

SL(6)150 – The National Health Service (Charges to Overseas Visitors) (Amendment) (Wales) Regulations 2022

Background and Purpose

These [Regulations](#) amend the National Health Service (Charges to Overseas Visitors) Regulations 1989 (“the principal Regulations”).

The Principal Regulations allow Local Health Boards, NHS Trusts and NHS Foundation Trusts (as applicable) in Wales to make and recover charges for relevant healthcare services that are provided to overseas visitors not ordinarily resident in the United Kingdom (UK), unless the overseas visitor or the service they receive falls within a charging exemption.

These Regulations are being made to:

- ensure the Principal Regulations reflect the UK-Switzerland Convention on Social Security Coordination;
- include a new Regulation 4F which provides an exemption from charges for an overseas visitor who has paid the Immigration Health Surcharge (IHS) of the Immigration Act 2014, or where a person is exempt from paying the IHS or, in certain circumstances, where the Secretary of State has exercised discretion to reduce, refund or waive the IHS;
- include a new Regulation 4G which provides an exemption from charges for an overseas visitor who applied for leave to enter or remain in the United Kingdom before the requirement to pay the IHS came into force and who, consequently, will not have had an opportunity to pay the IHS until they next apply for leave to enter or remain in the United Kingdom;
- Include an exemption from charges for a child who is born in the United Kingdom to a parent who is exempt from charges by virtue of Regulation 4F or Regulation 4G, and the child is aged three months or less and has not left the United Kingdom since birth;
- update Schedule 1 to change the reference to coronavirus used at the time of the February 2020 amendment to the current confirmed name for the virus; and
- include technical amendments following previous updates to the Principal Regulations.



Procedure

Negative.

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

The following point is identified for reporting under Standing Order 21.3 in respect of this instrument:-

1. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.

These Regulations include corrections previously highlighted by the Committee in relation to National Health Service (Charges to Overseas Visitors) (Amendment) (Wales) Regulations 2020 and 2021.

The detail of the technical changes are set out below which are contained in LJCC report SL(5)707 – The National Health Service (Charges to Overseas Visitors) (Amendment) (Wales) (EU Exit) Regulations 2020 and SL(5)780 and The National Health Service (Charges to Overseas Visitors) (Amendment) (Wales) (EU Exit) Regulations 2021.

The changes:

- amend Regulation 2(2)(h) which inserted a new definition of “relevant services”, referring to provisions in the National Health Service (Wales) Act 2006. The amendment replaces ‘primary ophthalmic services’ with ‘general ophthalmic services’, so it is aligned with the definition used in the 2006 Act.
- remove Sweden from Schedule 2 as the latter is covered by the Social Security Co-ordination Protocol provisions of the UK Trade and Cooperation Agreement and therefore does not need to be separately listed in Schedule 2.
- remove Liechtenstein from Schedule 2 until new reciprocal healthcare agreements are put in place with this country by the UK Government.



Welsh Government response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

8 February 2022



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament

Legislation, Justice and Constitution Committee