and received payment in respect of the charges, must repay any sum paid in respect of the charges in accordance with regulation 8(**c**) (repayments).

(7) This paragraph applies to a dental practitioner, ophthalmic medical practitioner or ophthalmic optician (as the case may be) who, during the relevant period, provided an oral health assessment, dental examination, eye examination or sight test to an overseas visitor to whom paragraph (4) applies.

(8) A dental practitioner, ophthalmic medical practitioner or ophthalmic optician (as the case may be) to whom paragraph (7) applies, who has—

(a) yet to make charges under regulation 2, must not make charges under that regulation,

(b) made charges under regulation 2 but has yet to recover the charges, must not recover the charges under that regulation,

(c) made charges under regulation 2 and received payment in respect of the charges, must repay any sum paid in respect of the charges in accordance with regulation 8.

(**a**) Written Statement (Medical Evacuation of Children: Gaza), Hansard, House of Commons, 1 September 2025, volume 772, columns 7WS-8WS.

(**b**) Regulation 2 was amended by S.I. 1992/411, S.S.I. 2006/141 and S.S.I. 2008/290.

(**c**) Regulation 8 was amended by S.I. 1992/411, S.S.I. 2006/141 and S.S.I. 2008/290.

(9) In this regulation, "the relevant period" means the period beginning with 15 September 2025 to the coming into force of these Regulations.".

NEIL GRAY
A member of the Scottish Government

St Andrew's House,
Edinburgh
At 8.45 a.m. on 7th October 2025

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.

Regulation 2 amends the principal Regulations to provide exemptions from charging in relation to overseas visitors who are lawfully present in the United Kingdom under the Gaza medical evacuations, and their accompanying persons who are provided with treatment the need for which arose during the visit.

Regulation 2 also provides that charges incurred since 15 September 2025 until the coming into force of these Regulations in respect of such overseas visitors should: if not yet made, not be made; if made, not be recovered; or, if paid, be repaid.

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