
STATUTORY INSTRUMENTS

1992 No. 411 (S. 44)

NATIONAL HEALTH SERVICE, SCOTLAND

The National Health Service (Charges to Overseas Visitors) (Scotland) Amendment Regulations 1992

<i>Made</i>	- - - -	<i>26th February 1992</i>
<i>Laid before Parliament</i>		<i>10th March 1992</i>
<i>Coming into force</i>	- -	<i>1st April 1992</i>

The Secretary of State, in exercise of the powers conferred on him by sections 98, 105(7) and 108(1) of the National Health Service (Scotland) Act 1978(1) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the National Health Service (Charges to Overseas Visitors) (Scotland) Amendment Regulations 1992 and shall come into force on 1st April 1992.

(2) In these Regulations, unless the context otherwise requires—

“the Act” means the National Health Service (Scotland) Act 1978;

“the principal Regulations” means the National Health Service (Charges to Overseas Visitors) (Scotland) Regulations 1989(2).

Amendment of regulation 1 of the principal Regulations

2. Paragraph (2) of regulation 1 of the principal Regulations (citation, commencement and interpretation) shall be amended—

(a) by substituting for the definition of “services forming part of the health service” the following:—

““services forming part of the health service” means accommodation, services and other facilities provided under section 36(1) of the Act (accommodation and services) and includes accommodation, services and other facilities provided by

(1) 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 and by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), Schedule 9, paragraph 24, 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.

(2) S.I. 1989/364.

an NHS trust but does not include any accommodation, service or facility made available or provided under—

- (a) section 57 of the Act (accommodation and services for private patients)(3);
 - (b) section 7(2) of the Health and Medicines Act 1988 (powers to make more income available for the health service)(4); or
 - (c) paragraph 14 of Schedule 7A to the Act (accommodation and services for private patients of NHS trusts)(5);”;
- (b) by inserting after the words “Health Board” where they occur in the definition of “treatment the need for which arose during the visit” the words “or, as the case may be, an NHS trust”.

Amendment of regulation 2 of the principal Regulations

3. Regulation 2 of the principal Regulations (making and recovery of charges) shall be amended by inserting after the words “Health Board”—

- (a) where they first occur in paragraph (1), the words “or, as the case may be, an NHS trust”;
- (b) where they second occur in paragraph (1), the words “or NHS trust”;
- (c) where they occur in paragraph (2), the words “or, as the case may be, an NHS trust”.

Amendment of regulation 3 of the principal Regulations

4. Regulation 3 of the principal Regulations (services exempted from charges) shall be amended by inserting after sub-paragraph (b) the following sub-paragraph:—

“(bb) consisting of the provision of family planning services; or”.

Amendment of regulation 4 of the principal Regulations

5. Regulation 4 of the principal Regulations (overseas visitors exempt from charges) shall be amended by inserting after the words “Health Board” where they occur in sub-paragraph (a) the words “or, as the case may be, the NHS trust by which those services are provided”.

Amendment of regulation 8 of the principal Regulations

6. Regulation 8 of the principal Regulations (repayments) shall be amended—

- (a) by inserting after the words “Health Board” where they first occur in paragraph (1) the words “or, as the case may be, the NHS trust”;
- (b) by inserting after the words “Health Board” where they occur in paragraphs (1)(c) and (2) the words “or the NHS trust”.

Amendment of Schedule 2 to the principal Regulations

7. Schedule 2 to the principal Regulations (countries or territories in respect of which the United Kingdom has entered into a reciprocal agreement) shall be amended by deleting the words “German Democratic Republic”.

(3) Section 57 was substituted by the Health and Medicines Act 1988 (c. 49), section 7(11) and was amended by the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”), Schedule 9, paragraph 19(10) and Schedule 10.

(4) 1988 c. 49.

(5) Schedule 7A was inserted by the 1990 Act, Schedule 6.

St. Andrew's House,
Edinburgh
26th February 1992

Michael B. Forsyth
Minister of State, Scottish Office

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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 1989 Regulations”).

The principal amendments reflect the establishment from 1st April 1992 of NHS trusts under section 12A of the National Health Service (Scotland) Act 1978 (regulations 2, 3, 5 and 6). A further amendment provides that charges cannot be made for family planning services provided for an overseas visitor (regulation 4).

The Regulations also remove the former German Democratic Republic from Schedule 2 to the 1989 Regulations (countries or territories in respect of which the United Kingdom Government has entered into a reciprocal agreement).