POLICY NOTE

THE NATIONAL HEALTH SERVICE (CHARGES TO OVERSEAS VISITORS) (SCOTLAND) AMENDMENT REGULATIONS 2025

SSI 2025/280

The above instrument was made in exercise of the powers conferred by sections 98 and 105(7) of the National Health Service (Scotland) Act 1978. The instrument is subject to negative procedure.

Purpose of the Instrument: This instrument ensures overseas visitors who have been medically evacuated from Gaza for NHS treatment via the Gaza Medical Evacuations**,** which were announced by the Prime Minister on 25th July 2025 and described in a statement made by the Secretary of State for Health and Social Care to the House of Commons on 1st September 2025, can receive relevant healthcare services, provided by NHS Scotland, at no charge. This may include treatment for injuries and illnesses, mental health services and treatment for specific conditions. Overseas visitors who are authorised to accompany the patient shall be entitled to receive NHS services for the purpose of providing treatment the need for which arose during their visit, at no charge.

Policy Objectives

1. This instrument amends the NHS (Charges to Overseas Visitors) (Scotland) Regulations 1989 (S.S.I. 1989/364) ("the 1989 Regulations"). The 1989 Regulations provide for NHS 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. This instrument introduces new regulation 4D into the 1989 Regulations, which creates an exemption from the charges for services forming part of the health service for a person who has lawfully entered the UK, specifically to receive NHS treatment, via the Gaza Medical Evacuations[1] ("Medevacs") announced by the Prime Minister on 25th July 2025 and described in a statement by the Secretary of State for Health and Social Care to the House of Commons on 1st September 2025[2]. (The UK Government is partnering with the World Health Organisation in relation to the medical evacuations.[3]) An exemption from charges for any services forming part of the health service, provided for the purpose of giving treatment the need for which arose during a visit, will apply to any person accompanying the person medically evacuated from Gaza and who is lawfully present in the UK for that purpose.

3. Regulation 4D will apply to services forming part of the health service (including eye examinations, sight tests, oral health assessments and dental examinations[4], provided to eligible people on and after 15th September 2025, when the first cohort of patients and their accompanying persons arrived in the UK. No charge may be made or recovered on or after this date. If charges have already been applied for treatment provided on, or after, 15th September 2025, they must be cancelled and not recovered. If charges have already been paid for treatment on, or after, 15th September 2025, then that sum is to be repaid. The exemptions from charges for the person medically evacuated from Gaza and accompanying persons apply to treatment provided on or after 15th September 2025.

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[1] https://www.gov.uk/government/news/update-on-gaza-medical-evacuation-scheme

[2] https://hansard.parliament.uk/commons/2025-09-01/debates/25090137000016/MedicalEvacuationOfChildrenGaza

[3] https://www.gov.uk/government/publications/uk-government-response-to-the-situation-in-gaza-summary/uk-government-response-to-the-situation-in-gaza-policy-summary; https://www.emro.who.int/opt/information-resources/medical-evacuation-of-patients-from-the-gaza-strip.html#does-who-or-any-other-un-body-select-approve-or-prioritize-patients-or-companions-for-medical-evacuation

[4] Within the meaning of sections 12(1) and 13(1) of the Smoking, Health and Social Care (Scotland) Act 2005.

4. We anticipate that most services chargeable under the 1989 Regulations which might have been provided since 15th September 2025, to a person in the UK as a result of the medevacs, would have been services provided by Health Boards. However, in the event that an oral health assessment, dental examination, eye examination or sight test chargeable under the 1989 Regulations was provided by a dental practitioner, ophthalmic medical practitioner or ophthalmic optician, those charges must be cancelled and not recovered from the eligible person and if they've been paid, be repaid. Instead, those charges will be recoverable from the Practitioner Services department of NHS National Services Scotland.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

5. The Scottish Ministers have made the following statement regarding children's rights.

6. In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, the Scottish Ministers certify that, in their view, the National Health Service (Charges to Overseas Visitors) (Scotland) Amendment Regulations 2025 are compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

7. This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

Consultation

8. There has been no public consultation in relation to this instrument. However, the Scottish Government has been, and will continue to be, in contact with the Health Boards who are providing treatment for persons in the UK as a result of the medevacs and will continue to monitor the impact on healthcare services.

9. Without this amendment to the 1989 Regulations, Scotland would be unable to meet the overarching principles of the medevacs, in that it is a publicly funded humanitarian mission, nor the Scottish Government's commitment to provide medical support for up to 20 children from Gaza, confirmed by the First Minister in a statement about the situation in Gaza to the Scottish Parliament on 3 September 2025[5].

Impact Assessments

10. In compliance with section 17 of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, a Child Rights and Wellbeing Impact Assessment has been prepared for this instrument.

11. There is no, or no significant, impact on business, charities or voluntary bodies as a result of this instrument.

12. The impact on the public sector is that the existing obligation on Health Boards and the providers of certain NHS services to make and recover charges from overseas visitors when providing certain services has been removed in specific circumstances, as the persons in question are eligible for exemption as they are in the UK through the medevacs.

13. The instrument is being introduced as a temporary measure, for the period of time during which the overseas visitors are in the UK under the Gaza Medical Evacuations, that will, in the

[5] The First Minister's statement is available at: https://www.gov.scot/publications/situation-in-gaza-first-ministers-statement/

main, only impact Health Boards in Scotland. The Scottish Government will keep the impact of the exemption under review, including considering the need for any further changes to the 1989 Regulations, as new information on the humanitarian crisis continues to be made available and the medevacs continue.

Financial Effects

14. The Cabinet Secretary for Health and Social Care confirms that no Business and Regulatory Impact Assessment is necessary, as the instrument has no, or no significant financial effect on the Scottish Government, local government or on business.

Guidance

15. The Scottish Government will provide guidance to NHS Boards who will be involved in the operation of these changes.

Contact

16. Any queries regarding this instrument can be sent to coo@gov.scot.

Scottish Government
Directorate for Chief Operating Officer, NHS Scotland

03 October 2025