
STATUTORY INSTRUMENTS

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^{M1};

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

“the 2014 Act” means the Immigration Act 2014^{M2};

[^{F1}“actual charge” has the meaning given in regulation 3(7);]

[^{F1}“advance payment sum” has the meaning given in regulation 3(7);]

“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—

(a) [^{F2} in respect of which no charge may be made or recovered under regulation 17;][^{F3} or

(b) ordinarily resident in Ukraine and is obtaining a course of treatment;]

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

[^{F4}“competent institution” has the same meaning as in Regulation (EC) No 883/2004 or Regulation (EEC) No 1408/71, as the case may be;]

[^{F5}“domestic abuse” has the meaning given in Part 1 of the Domestic Abuse Act 2021;]

“entry clearance” has the meaning given in section 33(1) (interpretation) of the 1971 Act^{M3};

[^{F6}“equivalent document” means a document which, for the purposes of a listed healthcare arrangement, as defined in regulation 1(3) of the Healthcare (European Economic Area and Switzerland Arrangements) (EU Exit) Regulations 2019, is treated as equivalent to an S1 healthcare certificate ;]

[^{F7}“healthcare” means all forms of healthcare provided for individuals, whether relating to mental or physical health, and includes related ancillary care;]

[^{F7}“healthcare agreement” means an agreement or other commitment between the United Kingdom and either a country or territory outside the United Kingdom or an international organisation, concerning healthcare provided anywhere in the world;]

“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;

[^{F8}“international organisation” means an organisation of which—

- (a) two or more sovereign powers are members; or
- (b) the governments of two or more sovereign powers are members;]

“overseas visitor” means a person not ordinarily resident in the United Kingdom^{M4};

“parental responsibility” has the meaning given in section 3 (meaning of “parental responsibility”) of the Children Act 1989^{M5};

^{F9} ...

“registered dentist” has the meaning given in section 53(1) (interpretation) of the Dentists Act 1984^{M6};

[^{F10}“Regulation (EC) No 883/2004” means Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems, as it had effect immediately before IP completion day;

“Regulation (EEC) No 1408/71” means Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community, as it had effect immediately before IP completion day;]

[^{F11}“relevant body” means—

- (a) an NHS foundation trust;
- (b) an NHS trust;
- (c) a local authority within the meaning of section 2B of the 2006 Act (functions of local authorities and Secretary of State as to improvement of public health) exercising public health functions (within the meaning of that Act); or
- (d) any other person providing relevant services,

except in respect of regulation 6A, for which purposes a person mentioned in paragraph (d) is not a “relevant body”];

^{F11}

“relevant services” means accommodation, services or facilities^{M7} 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 [F12relevant 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.

Textual Amendments

- F1** Words in reg. 2 inserted (23.10.2017) by [The National Health Service \(Charges to Overseas Visitors\) \(Amendment\) Regulations 2017 \(S.I. 2017/756\)](#), regs. 1(2)(a), **2(3)**
- F2** Words in reg. 2 renumbered (17.3.2022 at 5.00 p.m.) by [The National Health Service \(Charges to Overseas Visitors\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/318\)](#), regs. 1(2), **2(2)(a)**
- F3** Words in reg. 2 inserted (17.3.2022 at 5.00 p.m.) by [The National Health Service \(Charges to Overseas Visitors\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/318\)](#), regs. 1(2), **2(2)(b)**
- F4** Words in reg. 2 inserted (31.12.2020) by [The National Health Service \(Charges to Overseas Visitors\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1423\)](#), regs. 1(2), **3(a)**
- F5** Words in reg. 2 inserted (28.12.2022) by [The National Health Service \(Charges to Overseas Visitors\) \(Amendment\) \(No. 4\) Regulations 2022 \(S.I. 2022/1253\)](#), regs. 1(1), **2(2)(a)**
- F6** Words in reg. 2 inserted (31.12.2020) by [The National Health Service \(Charges to Overseas Visitors\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1423\)](#), regs. 1(2), **3(b)**
- F7** Words in reg. 2 inserted (28.12.2022) by [The National Health Service \(Charges to Overseas Visitors\) \(Amendment\) \(No. 4\) Regulations 2022 \(S.I. 2022/1253\)](#), regs. 1(1), **2(2)(b)**
- F8** Words in reg. 2 inserted (28.12.2022) by [The National Health Service \(Charges to Overseas Visitors\) \(Amendment\) \(No. 4\) Regulations 2022 \(S.I. 2022/1253\)](#), regs. 1(1), **2(2)(c)**
- F9** Words in reg. 2 omitted (28.12.2022) by virtue of [The National Health Service \(Charges to Overseas Visitors\) \(Amendment\) \(No. 4\) Regulations 2022 \(S.I. 2022/1253\)](#), regs. 1(1), **2(2)(d)**
- F10** Words in reg. 2 inserted (31.12.2020) by [The National Health Service \(Charges to Overseas Visitors\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1423\)](#), regs. 1(2), **3(c)**
- F11** Words in reg. 2 omitted (23.10.2017) by virtue of [The National Health Service \(Charges to Overseas Visitors\) \(Amendment\) Regulations 2017 \(S.I. 2017/756\)](#), regs. 1(2)(a), **2(2)**
- F12** Words in reg. 2 substituted (23.10.2017) by [The National Health Service \(Charges to Overseas Visitors\) \(Amendment\) Regulations 2017 \(S.I. 2017/756\)](#), regs. 1(2)(a), **3(1)**

Marginal Citations

- M1** 1971 c. 77.
- M2** 2014 c. 22.
- M3** 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.
- M4** 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.
- M5** 1989 c. 41.
- M6** 1984 c. 24; to which there are amendments not relevant to these Regulations.
- M7** “Facilities” is defined in s275(1) of the 2006 Act.

Changes to legislation:

There are currently no known outstanding effects for the The National Health Service (Charges to Overseas Visitors) Regulations 2015, PART 1.