
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by paragraph 1(1) and (3) of schedule 2 and paragraph 21(b) of schedule 7 of the European Union (Withdrawal) Act 2018 (c.16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under paragraphs (a) and (c) of section 8(2) of this Act) in the field of cross-border health care arising from the withdrawal of the UK from the European Union.

These Regulations amend the Cross-border Health Care (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 (“the 2019 Regulations”).

Regulation 3 amends regulation 3 of the 2019 Regulations (which makes a savings provision in regulation 4 of those Regulations) to substitute a reference to “IP completion day” for “exit day” (which is the date the modifications made by the 2019 Regulations will take effect).

Regulation 4 amends regulation 4(6) of the 2019 Regulations, which inserts a new section 75BC into the National Health Service (Scotland) Act 1978 concerning the arrangements for reimbursing health care costs to people ordinarily resident in Scotland who receive treatment in EEA states, which arrangements cease to operate on IP completion day. Reimbursement will however continue to be available where the treatment was provided, or an application for its authorisation was made, before IP completion day.

Regulation 5 amends the National Health Service (Cross-Border Health Care) (Scotland) Regulations 2013, to make provision to allow certain pensioners residing in the EEA, who previously would have had access to cross-border healthcare services, to access NHS healthcare at no cost when they are in Scotland on or after IP completion day where those services were provided before the cut-off day (i.e. 1 year after IP completion day).