

Dear Colleague

OVERSEAS VISITORS' LIABILITY TO PAY CHARGES FOR NHS CARE AND SERVICES

Purpose

1. To provide revised guidance to NHS healthcare providers on overseas visitors' liability to pay charges for NHS care and services. This supersedes the previous guidance issued under cover of [CEL 9 \(2008\)](#).

Background

2. Overseas visitors to Scotland, who have a legitimate reason to be here, will always be welcomed by the Scottish Government, as they contribute to our economy as well as to our vibrancy and diversity as a nation.

3. In February 2008 we issued CEL 9 (2008). This set out our guidance on overseas visitors' entitlement to receive NHS care and services. The attached guidance, which has been prepared in consultation with a wide range of stakeholders, replaces the previous guidance.

Guidance

4. The guidance is not legally binding and should not be regarded as a complete and authoritative statement of law. It is aimed at explaining and providing a balanced interpretation of the National Health Service (Charges to Overseas Visitors) (Scotland) Regulations 1989, as amended, for healthcare providers who deal with overseas visitors on a regular basis. Although the Regulations only relate to hospital services, the guidance also covers other matters relevant to overseas visitors' use of NHS care and services while in Scotland, including GP services.

5. The guidance cannot, and does not attempt to, address all the scenarios that may arise or the more obscure cases that crop up from time to time. Rather, it sets out the main criteria that should be considered in determining if an overseas visitor is liable to pay charges for NHS care or services and on what basis. The guidance is linked to Scottish Government Overseas Visitors' webpages, which can be accessed at: www.scotland.gov.uk/Topics/Health/OverseasVisitors and includes a frequently asked questions section for patients.

CEL 09 (2010)

April 2010

Addresses

For action

Chief Executives, NHS
Boards
Primary Care Administrators,
NHS Boards

For information

Chief Executives, Special
Boards
Medical Directors, NHS
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Directors of Nursing, NHS
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6. It is for healthcare providers to determine an overseas visitor's need for NHS healthcare or services and if charges should be applied (Regulation 2(1) of the National Health Service (Charges to Overseas Visitors) (Scotland) Regulations 1989, as amended). If a person is found to be exempt from NHS charges under the Regulations, they are entitled to healthcare and services on the same basis as a UK national who is ordinarily resident in Scotland.

Action for NHS Boards

7. NHS Boards are asked to ensure that:

- **This letter and guidance are brought to the attention of all appropriate staff who regularly deal with overseas visitors; and**
- **That primary care administrators copy and distribute this letter and guidance to all GPs, dental practitioners, optometrists, ophthalmic medical practitioners and community pharmacists contracted to NHS Boards, as they are likely to receive the initial approaches from overseas visitors' seeking NHS care and services.**

