
STATUTORY INSTRUMENTS

2015 No. 238

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

PART 4

Overseas visitors exempt from charges

Family members of overseas visitors

25.—(1) For the purposes of this regulation, unless otherwise provided, “member of the family” means—

- (a) the spouse or civil partner of an overseas visitor; or
- (b) a child in respect of whom an overseas visitor has parental responsibility.

[^{F1}(1A) No charge may be made or recovered in respect of any relevant services provided to an overseas visitor who is a member of the family of another overseas visitor (“the principal overseas visitor”) if the principal overseas visitor is exempt from charges under regulation 16 (victims of modern slavery).]

(2) No charge may be made or recovered in respect of any relevant services provided to an overseas visitor who is a member of the family of another overseas visitor (“the principal overseas visitor”) and is lawfully present if the principal overseas visitor is exempt from charges under any of the following regulations—

[^{F2}(za) regulation 13 (overseas visitors with a United Kingdom issued S1 healthcare certificate or equivalent document);]

^{F3}(a)

- (b) regulation 20 (members of the regular and reserve forces, Crown servants and others);
- (c) regulation 21 (NATO forces).

[^{F4}(d) subject to paragraph (2A), regulation 22A(1) (overseas visitors from Ukraine).]

[^{F5}(2A) Paragraph (2)(d) does not apply in respect of chargeable assisted conception services.]

(3) No charge may be made or recovered in respect of any relevant services provided to an overseas visitor who is a child who—

- (a) is born in the United Kingdom to a parent who is exempt from charges by virtue of—
 - (i) regulation 10 (immigration health charge); ^{F6}...
 - (ii) regulation 11 (overseas visitors who have made applications for entry clearance or leave to remain prior to the commencement of the immigration health charge); [^{F7}or
 - (iii) regulation 22A(1) (overseas visitors from Ukraine);]
- (b) is aged 3 months or less; and
- (c) has not left the United Kingdom since birth.

(4) Subject to paragraphs (5) to (7) of this regulation, no charge may be made or recovered in respect of any relevant services provided to an overseas visitor who is a member of the family of a principal overseas visitor if—

- (a) the overseas visitor is lawfully present in the United Kingdom;
- (b) the overseas visitor is visiting the United Kingdom with the principal overseas visitor; and
- (c) the principal overseas visitor is exempt from charges under—
 - [^{F8}(i) regulation 12 (overseas visitors with citizens' rights); or]
 - [^{F9}(ii)]
 - (iii) regulation 22 (war pensioners and armed forces compensation scheme payment recipients).

[^{F10}(5) Where the overseas visitor is a member of the family of a principal overseas visitor who is exempt from charges under regulation 12 (overseas visitors with citizens' rights), the exemption in paragraph (4) applies only if the conditions in both paragraph (6) and (7) are satisfied.]

[^{F11}(6) The first condition is that—

- (a) the overseas visitor does not have a right arising from a provision mentioned in regulation 12(1)(a) to (c) (overseas visitors with citizens' rights), and
- (b) the reason that the overseas visitor does not have such a right is because the overseas visitor is not recognised as a member of the family (within the meaning of Article 1(i) of Regulation (EC) No 883/2004).]

(7) The second condition is that the relevant services provided to the overseas visitor are services that the overseas visitor would be entitled to receive without charge by virtue of [^{F12}a right arising from a provision mentioned in regulation 12(1)(a) to (c) if the overseas visitor had such a right].

(8) None of the provisions of this regulation affect any entitlement which any member of the family of an overseas visitor may have to an exemption from charges for relevant services by virtue of [^{F13}a right arising from a provision mentioned in regulation 12(1)(a) to (c)] or any other exemption which they may be entitled to in their own right.

Textual Amendments

- F1** Reg. 25(1A) 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(7)(a)**
- F2** Reg. 25(2)(za) 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), **8(a)**
- F3** Reg. 25(2)(a) 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(7)(b)**
- F4** Reg. 25(2)(d) 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(4)(a)**
- F5** Reg. 25(2A) 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(4)(b)**
- F6** Word in reg. 25(3)(a) omitted (17.3.2022 at 5.00 p.m.) by virtue of The National Health Service (Charges to Overseas Visitors) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/318), regs. 1(2), **2(4)(c)(i)**
- F7** Reg. 25(3)(a)(iii) and word 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(4)(c)(ii)**
- F8** Reg. 25(4)(c)(i) substituted (31.12.2020) by The National Health Service (Charges to Overseas Visitors) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1423), regs. 1(2), **8(b)(i)**
- F9** Reg. 25(4)(c)(ii) omitted (31.12.2020) by virtue of The National Health Service (Charges to Overseas Visitors) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1423), regs. 1(2), **8(b)(ii)**

- F10** Reg. 25(5) substituted (31.12.2020) by The National Health Service (Charges to Overseas Visitors) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1423), regs. 1(2), **8(c)**
- F11** Reg. 25(6) substituted (31.12.2020) by The National Health Service (Charges to Overseas Visitors) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1423), regs. 1(2), **8(d)**
- F12** Words in reg. 25(7) substituted (31.12.2020) by The National Health Service (Charges to Overseas Visitors) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1423), regs. 1(2), **8(e)**
- F13** Words in reg. 25(8) substituted (31.12.2020) by The National Health Service (Charges to Overseas Visitors) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1423), regs. 1(2), **8(f)**

Changes to legislation:

There are currently no known outstanding effects for the The National Health Service (Charges to Overseas Visitors) Regulations 2015, Section 25.