

Health, Social Care and Sport Committee  
25 November 2025  
32<sup>nd</sup> Meeting, 2025 (Session 6)

## Note by the Clerk on The National Health Service (Charges to Overseas Visitors) (Scotland) Amendment Regulations 2025

### Overview

1. At this meeting, the Committee will consider the following Scottish Statutory Instrument (SSI), which is subject to the negative procedure. The Committee is invited to consider the instrument and decide what, if any, recommendations to make.
2. More information about the instrument is summarised below:

**Title of instrument:** [The National Health Service \(Charges to Overseas Visitors\) \(Scotland\) Amendment Regulations 2025](#) (SSI 2025/280)

**Laid under:** [National Health Service \(Scotland\) Act 1978](#)

**Laid on:** 07 October 2025

**Procedure:** Negative

**Deadline for committee consideration:** 1 December 2025 (Advisory deadline for any committee report to be published)

**Deadline for Chamber consideration:** 1 December 2025 (Statutory 40-day deadline for any decision whether to annul the instrument)

**Commencement:** 8 October 2025

### Procedure

3. Under the negative procedure, an instrument is laid after it is made, and is subject to annulment by resolution of the Parliament for a period of 40 days beginning on the day it is laid.
4. Once laid, the instrument is referred to:
  - the Delegated Powers and Law Reform (DPLR) Committee, for scrutiny on various technical grounds, and
  - a lead committee, whose remit includes the subject-matter of the instrument, for scrutiny on policy grounds.
5. Any MSP may propose, by motion, that the lead committee recommend annulment of the instrument. If such a motion is lodged, it must be debated at a meeting of the Committee, and the Committee must then report to the Parliament (by the advisory deadline referred to above).

6. If there is no motion recommending annulment, the lead committee is not required to report on the instrument.

## **Delegated Powers and Law Reform Committee consideration**

7. The DPLR Committee considered the instrument on [28 October 2025](#). The DPLR Committee made no recommendations in relation to the instrument but did draw the instrument to the attention of Parliament under reporting ground (j) – failure to lay the instrument in accordance with section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010. The DPLR Committee was satisfied with the reasons given for the failure to comply with the laying requirements.

## **Purpose of the instrument**

8. The instrument ensures overseas visitors who have been medically evacuated from Gaza for NHS treatment via the Gaza Medical Evacuations Scheme (which was announced by the Prime Minister on 25 July 2025 and described in a statement by the Secretary of State for Health and Social Care to the House of Commons on 1st September 2025) can receive relevant healthcare services provided by NHS Scotland, at no charge. This may include treatment for injuries and illnesses, mental health services and treatment for specific conditions. Overseas visitors who are authorised to accompany the patient shall be entitled to receive NHS services for the purpose of providing treatment the need for which arose during their visit, at no charge.
9. The Policy Note accompanying the instrument is included in Annexe A. It includes a summary of consultation undertaken on the instrument, impact assessments carried out, and the anticipated financial effects.

## **Committee consideration**

10. So far, no motion recommending annulment has been lodged.
11. Members are invited to consider the instrument and decide whether there are any points they wish to raise. If there are, options include:
  - seeking further information from the Scottish Government (and/or other stakeholders) through correspondence, and/or
  - inviting the Minister (and/or other stakeholders) to attend the next meeting to give evidence on the instrument.

It would then be for the Committee, at the next meeting, to consider the additional information gathered and decide whether to make recommendations in relation to the instrument.

12. If members have no further points to raise, the Committee should note the instrument (that is, agree that it has no recommendations to make).

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13. However, should a motion recommending annulment be lodged later in the 40-day period, it may be necessary for the Committee to consider the instrument again.

**Clerks to the Committee  
November 2025**

## Annexe A: Scottish Government Policy Note

### POLICY NOTE

#### THE NATIONAL HEALTH SERVICE (CHARGES TO OVERSEAS VISITORS) (SCOTLAND) AMENDMENT REGULATIONS 2025

#### SSI 2025/280

The above instrument was made in exercise of the powers conferred by sections 98 and 105(7) of the National Health Service (Scotland) Act 1978. The instrument is subject to negative procedure.

Purpose of the Instrument: This instrument ensures overseas visitors who have been medically evacuated from Gaza for NHS treatment via the Gaza Medical Evacuations, which were announced by the Prime Minister on 25th July 2025 and described in a statement made by the Secretary of State for Health and Social Care to the House of Commons on 1st September 2025, can receive relevant healthcare services, provided by NHS Scotland, at no charge. This may include treatment for injuries and illnesses, mental health services and treatment for specific conditions. Overseas visitors who are authorised to accompany the patient shall be entitled to receive NHS services for the purpose of providing treatment the need for which arose during their visit, at no charge.