Yours sincerely



FIONA MONTGOMERY

**OVERSEAS VISITORS' LIABILITY TO PAY CHARGES FOR NHS
CARE AND SERVICES**

A GUIDE FOR HEALTHCARE PROVIDERS IN SCOTLAND

APRIL 2010

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INTRODUCTION

1. Overseas Visitors to Scotland, who have a legitimate reason to be here, will always be welcomed by the Scottish Government as they contribute to our economy as well as to our vibrancy and diversity as a nation.
2. **This guidance, which is not legally binding and should not be regarded as a complete and authoritative statement of law, is aimed at explaining, and providing a balanced interpretation of, the Regulations for healthcare providers who deal with overseas visitors on a regular basis. It also covers other matters relevant to overseas visitors' use of NHS care and services while in Scotland.**
3. It is for healthcare providers to determine an overseas visitor's need for NHS healthcare or services and if charges should be applied. (Regulation 2(1) of the National Health Service (Charges to Overseas Visitors) (Scotland) Regulations 1989, as amended). It should be noted that possession of a Community Health Index (CHI) number does not necessarily preclude an overseas visitor from paying NHS charges.
4. The overseas visitors regulations do not permit charging for NHS primary care services other than certain dental and optical services. It is for GP practices to exercise their discretion as to whether to register an overseas visitor or to treat them privately (including the provision of private prescriptions), taking into account the terms of the National Health Service (General Medical Services Contracts (Scotland) Regulations 2004, as amended. Reference to the general principles set out in this guidance may, however, be helpful in reaching a decision on registration.
5. "Overseas visitor" is defined as a person not ordinarily resident in the UK and, accordingly, only those who are not ordinarily resident may be charged for NHS services. The concept of ordinary residence can be described as living lawfully in the UK for settled purposes, as part of your regular order of life. A person's identifiable purpose and whether that purpose has a sufficient degree of continuity to be described as settled are the determining factors, regardless of whether a UK passport is held, the person owns property in the UK or pays UK taxes. Ordinary residence is essentially a question of fact and the definitive interpretation of ordinary or temporary residence would be for a court to decide in the specific circumstances of an individual case. As a rule, 6 months is seen as a reasonable period of time for a person to remain lawfully in Scotland before they can be classed as ordinarily resident. All people who are adjudged to be ordinarily resident in Scotland are not overseas visitors and are only charged for the same services as a UK national ordinarily resident in Scotland.
6. **Overseas visitors may be liable to charges as a result of the NHS (Charges to Overseas Visitors) (Scotland) Regulations 1989, as amended) and have to pay for some forms of NHS treatment or services that they receive.** Where an overseas visitor is liable to charging this should be explained to them from the outset and they should be asked to sign an undertaking that they agree to this ideally before treatment commences. There will, however, be instances when this is not feasible in the interests of the patient's immediate health or wellbeing.

7. **If a person is found to be “exempt from NHS charges”, they are entitled to healthcare and services on the same basis as a person who is ordinarily resident in Scotland.** This exemption also applies to their spouse / registered civil partner and children under the age of 16 (or under the age of 19 if still in full-time education). However, young people under the age of 18 do not have to be in education to qualify for free NHS general dental treatment.

8. **Anyone who meets the exemption criteria under the Overseas Visitors Regulations will, in normal circumstances, still have to pay statutory NHS charges for certain NHS healthcare provision, such as NHS dental or optical treatment, prescriptions, wigs and fabric supports.** They may, however, qualify for exemption from such charges on the same basis as a UK national who is ordinarily resident in Scotland, depending on their status.

9. **Overseas visitors may be charged for NHS eye/dental examinations unless they come under one of the specific exemption categories set out in the Regulations. Optical vouchers are only available to those people who meet one of the eligibility criteria in the Optical Charges Regulations, and who are adjudged to be ordinarily resident in Scotland.**

10. Emergency NHS treatment at an A&E or casualty department, including treatment in an observation ward, is free to all, regardless of their residency status. Following this treatment, it is for NHS healthcare providers to determine whether an overseas visitor requires further in-patient treatment or registration as an outpatient, and whether or not they should be charged for that treatment.

11. Healthcare providers are strongly advised to check the residency status of all patients seeking treatment. Referral by a GP is not in itself proof that an individual is exempt from NHS hospital charges.

12. **The Scottish Government expects NHS Boards to take all reasonable steps to recover the cost of NHS treatment from those overseas visitors who are liable to charges under the Regulations. Boards may, if necessary, wish to discuss debt recovery procedures with the Central Legal Office which has a contract with an international debt recovery company. Boards must also pass full details of the non-payer to NHS Scotland Counter Fraud Services who will liaise with the UK Border Agency.**

SECTION 1: SERVICES/TREATMENTS THAT ARE EXEMPT FROM NHS CHARGES

13. Services that are free to everyone are listed below.

Emergency treatment

14. Regardless of residential status or nationality, emergency treatment given in Accident and Emergency/Casualty Departments or in a NHS walk-in Centre providing services similar to those of an A & E Department is free of charge. This includes treatment in an observation ward. The exemption ceases to apply for all overseas visitors who are not “exempt from NHS charges” when the patient is formally admitted as an in-patient (this includes emergency operations and admittance to High Dependency Units) or registered as an out-patient.

