
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (Charges to Overseas Visitors) Regulations 2015 (“the Principal Regulations”), which provide for the making and recovery of charges for relevant services provided under the National Health Service Act 2006 to certain persons not ordinarily resident in the United Kingdom (overseas visitors).

Regulation 2 amends regulation 5 of the Principal Regulations (repayment of charges made and recovered by relevant NHS bodies). Regulation 5 of the Principal Regulations provides a mechanism to repay charges made and recovered by relevant NHS bodies in certain circumstances. This amendment includes within that repayment mechanism charges that were recovered following a failure to cancel charges in accordance with the new regulation 6A(2)(b) of the Principal Regulations (provision relating to victims of female genital mutilation and supported individuals). Regulation 6A is inserted into the Principal Regulations by regulation 3.

Regulation 3 inserts a new regulation 6A into the Principal Regulations (provision relating to victims of female genital mutilation and supported individuals). New regulation 6A sets out that charges incurred for relevant services provided during the period beginning on 6th April 2015 and ending on 31st January 2016, being provided to specified victims of female genital mutilation and specified supported individuals should: if not yet made, not be made; or, if made, should not be recovered.

Regulation 4 amends regulation 8(1) of the Principal Regulations (interpretation of this part) to include within the definition of female genital mutilation, mutilation performed outside the United Kingdom prior to the coming into force of the Female Genital Mutilation Act 2003 (“the 2003 Act”), where that mutilation would have constituted an offence under the 2003 Act had that mutilation been performed in the United Kingdom while the 2003 Act was in force. Regulation 4 also omits an unnecessary definition from regulation 8 of the Principal Regulations.

Regulation 5 amends regulation 15 of the Principal Regulations (refugees, asylum seekers, supported individuals and looked after children) to include within the scope of the exemption failed asylum seekers supported under Part 1 (care and support) of the Care Act 2014 by the provision of accommodation.

Regulation 6 substitutes a new regulation 16 into the Principal Regulations (victims of modern slavery) to exempt from charge relevant NHS services provided in respect of overseas visitors who are identified by a competent authority as a victim of modern slavery, or, where no conclusive decision has yet been taken, a competent authority has reasonable grounds to believe the overseas visitor is a victim of modern slavery. The definition of “victim of modern slavery” set out in substitute regulation 16 includes a victim of trafficking in human beings. Accordingly, the exemption provided by substitute regulation 16 is an extension of the exemption in force prior to the substitution. Regulation 6 also makes minor amendments, as a consequence of the substitution of regulation 16, to regulation 6 of the Principal Regulations (provision relating to the recovery of charges in respect of refugees and victims of human trafficking) and regulation 25 of the Principal Regulations (family members of overseas visitors).

Regulation 7 inserts “Middle East Respiratory Syndrome (MERS)” into Schedule 1 to the Principal Regulations (diseases for which no charge is made for treatment).

Regulation 8 omits a number of countries listed in Schedule 2 to the Principal Regulations (reciprocal agreements).

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

A full impact assessment has not been produced for this instrument as a minimal impact on the private or voluntary sectors is foreseen.