
STATUTORY INSTRUMENTS

2020 No. 1348

**The Reciprocal and Cross-Border Healthcare
(Amendment etc.) (EU Exit) Regulations 2020**

PART 3

Amendment of Cross-Border Healthcare Regulations

Amendment of Schedule 1

12. In Schedule 1 (cross-border cases – modifications in relation to regulation 15)—

(a) for the words “exit day” wherever they occur (including the heading) substitute “IP completion day”;

(b) after paragraph 1(b) insert—

“(ba) in section 6A(6), after the second reference to “apply” there were inserted “by virtue of Title III of Part 2 of the withdrawal agreement (co-ordination of social security systems), Title III of Part 2 of the EEA EFTA separation agreement or social security co-ordination provisions of the Swiss citizens’ rights agreement (co-ordination of social security systems)”;

(bb) after section 6A(11), there were inserted—

“(12) In subsection (6), expressions which are defined in the European Union (Withdrawal Agreement) Act 2020 have the same meaning as they have in that Act.”;

(bc) in section 6BA(9), after “applies” there were inserted “by virtue of Title III of Part 2 of the withdrawal agreement (co-ordination of social security systems), Title III of Part 2 of the EEA EFTA separation agreement or social security co-ordination provisions of the Swiss citizens’ rights agreement (co-ordination of social security systems)”;

(bd) after section 6BA(15), there were inserted—

“(16) In subsection (9), expressions which are defined in the European Union (Withdrawal Agreement) Act 2020 have the same meaning as they have in that Act.”;

(c) omit paragraph 1(e);

(d) after paragraph 2(b) insert—

“(ba) in section 6A(6), after the second reference to “apply” there were inserted “by virtue of Title III of Part 2 of the withdrawal agreement (co-ordination of social security systems), Title III of Part 2 of the EEA EFTA separation agreement or social security

- co-ordination provisions of the Swiss citizens' rights agreement (co-ordination of social security systems)";
- (bb) after section 6A(11), there were inserted—
- “(12) In subsection (6), expressions which are defined in the European Union (Withdrawal Agreement) Act 2020 have the same meaning as they have in that Act.”;
- (bc) in section 6BA(9), after “applies” there were inserted “by virtue of Title III of Part 2 of the withdrawal agreement (co-ordination of social security systems), Title III of Part 2 of the EEA EFTA separation agreement or social security co-ordination provisions of the Swiss citizens' rights agreement (co-ordination of social security systems)”;
- (bd) after section 6BA(15), there were inserted—
- “(16) In subsection (9), expressions which are defined in the European Union (Withdrawal Agreement) Act 2020 have the same meaning as they have in that Act.”;
- (e) omit paragraph 2(c);
- (f) after paragraph 5(j) insert—
- “(ja) in regulation 13(2) (NHS charges), in paragraph (a) of the definition of “cross-border healthcare service”, after “visiting patient”, there were inserted “which insofar as it was provided before IP completion day was provided”;
- (g) for paragraph 5(l)(iv) substitute—
- “(iv) in paragraph (3)(b), for “it is not provided” there were substituted “insofar as the service was provided before IP completion day it was not provided”;
- (h) omit paragraph 5(l)(v);
- (i) for paragraph 5(m) substitute—
- “(m) regulation 16 (review) were omitted”;
- (j) for paragraph 6 substitute—

“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—
- (a) regulation 2(1)(a) (interpretation) were omitted;
- (c) in regulation 3 (exercise of functions)—
- (i) in paragraph (a), for references to “another EEA state” (in both places) there were substituted “an EEA state”;
- (ii) paragraph (b) were omitted;
- (c) in regulation 4 (procedure for applications)—
- (i) after paragraph (1)(a) there were inserted “and”;
- (ii) paragraph (1)(c) and the “and” before it were omitted;
- (iii) in paragraph (3)(a), the words “or pursuant to Article 20 or Article 27(3)” were omitted;
- (d) in regulation 6(2) (form and content of determination)—

- (i) after sub-paragraph (a) there were inserted “or”;
- (ii) sub-paragraph (c) and the “or” before it were omitted.”.