
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 290

The National Health Service (Charges to Overseas Visitors) (Scotland) Amendment Regulations 2008

Amendment of the Principal Regulations

2.—(1) In regulation 1(2) of the principal Regulations:

(a) at the appropriate place, insert

““eye examinations and sight tests” means eye examinations and sight tests within the meaning of section 13(1) of the Smoking, Health and Social Care (Scotland) Act 2005(1);”;

(b) at the appropriate place, insert

““oral health assessments and dental examinations” means oral health assessments and dental examinations within the meaning of section 12(1) of the Smoking Health and Social Care (Scotland) Act 2005;”;

(c) omit the definition of “dental list”;

(d) omit the definition of “general dental services”;

(e) omit the definition of “ophthalmic list”; and

(f) in the definition of “services forming part of the health service”, for “or general dental services, or general ophthalmic services, or personal dental services” substitute “or oral health assessments and dental examinations, or eye examinations and sight tests”.

(2) For regulation 2(3) of the principal Regulations substitute “Where an overseas visitor receives an oral health assessment, dental examination, eye examination or sight test, the dental practitioner, ophthalmic medical practitioner or ophthalmic optician (as the case may be) providing those services having determined, by means of such enquiries as that person is satisfied are reasonable in all the circumstances, including the state of health of that overseas visitor, that the case is not one in which these Regulations provide for no charge to be made, shall make and recover from the person liable under regulation 7 charges for the provision of those services as such charges are determined by the Health Board.”.

(3) In regulation 3(b) of the principal Regulations for “general dental services, or general ophthalmic services, or personal dental services” substitute “an oral health assessment, dental examination, eye examination or sight test”.

(4) In regulation 4(1) of the principal Regulations:

(a) after sub-paragraph (p)(iv) omit “or”; and

(b) after sub-paragraph (q) insert—

“; or

- (r) who the competent authorities of the United Kingdom within the meaning of the Council of Europe Convention on Action Against Trafficking in Human Beings⁽²⁾ (in this regulation “the Convention”),
 - (i) consider that there are reasonable grounds to believe is a victim within the meaning of Article 4 of the Convention, and the recovery and reflection period in relation to him under Article 13 of the Convention has not yet expired; or
 - (ii) have identified as a victim within the meaning of Article 4 of the Convention.”.
- (5) In regulation 8 of the principal Regulations:
 - (a) in paragraph (1) omit “other than general dental services, or general ophthalmic services, or personal dental services,”; and
 - (b) in paragraph (3), for “general dental services, general ophthalmic services or personal dental services forming part of the health service” substitute “an oral health assessment, dental examination, eye examination or sight test”.

(2) The Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197).