

2023 No. 81

NATIONAL HEALTH SERVICE, ENGLAND

**The National Health Service (Charges to Overseas Visitors)
(Amendment) Regulations 2023**

Made - - - - at 12.34 p.m. on 27th January 2023

Laid before Parliament at 2.30 p.m. on 27th January 2023

Coming into force 18th February 2023

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 175 and 272(7) and (8) of the National Health Service Act 2006(a).

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the National Health Service (Charges to Overseas Visitors) (Amendment) Regulations 2023 and come into force on 18th February 2023.

(2) These Regulations extend to England and Wales, and apply in relation to England only.

Amendment of the National Health Service (Charges to Overseas Visitors) Regulations 2015

2.—(1) The National Health Service (Charges to Overseas Visitors) Regulations 2015(b) are amended as follows.

(2) In regulation 13A (persons who make late applications under Appendix EU to the immigration rules)—

- (a) in paragraph (1), for “Subject to paragraph (4), no” substitute “No”;
- (b) omit paragraph (4);
- (c) for paragraph (5) substitute—

“(5) Where a person has made an application mentioned in paragraph (2)(b) or (3)(b) and has received relevant services during the period specified in paragraph (1), if the relevant body—

- (a) has made charges for relevant services received during that period, but has not yet recovered them, it must not recover those charges;
- (b) has made and recovered charges for relevant services received during that period, it must repay any sum paid in respect of those charges.”.

(a) 2006 c. 41. By virtue of section 271(1) the powers of the Secretary of State are exercisable only in relation to England. See section 275(1) for the definition of “prescribed” and “regulations”.

(b) S.I. 2015/238, amended by S.I. 2020/1423; there are other amending instruments, but none is relevant.

Signed by authority of the Secretary of State for Health and Social Care

At 12.34 p.m. on 27th January 2023

Will Quince
Minister of State,
Department of Health and Social Care

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (Charges to Overseas Visitors) Regulations 2015 (S.I. 2015/238) (“the 2015 Regulations”), which provide for the making and recovery of charges for relevant services provided under the National Health Service Act 2006 (c. 41) to overseas visitors (people who are not ordinarily resident in the United Kingdom).

Regulation 2 amends regulation 13A of the 2015 Regulations, which is concerned with charges for the provision of healthcare services to individuals who have made a late application for leave to remain or enter under the European Union Settlement Scheme (“EUSS”). The amendments provide that individuals who have made such an application, but have not been granted EUSS pre-settled or settled status, must not be charged for relevant healthcare services provided to them whilst their application is under consideration, and that any charges for such services which have already been made should either not be collected or, if already paid, should be refunded.

A full impact assessment has not been produced for these Regulations as no, or no significant, impact on the private, voluntary or public sector is foreseen.

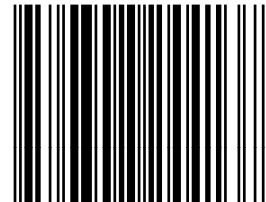
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