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OFFERYNNAU STATUDOL  
CYMRU

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**2009 Rhif 1512 (Cy.148)**

**Y GWASANAETH IECHYD  
GWLADOL, CYMRU**

**Rheoliadau Gwasanaeth Iechyd  
Gwladol (Ffioedd Ymwelwyr  
Tramor) (Diwygio) (Cymru)  
2009**

**NODYN ESBONIADOL**

*(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)*

Mae'r Rheoliadau hyn yn diwygio Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd Ymwelwyr Tramor) 1989 ("y prif Reoliadau") sy'n darparu ar gyfer codi ac adennill ffioedd mewn cysylltiad â gwasanaethau penodol a ddarperir o dan Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 i bersonau penodol nad ydynt fel arfer yn preswyllo yn y Deyrnas Unedig (ymwelwyr tramor).

Mae rheoliad 2(a) yn diwygio rheoliad 4(1)(c) o'r prif Reoliadau fel na chodir tâl ar geisiwr lloches y mae ei gais am loches wedi methu a'r tâl hwnnw yn dâl am y gwasanaethau sy'n ffurfio rhan o'r gwasanaeth iechyd. Mae rheoliad 2(b) yn diwygio rheoliad 4(1) o'r prif Reoliadau i estyn yr esemptiad rhag taliadau i ymwelwyr tramor, i ymwelydd tramor sy'n genhadwr. Mae rheoliad 2(c) yn disodli rheoliad 4(4) o'r prif Reoliadau i ddarparu bod priod, partner sifil neu blentyn ymwelydd tramor y mae is-baragraff (g), (h), (i), (j), (q) neu (r) o baragraff (1) o reoliad 4 o'r prif Reoliadau yn gymwys hefyd yn esempt rhag taliadau. Er hynny, ym mhob achos arall sydd ar ôl, mae'n parhau i fod yn ofynnol bod priod, partner sifil neu blentyn ymwelydd tramor hefyd yn byw ar sail barhaol gyda'r ymwelydd tramor yn y Deyrnas Unedig er mwyn bod yn esempt rhag y taliadau.

Mae rheoliad 3 yn hepgor gwledydd penodol o'r rhestr yn Atodlen 2 i'r prif Reoliadau, gan fod y gwledydd hyn bellach yn rhan o'r Undeb Ewropeaidd ac felly caiff ymwelwyr tramor o'r gwledydd hynny eu trin o dan reoliadau 4(1)(m), 4A(1) a 5 o'r prif Reoliadau.

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WELSH STATUTORY  
INSTRUMENTS

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**2009 No. 1512 (W.148)**

**NATIONAL HEALTH  
SERVICE, WALES**

**The National Health Service  
(Charges to Overseas Visitors)  
(Amendment) (Wales) Regulations  
2009**

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the National Health Service (Charges to Overseas Visitors) Regulations 1989 ("the principal Regulations"), which provide for the making and recovery of charges in respect of certain services provided under the National Health Service (Wales) Act 2006 to certain persons not ordinarily resident in the United Kingdom (overseas visitors).

Regulation 2(a) amends regulation 4(1)(c) of the principal Regulations so that an asylum seeker whose application for asylum has failed will not be charged for services forming part of the health service. Regulation 2(b) amends regulation 4(1) of the principal Regulations so as to extend the exemption from charges to overseas visitors, to an overseas visitor who is a missionary. Regulation 2(c) substitutes regulation 4(4) of the principal Regulations so as to provide that the spouse, civil partner or child of an overseas visitor to whom sub-paragraph (g), (h), (i), (j), (q) or (r) of paragraph (1) of regulation 4 of the principal Regulations applies is also exempt from charges. However, in all other remaining cases, it continues to be a requirement that the spouse, civil partner or child of an overseas visitor also lives on a permanent basis with the overseas visitor in the United Kingdom in order to be exempt from charges.

Regulation 3 omits certain countries from the list in Schedule 2 to the principal Regulations, as these countries have now become part of the European Union and therefore overseas visitors from those countries will be dealt with under regulations 4(1)(m), 4A(1) and 5 of the principal Regulations.

**2009 Rhif 1512 (Cy.148)**

**2009 No. 1512 (W.148)**

**Y GWASANAETH IECHYD  
GWLADOL, CYMRU**

**NATIONAL HEALTH  
SERVICE, WALES**

Rheoliadau Gwasanaeth Iechyd  
Gwladol (Ffioedd Ymwelwyr  
Tramor) (Diwygio) (Cymru)  
2009

The National Health Service  
(Charges to Overseas Visitors)  
(Amendment) (Wales) Regulations  
2009

*Gwnaed* 18 Mehefin 2009

*Made* 18 June 2009

*Gosodwyd gerbron Cynulliad  
Cenedlaethol Cymru* 19 Mehefin 2009

*Laid before the National  
Assembly for Wales* 19 June 2009

*Yn dod i rym* 15 Gorffennaf 2009

*Coming into force* 15 July 2009

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd gan adrannau 124 a 203(9) a (10) o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006(1), yn gwneud y Rheoliadau a ganlyn:

The Welsh Ministers, in exercise of the powers conferred by sections 124 and 203(9) and (10) of the National Health Service (Wales) Act 2006(1), make the following Regulations:

**Enwi, cychwyn, cymhwyso a dehongli**

**Title, commencement, application and interpretation**

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Gwasanaeth Iechyd Gwladol (Ffioedd Ymwelwyr Tramor) (Diwygio) (Cymru) 2009 a deuant i rym ar 15 Gorffennaf 2009.

