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STATUTORY INSTRUMENTS

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**2015 No. 238**

**The National Health Service (Charges  
to Overseas Visitors) Regulations 2015**

**PART 1**

**Introduction**

**Citation and commencement**

1. These Regulations may be cited as the National Health Service (Charges to Overseas Visitors) Regulations 2015 and come into force on 6th April 2015.

**Interpretation**

2. In these Regulations—

“the 1971 Act” means the Immigration Act 1971<sup>(1)</sup>;

“the 2006 Act” means the National Health Service Act 2006;

“the 2014 Act” means the Immigration Act 2014<sup>(2)</sup>;

“authorised child” means a child who—

(a) has been granted leave to enter the United Kingdom with a parent for the purpose of the parent receiving a course of treatment in respect of which no charge may be made or recovered under regulation 17; or

(b) is a child of an authorised companion;

“authorised companion” means a person who has been granted leave to enter the United Kingdom to accompany a person who is obtaining a course of treatment in respect of which no charge may be made or recovered under regulation 17;

“child” means a person who is under the age of eighteen;

“entry clearance” has the meaning given in section 33(1) (interpretation) of the 1971 Act<sup>(3)</sup>;

“immigration health charge” means a charge payable under an order made under section 38 (immigration health charge) of the 2014 Act;

“immigration rules” means the rules laid before Parliament under section 3(2) (general provisions for regulation and control) of the 1971 Act;

“overseas visitor” means a person not ordinarily resident in the United Kingdom<sup>(4)</sup>;

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(1) 1971 c. 77.

(2) 2014 c. 22.

(3) The definition of “entry clearance” in section 33(1) was amended by the British Nationality Act 1981 (c. 61), Schedule 4, paragraph 2, and the Immigration Act 1988 (c. 14), Schedule, paragraph 5.

(4) The meaning of ordinary residence in section 175 of the 2006 Act was amended by section 39 (related provision: charges for health services) of the Immigration Act 2014 (c. 22) which has not yet come into force.

“parental responsibility” has the meaning given in section 3 (meaning of “parental responsibility”) of the Children Act 1989<sup>(5)</sup>;

“reciprocal agreement” means arrangements agreed mutually between the Government of the United Kingdom and the Government of a country or territory outside the United Kingdom for the provision of health care;

“registered dentist” has the meaning given in section 53(1) (interpretation) of the Dentists Act 1984<sup>(6)</sup>;

“relevant NHS body” means—

- (a) an NHS foundation trust;
- (b) an NHS trust; or
- (c) a local authority within the meaning of section 2B (functions of local authorities and Secretary of State as to improvement of public health) of the 2006 Act<sup>(7)</sup> exercising public health functions (within the meaning of that Act<sup>(8)</sup>);

“relevant services” means accommodation, services or facilities<sup>(9)</sup> which are provided, or whose provision is arranged, under the 2006 Act other than—

- (a) primary medical services provided under Part 4 (medical services);
- (b) primary dental services provided under Part 5 (dental services);
- (c) primary ophthalmic services provided under Part 6 (ophthalmic services); or
- (d) equivalent services which are provided, or whose provision is arranged, under the 2006 Act;

“ship” includes fishing vessels and hovercraft;

“treatment the need for which arose during the visit” means—

- (a) diagnosis of symptoms or signs occurring for the first time after the overseas visitor’s arrival in the United Kingdom; or
- (b) treatment, provided that the overseas visitor has not travelled to the United Kingdom for the purpose of seeking that treatment, which in the opinion of a registered medical practitioner or registered dentist employed by or providing services to the relevant NHS body is required promptly for a condition which arose, or became acutely exacerbated, after the overseas visitor’s arrival, or which, but for the treatment, would be likely to become acutely exacerbated,

which cannot wait until the overseas visitor can reasonably be expected to return to the overseas visitor’s country of ordinary residence.

(5) 1989 c. 41.

(6) 1984 c. 24; to which there are amendments not relevant to these Regulations.

(7) Section 2B was inserted by the Health and Social Care Act 2012 (c. 7) (“the 2012 Act”), section 12.

(8) The meaning of a reference to the public health functions of local authorities is given by section 1H(5)(b) of the 2006 Act, which was inserted by the 2012 Act, section 9(1).

(9) “Facilities” is defined in s275(1) of the 2006 Act.