

SCHEDULE 2

Cases arising during cross-border arrangements

PART 1

Modifications to primary legislation

Modifications to the NHS Act 2006

1. The NHS Act 2006 is to be read as if—
 - (a) sections 6A (reimbursement of cost of services provided in another EEA State) and 6B (prior authorisation for the purposes of section 6A) were omitted;
 - (b) in the heading to section 6BA (reimbursement of cost of services provided in another EEA state), for the reference to “another EEA state” there were substituted “an EEA state”;
 - (c) in section 6BA(3), for the reference to “an EEA state other than the United Kingdom” there were substituted “an EEA state”;
 - (d) for section 6BA(15) there were substituted—

“(15) In this section and section 6BB—

“authorised provider” in relation to any service provided in an EEA state means a person who is lawfully providing that service;

“NHS charge” means a charge payable under regulations made under section 172(1), 176(1) or 179(1);

“responsible authority” means, in relation to a patient, a local authority or clinical commissioning group responsible under or by virtue of this Act for providing or arranging for the provision of services for the benefit of the patient;

“service” includes any goods, including drugs, medicines and appliances, which are used or supplied in connection with the provision of a service, but does not include accommodation other than hospital accommodation.”;
 - (e) in section 6D (regulations relating to EU obligations) and the heading to that section, for references to “EU obligations” there were substituted “retained EU obligations”;
 - (f) in section 6E(7)(b) (regulations as to exercise of functions by the Board or clinical commissioning groups), for the reference to “EU obligations” there were substituted “retained EU obligations”;
 - (g) in section 183(a)(ii) (payment of travelling expenses) for the reference to “section 6A or 6BA” there were substituted “section 6BA”;
 - (h) in section 275(1) (interpretation), in the definition of “Regulation (EC) No. 883/2004” at the end there were inserted “as continued by regulation 17 of, and Schedule 5 to, the Social Security Coordination (Reciprocal Healthcare) (Amendment etc.) (EU Exit) Regulations 2019”.

Modifications to the NHS (Wales) Act

2. The NHS (Wales) Act is to be read as if—
 - (a) sections 6A (reimbursement of cost of services provided in another EEA State) and 6B (prior authorisation for the purposes of section 6A) were omitted;

Status: This is the original version (as it was originally made).

- (b) in the heading to section 6BA (reimbursement of cost of services provided in another EEA state), for the reference to “another EEA state” there were substituted “an EEA state”;
- (c) in section 6BA(3), for the reference to “an EEA state other than the United Kingdom” there were substituted “an EEA state”;
- (d) for section 6BA(15) there were substituted—
 - “(15) In this section and section 6BB—
 - “authorised provider”, in relation to any service provided in an EEA state, means a person who is lawfully providing that service;
 - “NHS charge” means a charge payable under regulations made under section 121(1), 125(1) or 128(1);
 - “service” includes any goods, including drugs, medicines and appliances, which are used or supplied in connection with the provision of a service, but does not include accommodation other than hospital accommodation.”;
- (e) in section 131(a)(ii) (payment of travelling expenses) for the reference to “section 6A or 6BA” there were substituted “section 6BA”;
- (f) in section 206(1) (interpretation), in the definition of “Regulation (EC) No. 883/2004” at the end there were inserted “as continued by regulation 17 of, and Schedule 5 to, the Social Security Coordination (Reciprocal Healthcare) (Amendment etc.) (EU Exit) Regulations 2019”.

Modifications to the Health and Social Care Act 2012

- 3. The Health and Social Care Act 2012 is to be read as if—
 - (a) in section 124(9) (local modifications of prices: agreements), for “an EU obligation” there were substituted “a retained EU obligation”;
 - (b) in section 125(9) (local modifications of prices: applications), for “an EU obligation” there were substituted “a retained EU obligation”.

Modification to the Cities and Local Government Devolution Act 2016

- 4. The Cities and Local Government Devolution Act 2016 is to be read as if for section 18(2)(b) (devolving health service functions) there were substituted—
 - “(b) sections 6BA and 6BB of that Act (duties regarding the reimbursement of costs of services provided in an EEA state).”