



National Health Service in Scotland
Management Executive

St. Andrew's House
Edinburgh EH1 3DG

Dear Colleague

THE NATIONAL HEALTH SERVICE (CHARGES TO OVERSEAS VISITORS) (SCOTLAND) AMENDMENT REGULATIONS 1994

Summary

1. This letter advises of amendments to the Regulations which provide for the payment of charges for hospital treatment in the UK given to overseas visitors. The amendment Regulations which come into effect on 3 August 1994 are the NHS (Charges to Overseas Visitors) (Scotland) Amendment Regulations 1994.

Action

- 2. Health Boards and NHS Trusts are asked to make arrangements for the implementation of the amendment Regulations, which come into effect on 3 August 1994.
- 3. This letter should be drawn to the attention of those hospital staff who normally deal with such matters.
- 4. A copy of the NHS (Charges to Overseas Visitors) (Scotland) Amendment Regulations 1994 is enclosed. Additional copies are available from the HMSO.
- 5. Any enquiries about the content of this letter should be addressed to Mr I Fleming, Room 54C, St Andrew's House, Edinburgh (Tel No: 031-244-2508).

Other Information

- 6. Health Boards and NHS Trusts are responsible for raising charges for hospital treatment given to overseas visitors to the United Kingdom, who are liable under the NHS (Charges to Overseas Visitors) (Scotland) Regulations 1989 (as amended).
- 7. The principal amendment to the 1989 Regulations stems from the introduction on 1 January 1994 of the European Economic Area (EEA) Agreement. This Agreement primarily extends certain elements of the EC Single Market to 5 of the EFTA countries ie Austria, Finland,

24 July 1994

Addressees

For Action
General Managers,
Health Boards

Chief Executives,
NHS Trusts

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General Manager,
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Iceland, Norway and Sweden. Details of the Agreement and its implications for those responsible for raising charges are given in the Annex to this letter.

8. The opportunity has also been taken to amend the 1989 Regulations to:

- remove services provided in a dental or ophthalmic emergency department from the category of services for which no charge may be made to overseas visitors given that any emergency treatment in those specialties is automatically provided by hospitals' A&E departments;
- insert an additional exemption from charging in respect of certain nationals of States, which are not States of the EC or EEA, and with which we have no Reciprocal Health Care Agreement, but are signatories to the Council of Europe's Social Chapter - currently Cyprus and Turkey;
- amend the list of countries and territories in respect of which the UK Government has entered into a Reciprocal Agreement for the provision of health services - this amendment takes account of, inter alia, the formation of the EEA and the break up of the Eastern bloc; and
- update the list of diseases for the treatment of which no charge shall be made.

9. The Manual of Guidance on the NHS Treatment of Overseas Visitors, which issued to Health Boards in September 1982 will be replaced by a completely revised Manual reflecting the new arrangements and a separate letter will be issued in due course.

David Palmer

P.P. DAVID PALMER
Director of Finance (Acting)

EUROPEAN ECONOMIC AREA AGREEMENT

Background

1. The European Economic Area (EEA) Agreement entered into force on 1 January 1994. The Agreement extends the principles of the EC Single Market - in particular the "4 freedoms" (free movement of goods, services, capital and people) - and some other EC rules to 5 of the European Free Trade Area (EFTA) States - Austria, Finland, Iceland, Norway and Sweden. The Agreement was due to come into effect on 1 January 1993, but was delayed by the decision of the Swiss people in a Referendum in December 1992 not to ratify the Agreement. Switzerland consequently will not participate; Liechtenstein will join later due to the need to make special arrangements in the light of its close commercial ties with Switzerland.

Social Security Regulations

2. Participating EFTA countries will benefit from the application of EC Social Security Regulations which include health care benefits. Consequently the NHS (Charges to Overseas Visitors) (Scotland) Regulations are being amended. This may result in a small increase in the numbers of overseas visitors exempt from NHS charges coming to Scotland for treatment. Whilst the UK has individual Reciprocal Health Agreement with the participating members of EFTA, the exemption from charges for treatment, the need for which arise during a visit, will be extended to cover the nationals of Iceland and Sweden. The existing bilateral agreements with Iceland and Sweden which cover residents only will continue to operate.

3. As a result of the Agreement, there may, in addition, be people from the participating EFTA countries coming to the UK expressly for medical treatment under the EC Social Security Regulations, eg the E112 scheme. A separate letter will be issued shortly setting out the amendments to the Manual of Guidance on the NHS Treatment of Overseas Visitors to extend the existing arrangements and make some technical changes.