1.—(1) The title of these Regulations is the National Health Service (Charges to Overseas Visitors) (Amendment) (Wales) Regulations 2009 which come into force on 15 July 2009.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(2) These Regulations apply in relation to Wales.

(3) Yn y Rheoliadau hyn, ystyr "y prif Reoliadau" (*"the principal Regulations"*) yw Rheoliadau Gwasanaeth Iechyd Gwladol (Ffioedd Ymwelwyr Tramor) 1989(2).

(3) In these Regulations, "the principal Regulations" (*"y prif Reoliadau"*) means the National Health Service (Charges to Overseas Visitors) Regulations 1989(2).

**Diwygio rheoliad 4 o'r prif Reoliadau**

**Amendment of regulation 4 of the principal Regulations**

2. Yn rheoliad 4 o'r prif Reoliadau (ymwelwyr tramor sy'n esempt rhag ffioedd)—

2. In regulation 4 of the principal Regulations (overseas visitors exempt from charges) —

(a) ym mharagraff (1), yn is-baragraff (c) dileer y geiriau "which has not yet been determined";

(a) in paragraph (1), in sub-paragraph (c) delete the words "which has not yet been determined";

(b) ym mharagraff (1), yn lle is-baragraff (q) rhodder—

(b) in paragraph (1), for sub-paragraph (q) substitute—

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(1) 2006 (p.42).

(2) 1989/306 (fel y'i diwygiwyd).

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(1) 2006 (c.42).

(2) 1989/306 (as amended).

"(q)who is working outside the United Kingdom as a missionary for an organisation that is established in the United Kingdom, regardless of whether he—

- (i) derives a salary or wage from the organisation, or
- (ii) receives any type of funding or assistance from the organisation for the purposes of working overseas for the organisation; or

(r) who the competent authorities of the United Kingdom for the purposes of the Council of Europe Convention on Action Against Trafficking in Human Beings<sup>(1)</sup> (in this regulation "the Convention"),

- (i) consider that there are reasonable grounds to believe is a victim within the meaning of Article 4 of the Convention, and the recovery and reflection period in relation to him under Article 13 of the Convention has not yet expired, or
- (ii) have identified as a victim within the meaning of Article 4 of the Convention."; ac

(c) yn lle paragraff (4) rhodder—

"(4) No charge is to be made in respect of any services forming part of the health service provided for—

- (a) in the case where sub-paragraph (g), (h), (i), (j), (q) or (r) of paragraph (1) applies to an overseas visitor, the spouse, civil partner or child of the overseas visitor; or
- (b) in the case where any other sub-paragraph applies to an overseas visitor, the spouse, civil partner or child of the overseas visitor, if the spouse, civil partner or child lives on a permanent basis with the overseas visitor in the United Kingdom."

### **Diwygio Atodlen 2 i'r prif Reoliadau**

3. Yn Atodlen 2 (gwledydd neu diriogaethau y mae Llywodraeth y Deyrnas Unedig wedi gwneud cytundeb cilyddol â hwy), hepgorer "Bulgaria", "Czech Republic", "Hungary", "Malta", "Poland", "Romania" a "Slovak Republic".

"(q)who is working outside the United Kingdom as a missionary for an organisation that is established in the United Kingdom, regardless of whether he—

- (i) derives a salary or wage from the organisation, or
- (ii) receives any type of funding or assistance from the organisation for the purposes of working overseas for the organisation; or

(r) who the competent authorities of the United Kingdom for the purposes of the Council of Europe Convention on Action Against Trafficking in Human Beings<sup>(1)</sup> (in this regulation "the Convention"),

- (i) consider that there are reasonable grounds to believe is a victim within the meaning of Article 4 of the Convention, and the recovery and reflection period in relation to him under Article 13 of the Convention has not yet expired, or
- (ii) have identified as a victim within the meaning of Article 4 of the Convention."; and

(c) for paragraph (4) substitute —

"(4) No charge is to be made in respect of any services forming part of the health service provided for—

- (a) in the case where sub-paragraph (g), (h), (i), (j), (q) or (r) of paragraph (1) applies to an overseas visitor, the spouse, civil partner or child of the overseas visitor; or
- (b) in the case where any other sub-paragraph applies to an overseas visitor, the spouse, civil partner or child of the overseas visitor, if the spouse, civil partner or child lives on a permanent basis with the overseas visitor in the United Kingdom."

### **Amendment of Schedule 2 to the principal Regulations**

3. In Schedule 2 (countries or territories in respect of which the United Kingdom Government has entered into a reciprocal agreement), omit "Bulgaria", "Czech Republic", "Hungary", "Malta", "Poland", "Romania" and "Slovak Republic".

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<sup>(1)</sup> Confensiwn Cyngor Ewrop ar Weithredu yn erbyn Masnachu mewn Pobl 2005 (CETS Rhif 197).

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<sup>(1)</sup> The Council of Europe Convention on Action Against Trafficking in Human Beings 2005 (CETS No 197).

*Edwina Hart*

Y Gweinidog dros Iechyd a Gwasanaethau  
Cymdeithasol, un o Weinidogion Cymru

Minister for Health and Social Services, one of the  
Welsh Ministers

18 Mehefin 2009

18 June 2009

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