#### Policy Objectives

1. This instrument amends the NHS (Charges to Overseas Visitors) (Scotland) Regulations 1989 (S.S.I. 1989/364) (“the 1989 Regulations”). The 1989 Regulations provide for NHS Boards in Scotland to make and recover charges from overseas visitors (anyone not ordinarily resident in the UK) for relevant services provided to them, unless the overseas visitor, or the service which they receive, is covered by one of a number of exemptions.
2. This instrument introduces new regulation 4D into the 1989 Regulations, which creates an exemption from the charges for services forming part of the health service for a person who has lawfully entered the UK, specifically to receive NHS treatment, via the Gaza Medical Evacuations<sup>1</sup> (“Medevacs”) announced by the Prime Minister on 25th July 2025 and described in a statement by the Secretary of State for Health and Social Care to the House of Commons on 1st September 2025<sup>2</sup>. (The UK Government is partnering with the World Health Organisation in relation to the medical evacuations.<sup>3</sup>)

<sup>1</sup> <https://www.gov.uk/government/news/update-on-gaza-medical-evacuation-scheme>

<sup>2</sup> <https://hansard.parliament.uk/commons/2025-09-01/debates/25090137000016/MedicalEvacuationOfChildrenGaza>

<sup>3</sup> <https://www.gov.uk/government/publications/uk-government-response-to-the-situation-in-gaza-summary/uk-governmentresponse-to-the-situation-in-gaza-policy-summary>;  
<https://www.emro.who.int/opt/information-resources/medical-evacuationof-patients-from-the-gaza-strip.html#does-who-or-any-other-un-body-select-approve-or-prioritize-patients-or-companionsfor-medical-evacuatio>

An exemption from charges for any services forming part of the health service, provided for the purpose of giving treatment the need for which arose during a visit, will apply to any person accompanying the person medically evacuated from Gaza and who is lawfully present in the UK for that purpose.

3. Regulation 4D will apply to services forming part of the health service (including eye examinations, sight tests, oral health assessments and dental examinations<sup>4</sup>, provided to eligible people on and after 15th September 2025, when the first cohort of patients and their accompanying persons arrived in the UK. No charge may be made or recovered on or after this date. If charges have already been applied for treatment provided on, or after, 15th September 2025, they must be cancelled and not recovered. If charges have already been paid for treatment on, or after, 15th September 2025, then that sum is to be repaid. The exemptions from charges for the person medically evacuated from Gaza and accompanying persons apply to treatment provided on or after 15th September 2025.
4. We anticipate that most services chargeable under the 1989 Regulations which might have been provided since 15th September 2025, to a person in the UK as a result of the medevacs, would have been services provided by Health Boards. However, in the event that an oral health assessment, dental examination, eye examination or sight test chargeable under the 1989 Regulations was provided by a dental practitioner, ophthalmic medical practitioner or ophthalmic optician, those charges must be cancelled and not recovered from the eligible person and if they've been paid, be repaid. Instead, those charges will be recoverable from the Practitioner Services department of NHS National Services Scotland.

### **UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility**

5. The Scottish Ministers have made the following statement regarding children's rights.
6. In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, the Scottish Ministers certify that, in their view, the National Health Service (Charges to Overseas Visitors) (Scotland) Amendment Regulations 2025 are compatible with the UNCRC requirements as defined by section 1(2) of the Act.

### **EU Alignment Consideration**

7. This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

### **Consultation**

8. There has been no public consultation in relation to this instrument. However, the Scottish Government has been, and will continue to be, in contact with the Health Boards who are providing treatment for persons in the UK as a result

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<sup>4</sup> Within the meaning of sections 12(1) and 13(1) of the Smoking, Health and Social Care (Scotland) Act 2005.

of the medevacs and will continue to monitor the impact on healthcare services.

9. Without this amendment to the 1989 Regulations, Scotland would be unable to meet the overarching principles of the medevacs, in that it is a publicly funded humanitarian mission, nor the Scottish Government's commitment to provide medical support for up to 20 children from Gaza, confirmed by the First Minister in a statement about the situation in Gaza to the Scottish Parliament on 3 September 2025<sup>5</sup>.

### **Impact Assessments**

10. In compliance with section 17 of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, a Child Rights and Wellbeing Impact Assessment has been prepared for this instrument.
11. There is no, or no significant, impact on business, charities or voluntary bodies as a result of this instrument.
12. The impact on the public sector is that the existing obligation on Health Boards and the providers of certain NHS services to make and recover charges from overseas visitors when providing certain services has been removed in specific circumstances, as the persons in question are eligible for exemption as they are in the UK through the medevacs.
13. The instrument is being introduced as a temporary measure, for the period of time during which the overseas visitors are in the UK under the Gaza Medical Evacuations, that will, in the main, only impact Health Boards in Scotland. The Scottish Government will keep the impact of the exemption under review, including considering the need for any further changes to the 1989 Regulations, as new information on the humanitarian crisis continues to be made available and the medevacs continue.

### **Financial Effects**

14. The Cabinet Secretary for Health and Social Care confirms that no Business and Regulatory Impact Assessment is necessary, as the instrument has no, or no significant financial effect on the Scottish Government, local government or on business.

### **Guidance**

15. The Scottish Government will provide guidance to NHS Boards who will be involved in the operation of these changes.

### **Contact**

16. Any queries regarding this instrument can be sent to [coo@gov.scot](mailto:coo@gov.scot).

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<sup>5</sup> The First Minister's statement is available at: <https://www.gov.scot/publications/situation-in-gaza-first-ministers-statement/>

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Scottish Government

Directorate for Chief Operating Officer, NHS Scotland

03 October 2025