

Statutory Instruments with Clear Reports

15 July 2019

SL(5)429 – The National Health Service (Charges to Overseas Visitors) (Amendment) (Wales) (EU Exit) Regulations 2019

Procedure: Negative

These Regulations amend the National Health Service (Charges to Overseas Visitors) Regulations 1989 (SI 1989/306) (the Principal Regulations).

The Principal Regulations allow Local Health Boards (LHBs) in Wales to recover charges from overseas visitors who are not ordinarily resident in the United Kingdom (UK) for certain categories of healthcare provided to them in Wales, unless the overseas visitor, or the service they receive, falls within an exemption.

These Regulations are being made under section 124 of the National Health Service (Wales) Act 2006 (the 2006 Act) which confers a power on the Welsh Ministers to make regulations for the making and recovery of charges from persons who are not “ordinarily resident” in Great Britain for NHS services. It is also being made under section 203(9) and (10) of the 2006 Act.

The Regulations will correct references to EU law that will be inoperable after the UK leaves the EU and make provision on the chargeable status of EEA State and Swiss visitors using NHS services in Wales in the event of a No Deal EU Exit. The amendments will ensure that specified categories of visitors from EU/EEA States and Switzerland remain exempt from charging for particular NHS care. The amendments are also required to maintain the current exemptions in the Principal Regulations following the making of the Social Security Coordination (Reciprocal Healthcare) (Amendment etc) (EU Exit) Regulations 2019 (SI 2019/776).

The Regulations:



- Preserve the existing right for individuals who are ordinarily resident in an EEA State or Switzerland to receive NHS care without a charge in circumstances where they either held a UK-issued reciprocal healthcare document on exit day or would have been eligible to receive one had the pre-exit rules continued to apply.
- Provide an exemption from charges for needs arising treatment received by frontier workers when pursuing an activity as an employed or self-employed person in the United Kingdom.
- Provide an exemption from charging for planned treatment provided to EEA or Swiss visitors on or after Exit day which is part of a course of treatment which was authorised before Exit day.
- Provide an exemption from charges for overseas visitors for relevant services covered by a reciprocal agreement with an EEA State or Switzerland which comes into effect on or after Exit day.
- Remove EU references contained in the Principal Regulations that may no longer be operable or coherent after Exit day.

Parent Act: National Health Service (Wales) Act 2006

Date Made: 26 June 2019

Date Laid: 28 June 2019

Coming into force date:



SL(5)431 – The M4 Motorway (Junction 40 (Tai Bach) to Junction 42 (Earlswood), Neath Port Talbot) (50mph Speed Limit) Regulations 2019

Procedure: Negative

The Welsh Ministers make these Regulations which impose a maximum speed limit of 50 miles per hour (instead of the general 70 miles per hour speed limit imposed on motorways by the Motorways Traffic (Speed Limit) Regulations 1974 (S.I. 1974/502)) on the lengths of the M4 motorway specified in the Schedule to these Regulations.

The M4 Motorway (Port Talbot, Neath Port Talbot) (50 Mph Speed Limit) Regulations 2004 (S.I. 2004/2179) (W. 208) (“the 2004 Regulations”) are revoked by these Regulations. The M4 Motorway (Junction 41 (Pentyla) to Junction 42 (Earlswood), Neath Port Talbot) (Temporary 50 mph Speed Limit) Order 2018 (S.I. 2018/746) (W. 144) which is in place at the above location will be revoked in a separate revocation order.

The 2004 Regulations were made by the Head of Roads Administration in the name of the Assembly, as no Assembly procedure applied at the time to such local Regulations. For that reason, they were not published in the usual way. The current procedure therefore makes the legislation more accessible.

Parent Act: Road Traffic Regulation Act 1984

Date Made: 02 July 2019

Date Laid: 03 July 2019

Coming into force date: 24 July 2019

