The Department of Health makes these Regulations under sections 32, 39 and 42 of the National Health Service Act 2001, and after the consultation required by section 42(5) of that Act.

1 Title

These Regulations are the National Health Service (Overseas Visitors) Regulations 2011.

2 Commencement

If approved by Tynwald, these Regulations come into operation on 1 March 2011.

3 Interpretation

(1) In these Regulations —

"the Act" means the National Health Service Act 2001;

"overseas visitor" means a person not ordinarily resident in the Isle of Man;

"relevant services" means services provided under Part 3 of the Act;

"treatment" means relevant services required —

(a) for the care of women who are pregnant or in childbirth; or
(b) for the prevention, diagnosis and treatment of illness;

"war pensioner" means a person in receipt of a war pension as defined in section 25(4) of the Social Security Act 1989 (an Act of Parliament).

(2) In calculating a period of residence in the Island any interruption of not more than 3 months shall be disregarded.

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1 2001 c.14
2 1989 c.24
4 Making and recovery of charges

If the Department provides an overseas visitor with relevant services and is satisfied that he or she is not exempt under regulations 5 or 6, it must charge the person liable under regulation 7.

5 Services exempted from charges

(1) The following relevant services are to be provided without charge —

(a) treatment at a hospital accident and emergency department until the patient has been accepted as an in-patient;
(b) treatment in respect of a disease listed in the Schedule;
(c) treatment of sexually transmitted diseases, subject to paragraph (2); and
(d) admission to, and detention in hospital by reason of mental illness under the Mental Health Act 1998.

(2) Treatment of Human Immunodeficiency Virus without charge under paragraph (1)(c) is limited to a diagnostic test for evidence of infection, and associated counselling.

6 Overseas visitors exempt from charges

(1) Relevant services are to be provided without charge to an overseas visitor who —

(a) is employed by an employer who has a principal place of business in the Island;
(b) is a self-employed person whose principal place of business is the Island;
(c) is pursuing a full time course of study in the Island which is of at least 6 months’ duration;
(d) is taking up permanent residence in the Island;
(e) is a war pensioner; or
(f) has had not less than 10 years’ continuous residence in the Island and has been resident outside the Island for a period of no more than 5 years since the last period of residence in the Island;
(g) is a resident of a country or territory which has an agreement with the Island for the provision of health services to visitors from that country or territory.

(2) In paragraph (1)(f), the provision of relevant services is limited to treatment —

(a) the need for which arose during the visit; and
(b) which is required to prevent a condition becoming acutely exacerbated.

7 Liability for payment of charges

(1) The person liable to pay charges is the overseas visitor, subject to paragraph (2).

(2) If the overseas visitor is employed to work on and for the purposes of —
   (a) a ship; or
   (b) an aircraft;

   the person liable to pay the charges is the overseas visitor’s employer.

8 Repayments

(1) If a sum has been paid as a charge for relevant services by a person who was exempt under these Regulations a claim for repayment may be made.

(2) The claim must include such evidence as the Department may require.

(3) The Department, if satisfied on a claim being made that no charge was due, must repay the person liable under regulation 7.

9 Revocations

The following are revoked —

(a) the National Health Service (Overseas Visitors) Regulations 2010 signed by the Minister for Health and Social Security on 18th February 2010; and

(b) the National Health Service (Overseas Visitors) Regulations 2010 signed by the Minister for Health on 19th January 2011.

MADE 26 JANUARY 2011
SCHEDULE

[Regulation 5(1)(b)]

DISEASES FOR THE TREATMENT OF WHICH NO CHARGE IS TO BE MADE

PART 1 - NOTIFIABLE DISEASES

<table>
<thead>
<tr>
<th>Disease</th>
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<tbody>
<tr>
<td>Cholera</td>
<td>Plague</td>
<td>Smallpox</td>
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<tr>
<td>Food Poisoning</td>
<td>Relapsing Fever</td>
<td>Typhus</td>
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PART 2 - OTHER DISEASES

<table>
<thead>
<tr>
<th>Disease</th>
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<th>Disease</th>
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</thead>
<tbody>
<tr>
<td>Acute encephalitis</td>
<td>Measles</td>
<td>Scarlet fever</td>
</tr>
<tr>
<td>Acute poliomyelitis</td>
<td>Meningitis</td>
<td>Severe acute respiratory syndrome</td>
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<tr>
<td>Amoebic dysentery</td>
<td>Meningococcal septicaemia (without meningitis)</td>
<td>Tetanus</td>
</tr>
<tr>
<td>Anthrax</td>
<td>Mumps</td>
<td>Tuberculosis</td>
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<tr>
<td>Bacillary dysentery</td>
<td>Ophthalmia neonatorum</td>
<td>Viral haemorrhagic fever</td>
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<tr>
<td>Diphtheria</td>
<td>Paratyphoid fever</td>
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<tr>
<td>Leprosy</td>
<td>Rabies</td>
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<td>Leptospirosis</td>
<td>Rubella</td>
<td>Yellow fever</td>
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<tr>
<td>Malaria</td>
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Pandemic Influenza (influenza caused by a new virus subtype that has an increased and sustained transmission during a global outbreak of influenza)
ENDNOTES

Table of Endnote References

1 The format of this legislation has been changed as provided for under section 75 of, and paragraph 2 of Schedule 1 to, the Legislation Act 2015. The changes have been approved by the Attorney General after consultation with the Clerk of Tynwald as required by section 76 of the Legislation Act 2015.