

## SCHEDULE 1

Regulation 15

Cross-border cases arising before exit day

### PART 1

#### Modifications to primary legislation

##### **Modifications to the NHS Act 2006**

1. The NHS Act 2006 is to be read as if—
  - (a) in the headings to sections 6A and 6BA (reimbursement of cost of services provided in an EEA state), for references to “another EEA state” there were substituted “an EEA state”;
  - (b) in those sections, for references to “an EEA state other than the United Kingdom” there were substituted “an EEA state”;
  - (c) in section 6D (regulations relating to EU obligations) and the heading to that section, for references to “EU obligations” there were substituted “retained EU obligations”;
  - (d) in section 6E(7)(b) (regulations as to exercise of functions by the Board or clinical commissioning groups), for the reference to “EU obligations” there were substituted “retained EU obligations”;
  - (e) in section 275(1) (interpretation), in the definition of “Regulation (EC) No. 883/2004” at the end there were inserted “as continued by regulation 17 of, and Schedule 5 to, the Social Security Coordination (Reciprocal Healthcare) (Amendment etc.) (EU Exit) Regulations 2019”(1).

##### **Modifications to the NHS (Wales) Act**

2. The NHS (Wales) Act is to be read as if—
  - (a) in the headings to sections 6A and 6BA (reimbursement of cost of services provided in an EEA state), for references to “another EEA state” there were substituted “an EEA state”;
  - (b) in those sections, for references to “an EEA state other than the United Kingdom” there were substituted “an EEA state”;
  - (c) in section 206(1) (interpretation), in the definition of “Regulation (EC) No. 883/2004” at the end there were inserted “as continued by regulation 17 of, and Schedule 5 to, the Social Security Coordination (Reciprocal Healthcare) (Amendment etc.) (EU Exit) Regulations 2019”.

##### **Modifications to the Health and Social Care Act 2012**

3. The Health and Social Care Act 2012 is to be read as if—
  - (a) in section 124(9) (local modifications of prices: agreements), for “an EU obligation” there were substituted “a retained EU obligation”;
  - (b) in section 125(9) (local modifications of prices: applications), for “an EU obligation” there were substituted “a retained EU obligation”.

---

(1) [S.I. 2019/776](#).

## **Modification to the Cities and Local Government Devolution Act 2016**

4. The Cities and Local Government Devolution Act 2016 is to be read as if for section 18(2)(b) (devolving health service functions) there were substituted—

- “(b) sections 6BA and 6BB of that Act (duties regarding the reimbursement of costs of services provided in an EEA state).”

## **PART 2**

### **Modifications to secondary legislation**

#### **Modifications to the 2013 Regulations**

5. The 2013 Regulations are to be read as if—

- (a) in regulation 1(3) (interpretation)—
  - (i) in the definition of “resident patient”, for the reference to “the United Kingdom is” there were substituted “immediately before exit day the United Kingdom was”;
  - (ii) in the definition of “visiting patient”, for the reference to “a member State other than the United Kingdom is” there were substituted “immediately before exit day a member State other than the United Kingdom was”;
- (b) in regulation 2 (national contact point: designation), for references to “must” there were substituted “may”;
- (c) in regulation 3 (NCP: information about treatment in England and Wales)—
  - (i) in paragraph (1), before “ensure” there were inserted “make reasonable efforts to”;
  - (ii) in paragraph (2), before “ensure” there were inserted “make reasonable efforts to”;
- (d) in the heading to regulation 4 (NCP: information about treatment in a member State), for the reference to “another member State” there were substituted “a member State”;
- (e) in regulation 4(1)—
  - (i) before “ensure” there were inserted “make reasonable efforts to”;
  - (ii) for references to “other member States” there were substituted “member States”;
  - (iii) for the reference to “another member State” there were substituted “a member State”;
- (f) regulation 4A (NCP: information about prescriptions) were omitted;
- (g) in regulation 5 (NCP: cross-border co-operation)—
  - (i) for paragraph (1) there were substituted—

“(1) In so far as it considers it is appropriate for the purposes of giving effect to regulation 15 of the National Health Service (Cross-Border Healthcare and Miscellaneous Amendments etc.) (EU Exit) Regulations 2019, the NCP must make reasonable efforts to co-operate with the national contact points in member States and any other national contact points in the United Kingdom.”;
  - (ii) in paragraph (2), after “must” there were inserted “so far as the NCP considers appropriate”;
- (h) regulation 6 (NCP: duty to consult) were omitted;
- (i) in regulation 9(1) (information on rights and entitlements), after “must” there were inserted “make reasonable efforts to”;

- (j) in regulation 12(1) (information on rights and entitlements), after “must” there were inserted “make reasonable efforts to”;
- (k) in the heading to regulation 14 (exemption from NHS charges), for the reference to “another member State” there were substituted “a member State”;
- (l) in regulation 14—
  - (i) in paragraph (2), for the reference to “P is” there were substituted “immediately before exit day P was”;
  - (ii) in paragraph (2)(a), for the reference to “is resident” there were substituted “was resident”;
  - (iii) in paragraph (2)(b), for the reference to “is the competent member State” there were substituted “was the competent member State”;
  - (iv) in paragraph (3)(b), after the reference to “it is not provided” there were inserted “or, had it been provided immediately before exit day, it would not be provided”;
  - (v) in paragraph (4)(b), at the end there were inserted “as continued by regulation 17 of, and Schedule 5 to, the Social Security Coordination (Reciprocal Healthcare) (Amendment etc.) (EU Exit) Regulations 2019”;
- (m) in regulation 16 (review), after paragraph (5) there were inserted—
  - “(6) No review may be carried out after 31 December 2020.”
- (n) the Schedule (elements that must be included in prescriptions) were omitted.

**Modifications to the National Health Service and Public Health (Functions and Miscellaneous Provisions) Regulations 2013**

6. The NHS Functions Regulations are to be read as if, in regulation 3(a) (exercise of functions), for references to “another EEA state” there were substituted “an EEA state”.