
STATUTORY INSTRUMENTS

2017 No. 756

The National Health Service (Charges to Overseas Visitors) (Amendment) Regulations 2017

Amendment of regulation 3

4.—(1) Regulation 3 of the Principal Regulations (obligation to make and recover charges) is amended as follows.

(2) After paragraph (1), insert—

“(1A) Where the condition specified in paragraph (2) is met, before providing a relevant service in respect of an overseas visitor, a relevant body must secure payment for the estimated amount of charges to be made under paragraph (1) for that relevant service unless doing so would prevent or delay the provision of—

- (a) an immediately necessary service; or
- (b) an urgent service.

(1B) The person from whom payment is to be secured under paragraph (1A) in respect of a relevant service is the person who it appears to the relevant body, at the time that the request for that payment is made, will be the person to whom a charge will be made under paragraph (1) in respect of that relevant service at the time that it is provided.”.

(3) For paragraphs (3) and (4), substitute—

“(3) Where more than one relevant body is to provide relevant services to an overseas visitor, each relevant body must secure the advance payment sum in respect of each relevant service that it is to provide.

(3A) Where more than one relevant body provides relevant services to an overseas visitor, each relevant body must make and recover the actual charge in respect of each relevant service that it provides.

(4) A relevant body that makes and recovers a charge in accordance with paragraph (1) or secures payment in accordance with paragraph (1A) must give or send to the person making the payment a receipt for the amount paid.

(4A) In making and recovering an actual charge from a person in respect of a relevant service, a relevant body must—

- (a) deduct any advance payment sum secured by the relevant body from that person in respect of that relevant service; and
- (b) refund any amount by which an advance payment sum secured by the relevant body from that person in respect of that relevant service exceeds the amount of the actual charge that person is liable to pay.”.

(4) In paragraph (5)(a)—

- (a) at the end of sub-paragraph (ii), omit “or”;
- (b) at the end of sub-paragraph (iii), insert “or”;
- (c) after sub-paragraph (iii), insert—

“(iv) regulation 14 (reciprocal health care agreements);”.

(5) After paragraph (6), insert—

“(7) In this regulation—

“actual charge” means a charge to be made under paragraph (1);

“advance payment sum” means a sum to be secured under paragraph (1A);

“immediately necessary service” means—

(a) antenatal services provided in respect of a person who is pregnant;

(b) intrapartum and postnatal services provided in respect of—

(i) a person who is pregnant;

(ii) a person who has recently given birth; or

(iii) a baby; and

(c) any other relevant service that the treating clinician determines the recipient needs promptly—

(i) to save the recipient’s life;

(ii) to prevent a condition becoming immediately life-threatening; or

(iii) to prevent permanent serious damage to the recipient from occurring;

“urgent service” means a service that the treating clinician determines is not an immediately necessary service but which should not wait until the recipient can be reasonably expected to leave the United Kingdom.”.