
WELSH STATUTORY INSTRUMENTS

2022 No. 402 (W. 99)

NATIONAL HEALTH SERVICE, WALES

The National Health Service (Charges to Overseas Visitors) (Amendment) (No. 2) (Wales) Regulations 2022

<i>Made</i>	- - - -	28 March 2022
<i>Laid before Senedd Cymru</i>		30 March 2022
<i>Coming into force</i>	- -	31 March 2022

The Welsh Ministers make these Regulations in exercise of the powers conferred by sections 124 and 203(9) and (10) of the National Health Service (Wales) Act 2006(1).

Title, commencement and interpretation

1.—(1) The title of these Regulations is the National Health Service (Charges to Overseas Visitors) (Amendment) (No. 2) (Wales) Regulations 2022.

(2) These Regulations come into force on 31 March 2022.

(3) In these Regulations, “the principal Regulations” means the National Health Service (Charges to Overseas Visitors) Regulations 1989(2).

Amendment of the principal Regulations

2.—(1) The principal Regulations are amended as follows.

(2) In regulation 1(2) (citation, commencement and interpretation), for the definition of “authorised companion” substitute—

““authorised companion” means a person who has been granted leave to enter the United Kingdom to accompany a person who is—

- (a) obtaining a course of treatment in respect of which no charges are payable under regulation 6A; or
- (b) ordinarily resident in Ukraine and is obtaining a course of treatment;”.

(1) 2006 c. 42.

(2) S.I. 1989/306, amended by S.I. 1991/438; S.I. 1994/1535; S.I. 2004/614; S.I. 2004/696; S.I. 2004/1433 (W. 146); S.I. 2008/2364 (W. 203); S.I. 2009/1175 (W. 102); S.I. 2009/1512 (W. 148); S.I. 2009/1824 (W. 165); S.I. 2009/3005 (W. 264); S.I. 2010/730 (W. 71); S.I. 2010/927 (W. 94); S.I. 2011/1043; S.I. 2011/2906 (W. 310); S.I. 2012/1809; S.I. 2014/1622 (W. 166); S.I. 2020/113 (W. 20); S.I. 2020/1607 (W. 334); S.I. 2021/221 (W. 55); S.I. 2022/89 (W. 30); there are other amending instruments but none are relevant to these Regulations.

(3) After regulation 4H (children of overseas visitors exempt from charges by virtue of regulations 4F and 4G) insert—

“Overseas Visitors from Ukraine

4I.—(1) No charge may be made or recovered in respect of any relevant services provided to an overseas visitor who—

- (a) is lawfully present in the United Kingdom; and
- (b) is ordinarily resident in Ukraine.

(2) No charge may be made or recovered in respect of any relevant services provided to an overseas visitor who is lawfully present in the United Kingdom and is—

- (a) the spouse or civil partner of another overseas visitor who is exempt from charges under paragraph (1); or
- (b) a child in respect of whom another overseas visitor, who is exempt from charges under paragraph (1), has responsibility.

(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 paragraph (1);
- (b) is aged 3 months or less; and
- (c) has not left the United Kingdom since birth.

(4) This paragraph applies to an overseas visitor who, during the relevant period—

- (a) received relevant services from a Local Health Board or NHS trust and who is exempt from charges for those services by virtue of—
 - (i) paragraph (1);
 - (ii) paragraph (2); or
 - (iii) paragraph (3); or
- (b) received relevant services consisting of treatment the need for which arose during the visit from a Local Health Board or NHS trust and who is exempt from charges for those services by virtue of being—
 - (i) an authorised companion; or
 - (ii) an authorised child,

who has been granted leave to enter the United Kingdom to accompany a person who is exempt from charges under paragraph (1).

(5) An overseas visitor to whom paragraph (4) applies is to be treated for the purposes of these Regulations as if, at the time that the relevant services were provided, the overseas visitor was an overseas visitor in respect of whom no charge may be made or recovered for those relevant services.

(6) A Local Health Board or NHS trust which, in respect of an overseas visitor to whom paragraph (5) applies, has—

- (a) yet to make charges under regulation 2 (making and recovery of charges), must not make the charges;
- (b) made charges under regulation 2 but has yet to recover the charges, must not recover the charges; or

(c) made charges under regulation 2 and received payment in respect of the charges, must repay any sum paid in respect of the charges in accordance with regulation 8 (repayments).

(7) In this regulation, “the relevant period” means the period from 24 February 2022 to the coming into force of this regulation.”

Review

3. Before 1 October 2022, the Welsh Ministers must carry out a review of the amendments made by these Regulations.

28 March 2022

Eluned Morgan
Minister for Health and Social Services, one of
the Welsh Ministers

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (Charges to Overseas Visitors) Regulations 1989 (S.I. 1989/306) (“the principal Regulations”), which provide for the making and recovery of charges for relevant services provided under the National Health Service (Wales) Act 2006 (c. 42) to overseas visitors.

Regulation 2 amends the principal Regulations to provide exemptions from charging in relation to overseas visitors who are lawfully present in the United Kingdom but are ordinarily resident in Ukraine, as well as exemptions for their family members, authorised companions (the definition for which is amended by regulation 2(2) to include persons accompanying overseas visitors from Ukraine who are receiving a course of treatment) and authorised children.

Regulation 2 also provides that charges incurred since 24 February 2022 until the coming into force of these Regulations in respect of such overseas visitors—

- if not yet made, must not be made,
- if made, must not be recovered, or
- if paid, must be repaid.

Regulation 3 provides for the Welsh Ministers to carry out a review before 1 October 2022.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Department of Health and Social Services, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.