Emergency Ambulance Services

15. Emergency Ambulance Services are free for all Overseas Visitors.

Family Planning Services

16. Family Planning Services provided in an NHS clinic are free for all Overseas Visitors.

Infectious Diseases

17. Treatment for any of the diseases listed below is exempt from charges for all overseas visitors, whether the disease is already diagnosed or not. A person who is not exempt from NHS charges and is being treated for an infectious disease is only entitled to free treatment for that disease. **They should be charged for any other unrelated treatment which may become necessary.**

Anthrax	Plague
Bacillary dysentery	Poliomyelitis
Chickenpox	Puerperal fever
Cholera	Rabies
Diphtheria	Relapsing fever
Erysipelas	Rubella
Food poisoning	Scarlet fever
Severe Acute Respiratory Syndrome (SARS)	Smallpox
Legionellosis	Tetanus
Leptospirosis	Toxoplasmosis
Lyme disease	Tuberculosis
Malaria	Typhoid fever
Measles	Typhus fever
Membranous Croup	Viral haemorrhagic fevers*
Meningococcal infection	Viral hepatitis
Mumps	Whooping cough
Pandemic influenza	
Paratyphoid fever	

* Viral haemorrhagic fever covers, amongst others, Argentine haemorrhagic fever (Junin), Bolivian haemorrhagic fever (Machupo), Chickungunya haemorrhagic fever, Congo/Crimean haemorrhagic fever, Dengue fever, Ebola virus disease, haemorrhagic

fever with renal syndrome (Hantaan), Kyasanur forest disease, Lassa fever, Marburg disease, Omsk haemorrhagic fever, Rift Valley disease and Yellow fever.

Pandemic Influenza

18. All visitors who require NHS treatment for Pandemic Influenza (whether suspected or diagnosed), should receive it free of charge, regardless of their liability to pay charges for other NHS healthcare while in Scotland see CEL 20 (2009) for further details http://www.sehd.scot.nhs.uk/mels/CEL2009_20.pdf.

Sexually Transmitted Diseases

19. Treatment provided for sexually transmitted diseases at a specialised Sexually Transmitted Disease (STD) clinic and treatment of a sexually transmitted disease resulting from a STD related referral is exempt from NHS charges.

20. Exemption from charges for HIV/AIDS is limited to a diagnostic test and counselling associated with the test and its results.

Involuntary Psychiatric Treatment

21. Anybody who is compulsorily detained in hospital or received into guardianship under Mental Health Legislation is exempt from NHS charges.

Treatment the need for which arose during the visit

22. This is a category of treatment which is exempt from charge for certain people (see Annexes A and C for further details).

SECTION 2: SHORT TERM VISITORS

European Health Insurance Card (EHIC)

23. Those from other EEA countries and Switzerland visiting Scotland for a short period of time (under 90 days) are entitled to some free NHS treatment on production of a valid European Health Insurance Card (EHIC) issued in their country of origin. The EHIC provides limited cover free of charge for:

- Any NHS medical treatment that becomes necessary during their trip because of illness or accident;
- Any necessary NHS treatment needed for chronic disease or pre-existing illness (advance arrangements need to be made for kidney dialysis or oxygen therapy).

Treatment should be provided to stabilise the person's condition until they are able to return home.

Former UK Residents Working Overseas

24. Certain persons who have previously lived in the UK but have now moved overseas for work purposes are "exempt from NHS charges" if they meet the following criteria:

- They have previously been lawfully resident in the UK for 10 continuous years; and
- Have worked abroad for less than 5 years; or
- Have worked abroad for more than 5 years but have taken home leave at least every 2 years, or have a contractual right to do so; or
- Have a contractual right to passage home at the end of their employment.

NATO Troops

25. NATO troops are exempt from charges if the Armed Forces medical provision is insufficient.

SECTION 3: LONG-TERM VISITORS

Workers

26. Under the Overseas Visitors Regulations, anyone who is engaging in employment or self-employment in the UK is “exempt from NHS charges” as soon as that employment commences. Other work-related circumstances in which persons are exempt from NHS charges include:

- EEA nationals seeking work in Scotland and in possession of an EHIC;
- Persons employed on a UK registered ship or vessel;
- Offshore workers (working in UK controlled waters of UK continental shelf);
- HM Government and related employees (diplomatic staff, crown servants, UK armed forces, British Council employees and Commonwealth War Graves Commission staff);
- EEA nationals paying class 1 or class 2 national insurance contributions; and
- Anyone carrying out unpaid voluntary work for a voluntary organisation offering services similar to those of a NHS Board or Local Authority social services department.

