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STATUTORY INSTRUMENTS

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**2004 No. 614**

**The National Health Service (Charges to Overseas Visitors) (Amendment) Regulations 2004**

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

- 4.—(1) In regulation 4 of the principal Regulations (overseas visitors exempt from charges)—
- (a) at the beginning for the number of the regulation “4.” substitute “4. —(1)”;
  - (b) in the opening words delete the words “being a person, or the spouse or child of a person”;
  - (c) in paragraph (a)—
    - (i) delete the words “, if his employer has his principal place of business in the United Kingdom”;
    - (ii) for sub-paragraph (i) substitute—
      - “(zi) engaging in employment with an employer which has its principal place of business in the United Kingdom or which is registered in the United Kingdom as a branch of an overseas company, or
      - (i) being a self employed person whose principal place of business is in the United Kingdom;”;
    - (iii) delete sub-paragraph (iii) and substitute—
      - “(iii) pursuing a full time course of study which is substantially funded by the United Kingdom Government or is of at least six months duration;”;
  - (d) for paragraph (b) substitute the following paragraph—
    - “(b) who has resided lawfully in the United Kingdom for a period of not less than one year immediately preceding the time when the services are provided unless this period of residence followed the grant of leave to enter the United Kingdom for the purpose of undergoing private medical treatment or a determination under regulation 6A;”;
  - (e) in paragraph (c) after the words “United Kingdom” where they occur for the second time insert “which has not yet been determined”;
  - (f) in paragraph (k)—
    - (i) after the words “ten years continuous” insert the word “lawful”;
    - (ii) after the words “United Kingdom” where they occur for the second time delete the words to the end and substitute “that has lasted for a period of no more than five years.”.
- (2) At the end of regulation 4 add the following paragraphs—
- “(2) Where a person meets the residence qualification in paragraph (1)(b) on a date during a course of treatment for which charges could have been made prior to that date no charge shall be made in respect of services received subsequently;
  - (3) Where it is established that a person does not meet the residence qualification in paragraph (1)(b) and that person has already received services as part of a course of

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treatment on the basis that no charges would be made, no charges may be made for the remainder of that course of treatment.

(4) No charge shall be made in respect of any services forming part of the health service provided for the spouse or child of an overseas visitor to whom this regulation applies where he lives on a permanent basis with the overseas visitor in the United Kingdom.”.