

EXECUTIVE NOTE

The National Health Service (Charges to Overseas Visitors) (Scotland) Amendment Regulations 2006 (S.S.I. 2006/141)

The above instrument is proposed to be made in exercise of the powers conferred by section 98, 105 (7) and 108(1) of the National Health Service (Scotland) Act 1978 (“the Act”). The instrument is subject to negative resolution procedure.

Policy Objectives

The objective is to amend the National Health Service (Charges to Overseas Visitors) (Scotland) Regulations 1989 (“the principal Regulations”) to facilitate the extension of the current statutory provisions relating to the charging of overseas visitors to include NHS eye examinations and dental examinations, which would otherwise be free to such visitors with effect from 1 April 2006 in terms of the Smoking, Health and Social Care (Scotland) Act 2005. The principal Regulations are amended as follows

Amendment of Regulation 1 of the principal Regulations (citation, commencement and interpretation)

Regulation 1 (2) of the principal Regulations is amended to add definitions of “dental list”, “general dental services”, “ophthalmic medical practitioner”, and ophthalmic list” and to expand the existing definition of “services forming part of the health service” to include general dental services, general ophthalmic services and personal dental services.

Amendment of Regulation 2 of the principal Regulations (Making and recovery of charges)

Additional paragraphs, 2 (3) and (4), are inserted into the principal Regulations to allow overseas visitors, except in cases where the Principal regulations provide for no charge to be made, to be charged for general dental services from a dental practitioner on a Health Board’s dental list, general ophthalmic services from an ophthalmic medical practitioner or an ophthalmic optician on a Health Board’s ophthalmic list or personal dental services from a dental practitioner in terms of an agreement made with a Health Board under Section 17C of the Act or a pilot scheme under part 1 of the National Health Services (Primary Care) Act 1997. The charges are to be determined by Health Boards. The person making and recovering the charge must issue a receipt for it.

Amendment of Regulation 3 of the principal Regulations (Services exempted from charge)

Regulation 3 (b) of the principal regulations, which exempts services not provided at, or by staff employed to work at, or under the direction of, a hospital from charge, is amended to allow charges for the provision of general dental services, general ophthalmic services or personal dental services to be made.

Amendment of Regulation 8 of the principal Regulations (Repayment)

Additional paragraphs are added to Regulation 8 of the principal Regulations to provide that, if a charge has been made which should not have been properly made under the Regulations, the person who made and recovered the charge shall repay it.

Consultation

No consultation has been conducted. Ministers have agreed that the provision of free eye examinations and dental examinations in terms of the Smoking, Health and Social Care (Scotland) Act 2005, which is a Partnership Agreement, is intended to benefit people who are permanently resident in Scotland or are otherwise entitled to free NHS care and should not be extended to those who are not so entitled.

Financial Effects

The instrument has no financial effects on the Scottish Executive, Health Boards or on business.

HD: Patients and Quality
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