Students

27. Students in a full-time course of study at a University or other institute of further or higher education are exempt from NHS charges from their arrival in Scotland until, normally, one month after their course ends. This includes post graduate studies.

28. Graduates who can prove that they are participating in the Fresh Talent Working in Scotland Scheme remain exempt from charges whilst seeking employment.

UK State Pensioners

29. To be exempt fully from NHS charges, UK state pensioners (in receipt of a pension from the UK Government) must:

- Spend at least 6 months of the year in the UK if they spend the other 6 months in an EEA country: or
- Spend at least 9 months of the year in the UK if they spend the rest of their time in a non-EEA country.

30. UK pensioners living abroad permanently, who have had at least 10 years continuous residency in the UK or a minimum 10 years service as a UK crown servant, are entitled to NHS treatment the need for which arose (**see Annex A for definition**) during a visit to Scotland.

UK War Pensioners/ UK War Widow Pensioners

31. Anybody in receipt of either a UK War Pension or a UK War Widow Pension is eligible to receive NHS treatment, on the same basis as a UK national who is ordinarily resident in Scotland, regardless of their place of ordinary residence.

Asylum Seekers and Refugees (Annex B lists examples of evidence)

32. Anyone who has made a formal application for asylum, whether pending or unsuccessful, is entitled to treatment on the same basis as a UK national who is ordinarily resident in Scotland while they remain in the country. If their application to remain in the UK is successful, they will be granted refugee status and will continue to be exempt from NHS charges on the same basis as a person ordinarily resident in Scotland.

Ordinarily Resident

33. To retain their right to access NHS services as a person ordinarily resident in Scotland, a person must spend no more than 3 months of the year (continuously) outside the UK and must be lawfully entitled to return and remain within the UK. Different rules do, however, apply to UK State Pensioners. It is open to GP practices to remove patients from their lists if they have evidence that they have been out of the country for more than 3 months.

Victims of Human Trafficking

34. Victims of human trafficking are also exempt from charges.

Family Members of a Person Exempt from NHS Charges

35. *Family members* are the exempt person's spouse/registered civil partner and dependent children under the age of 16 (or under the age of 19 if still in full-time education). Older children, parents, siblings and other family members are not exempt from NHS charges unless they qualify as exempt in their own right, or have been granted UK Border Agency (UKBA) authorisation to reside permanently in the UK.

36. On very rare occasions, a family member may be exempt from NHS charges if they have been permitted by the UKBA to enter the UK as a dependant of a person who has the right to remain in Scotland indefinitely. Individual cases should be considered on their merits.

37. A person entering the UK on a fiancée or partner visa is usually exempt from NHS charges, for a period up to six months (the length of time covered by such a visa). **People in informal relationships are not exempt from NHS charges.**

38. A pregnant, unmarried, overseas visitor whose partner is ordinarily resident in Scotland is not automatically entitled to exemption from NHS charges. Unless the mother is exempt from NHS charges in her own right, she should be charged for NHS pre-natal care. The child will, however, be exempt from NHS charges if it is born in the UK/Scotland. If the child leaves the UK, normal residency rules will apply on re-entry.

SECTION 4: RESIDENCY

UK Passport Holders and others with the Right of Abode

39. Since UK passport holders and others with the right of abode (**see Annex A**) do not require leave to remain in the UK, other forms of evidence (**see Annex B**) may need to be seen to confirm that they are taking up permanent residence or that they are ordinarily resident. If this cannot be verified they may be liable to charges as an overseas visitor, if they do not fulfil one of the exemption criteria, until they are considered ordinarily resident.

Non EEA/Swiss nationals

40. Any person, who is not an EEA/Swiss national, wishing to take up permanent residence in the UK must, if they do not fulfil an exemption category, either have a “no time limit” stamp in their passport or a letter from the UKBA confirming that permanent leave to remain has been granted.

Lawfully Resident for More than One Year

41. Anyone who has been, **lawfully**, living continuously (short temporary absences, for example holidays, are permitted provided they are less than 3 months) in the UK for at least 12 months is automatically exempt from NHS charges on the same basis as a person who is ordinarily resident in Scotland.

The permanent residence exemption

42. The Overseas Visitors Regulations provide that overseas visitors are exempt on permanent residency grounds if;

- They have gone through the appropriate immigration procedures with the intention of becoming lawfully and permanently resident in Scotland; or
- They have a right of residence which they are exercising with a view to taking up or resuming permanent residence in Scotland.

43. Scottish Ministers can designate an individual exempt from charges on exceptional humanitarian grounds as long as certain criteria are met.

SECTION 5: RECIPROCAL HEALTH AGREEMENTS

44. Anybody visiting Scotland for a short period of time should ensure that they have appropriate travel insurance, as reciprocal healthcare agreements/the EHIC do not cover services such as repatriation.

European Economic Area (EEA) Countries

Austria	Latvia*
Belgium	Liechtenstein
Bulgaria*	Lithuania*
Cyprus	Luxembourg
Czech Republic*	Malta
Denmark	The Netherlands
Estonia*	Norway
Finland	Poland*
France	Portugal
Germany	Romania*
Greece	Slovakia*
Hungary*	Slovenia*
Iceland	Spain
Republic of Ireland	Sweden
Italy	UK

* Indicates the 'A8' countries who joined in 2004 and Bulgaria and Romania, who joined in 2007. Nationals from these countries, who are not presenting as self-employed, should be registered under the Worker Registration Scheme if they are working for more than one month and have a work permit or Accession Worker Card (AWC) as evidence of this. They should then be registered in the same way as other EEA nationals. Persons from these countries may have 'No access to public funds' stamped in their passport. This relates to benefits not health care.

Switzerland is not an EEA member, but has a treaty with the EEA. Its nationals are therefore treated on the same basis as EEA nationals with regard to state healthcare.

European Economic Area (EEA)/ Swiss Nationals

45. Nationals of all EEA countries, as listed above, and Switzerland are entitled to any necessary NHS treatment while visiting the UK on the same basis as persons ordinarily resident in Scotland, upon production of an EHIC. This includes pre-existing conditions, so long as the patient's visit to the UK is not expressly for the purpose of receiving treatment. In such circumstances, patients must have an E112 form signed by their Health Authority agreeing to pay the UK Government for the cost of their treatment.

For oxygen therapy or renal treatment, arrangements must be made prior to travel to confirm available capacity.

Non-European Economic Area (EEA) Reciprocal Health Agreements

46. The UK has reciprocal healthcare agreements with some non-EEA countries, as listed below. Unless the reciprocal agreements stipulate otherwise, persons from these countries are entitled to treatment the need for which arose during the visit on production of necessary travel documentation.

List 1 Countries

47. List 1 countries (below) cover nationals who are resident in the country concerned.

New Zealand

Russian Federation

Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kirgizstan, Moldova, Tajikistan, Turkmenistan, Uzbekistan and Ukraine.

Serbia, Montenegro and successor states Bosnia, Macedonia and Croatia.

List 2 Countries

48. List 2 countries (below) cover residents of the country concerned, irrespective of their nationality.

Anguilla

Australia

Barbados

British Virgin Islands

Falkland Islands

Isle of Man

Montserrat

St Helena

Turks and Caicos Islands

Quota Territories

49. Quota arrangements, which are monitored by the Department of Health, apply to a number of patients who can be referred for treatment to the UK from the islands noted below. Patients accepted by the UK under these arrangements are “exempt from NHS charges”. NHS hospitals will be notified in advance of patients authorised to come for treatment under these arrangements.

Anguilla;

British Virgin Islands;

Montserrat;

St Helena;

the Turks and Caicos Islands;

Gibraltar*;

Caribbean Islands**; and

* Patients from Gibraltar must produce a letter from their home health or benefits authority confirming that they have either been referred as part of the agreed quota arrangements with the UK or are being referred by the home health or benefits authority, which will be paying for the treatment. If neither document can be presented, the patient should be considered as a self-referral and be treated as a private patient.

** Patients of Caribbean Islands are limited to 4 patients from each island per year.

Australia

50. There is a specific health agreement between the UK and Australia. As well as treatment, the need for which arose during a visit, this also includes the provision of free renal dialysis treatment, subject to prior arrangement and spare capacity at a renal unit.

Turkey and Turkish Controlled North Cyprus

51. Visitors from these areas, who do not benefit from any of the exemptions, who require treatment the need for which arose during a visit should be charged unless they can prove that they are without sufficient funds or medical insurance to meet the cost of the treatment, where possible, before the treatment is provided.

ANNEX A: DEFINITIONS

52. **Family member** is the entitled person's spouse, registered civil partner and dependent children who are under the age of 16, or under 19 if still in full-time education.

53. **Ordinarily resident** is a common law concept interpreted by the House of Lords in 1982 as someone who is living lawfully in the United Kingdom voluntarily and for settled purposes as part of the regular order of their life for the time being, with an identifiable purpose for their residence here which has a sufficient degree of continuity to be properly described as settled. A period of 6 months is seen as a reasonable period of time for a person to remain, lawfully, in Scotland before they can be classed as ordinarily resident.

54. A **temporary resident** is anyone who is normally resident outwith the UK and who is residing (lawfully) in Scotland for more than 24 hours and not more than 3 months. Temporary residents are not automatically entitled to exemption from NHS charges on the same basis as someone ordinarily resident in the UK. To qualify for all or some NHS treatment they must meet one of the categories of exemption set out in this guidance; be from a country that has a reciprocal health agreement with the UK; or be receiving a treatment / service that is exempt from charges (**see Section 1**).

55. **Right of abode** means that someone is entirely free from UK Immigration Control. They do not need to get permission from an Immigration Officer to enter the UK and can live and work here without restriction. All British citizens, some Commonwealth citizens and citizens of certain other countries have the right of abode in the UK. People claiming the right of abode must prove it by producing a UK passport or identity card describing a British citizen or a British subject with the right of abode. Alternatively, they may provide a certificate of entitlement to the right of abode that has been issued by the UK Government or on its behalf.

56. **Treatment the need for which arose during the visit** means diagnosis of symptoms or signs occurring for the first time after the visitor's arrival in the United Kingdom and any other treatment which, in the opinion of a medical or dental practitioner employed by, or under contract with, an NHS Board, is required promptly for a condition which arose after the visitor's arrival in the UK, or became, or but for treatment would be likely to become, acutely exacerbated after such arrival.

ANNEX B: EXAMPLES OF EVIDENCE

57. It is the responsibility of the healthcare provider to ask for satisfactory documentation (see examples below) to determine a patient's liability to pay charges for NHS treatment.

58. **Contract of Employment/Letter from Employer** – Overseas visitors who are working in Scotland can be asked to provide evidence such as a contract of employment, a wage slip or a letter from their employer. Self-employed people can be asked to provide invoices/ receipts or an associated letter from their accountant/ solicitor.

59. **Letters from the UK Border Agency (UKBA)** – UKBA often issue documents confirming details of a person's right to stay in the UK. Examples of the types of letters issued by the UKBA include:

- A letter confirming that a person has permanent leave to remain.
- A letter of temporary admission (IS96) for Asylum Seekers.
- An Application Registration Card (ARC).
- A Standard Acknowledgement Letter (SAL).

60. Either an IS96, ARC or SAL would be sufficient proof that an individual had made a formal claim for asylum.

61. **Visas/Permits** - Overseas visitors can also be asked to produce appropriate UKBA documentation to show that they are entitled to work, study or get married in the UK.

62. **Marriage/Birth Certificates** - Overseas visitors can be asked to produce appropriate certificates, such as marriage or birth certificates, to show those claiming exemption are the spouse, registered civil partner or dependent child of somebody who is exempt from NHS charges.

63. **Passport** - This can be requested to provide evidence of a person's nationality (a valid driving licence or state ID card can also be accepted) or to gather other important information from stamps within the passport. In particular, medical staff may wish to check whether somebody has a "no time limit" stamp or, in the case of Asylum Seekers, an Immigration Status Document, also known as a vignette. Passport stamps can also be used to establish how long a person has lawfully resided in the UK, and their right to remain.

64. **Pension documentation** - UK War/War Widows pensioners and UK State pensioners who live overseas can be asked to show a pension book or a letter from either the Ministry of Defence or Department for Work and Pensions as evidence.

65. **Proof of Residence** - Those taking up permanent residence may be asked to provide evidence in the form of rental or mortgage agreements, utility bills, pay slips, council tax documents, school registration documents, bill for shipping goods to the UK, one way tickets, letter from previous healthcare provider confirming their move to the UK etc.

66. **Student ID/Letter from Education Facility** - Those visiting Scotland for study purposes may be asked to provide satisfactory documentary evidence, such as a matriculation card or a letter from the University/College confirming attendance and the duration of the course.

67. **European Health Insurance Card (EHIC)** – Those from other EEA countries, visiting Scotland for a short period of time (under 90 days) will be entitled to any treatment which is necessary during their trip upon production of a valid European Health Insurance Card (EHIC). If an EHIC cannot be produced then charges can be applied.

68. **Documentation from Job Centre Plus or the Department of Work and Pensions (DWP)** – Those from other EEA countries who are seeking employment in Scotland should be asked to show satisfactory documentary evidence of this.

ANNEX C: A QUICK GUIDE TO THOSE WHO WILL RECEIVE NHS SERVICES ON THE SAME BASIS AS A PERSON ORDINARILY RESIDENT IN THE UK

People Who Receive NHS Treatment on the Same Basis as a Person Ordinarily Resident in the UK

- Any full time student at a UK educational establishment.
- Anyone who is working in the UK for an employer who is based in the UK or is registered in the UK as a branch of an overseas employer (this includes self employed people). The person must be actually working, not just looking for work.
- Any unpaid worker with a voluntary organization offering services similar to those of a Health Authority or Local Authority social services department.
- Anyone employed on a ship or vessel registered in the UK or working offshore on the UK sector of the Continental Shelf.
- UK Civil Servants working abroad who were recruited in the UK and employed by Her Majesty's Government.
- Anyone with the right of abode who is taking up permanent residence.
- Anyone who has been lawfully living in the UK for at least twelve months prior to treatment.
- Anyone recruited in the UK who works abroad for the British Council or the Commonwealth War Graves Commission.
- Anyone who is working abroad in a job financed in part by the UK Government in agreement with the Government or a public body of some other country or territory.
- Anyone working abroad for less than 5 years as long as they have lived legally in the UK for ten continuous years at some point (including self employed people).
- Anyone working in an EEA country member state and contributing compulsory (not voluntary) UK national insurance contributions (class I or II).
- UK state pensioners who have lived lawfully in the UK for 10 continuous years at some point, who now live for not more than 6 months each year in another EEA member state and not less than 6 months (9 months if they reside in a non-EEA country) each year in the UK.
- Members of Her Majesty's UK armed forces.
- Serving NATO personnel, posted in the UK, who are not using their own or UK armed forces hospitals.
- Refugees and asylum seekers (including those whose applications have failed).
- Anyone who receives a UK war disablement pension or war widows pension.

- Anyone who is a national of an EEA member state, a refugee or stateless person or their dependant or survivor living in an EEA member state who is referred to the UK for specified treatment with an EC form E112 or E123.
- Those who have been formally identified or suspected as being a victim of human trafficking.
- Anyone who is referred by their home country authorities for specified treatment in the UK under the terms of a bilateral agreement.
- Anyone who is detained in a remand centre or young offenders institution or by the Immigration Authorities in the UK;

NB The spouse / civil partner and any dependent children of anyone who is exempt under the above criteria are also exempt.

People who may not be charged for conditions that occur during a visit to the UK

- Anyone who is a resident of an EEA country and is visiting the UK.
- Anyone receiving a UK state pension who has either lived legally in the UK for 10 continuous years at some point or has worked as a UK Civil Servant for at least 10 continuous years.
- Anyone who is a national of a country that has signed the European Social Charter but is not entitled to be provided with services under a bilateral agreement (currently only Turkey) and is genuinely without the means to pay for their treatment.
- Anyone who has lived legally in the UK for 10 continuous years at some point but who is now living in another EEA member state or in certain countries with which the UK has a bilateral healthcare agreement.
- Anyone living in a country with which the UK has a bilateral healthcare agreement (some bilateral healthcare agreements are limited to nationals of that country).

NB The spouse / civil partner and any dependent children of anyone who is eligible for some treatment under the above criteria are also eligible.

ANNEX D - FLOWCHART

WHY IS THE PATIENT IN THE UK?

