



Immigration Act 2014

2014 CHAPTER 22

PART 3

ACCESS TO SERVICES ETC

CHAPTER 2

OTHER SERVICES ETC

National Health Service

38 Immigration health charge

- (1) The Secretary of State may by order provide for a charge to be imposed on—
 - (a) persons who apply for immigration permission, or
 - (b) any description of such persons.
- (2) “Immigration permission” means—
 - (a) leave to enter or remain in the United Kingdom for a limited period,
 - (b) entry clearance which, by virtue of provision made under section 3A(3) of the Immigration Act 1971, has effect as leave to enter the United Kingdom for a limited period, or
 - (c) any other entry clearance which may be taken as evidence of a person's eligibility for entry into the United Kingdom for a limited period.
- (3) An order under this section may in particular—
 - (a) impose a separate charge on a person in respect of each application made by that person;
 - (b) specify the amount of any charge (and different amounts may be specified for different purposes);
 - (c) make provision about when or how a charge may or must be paid to the Secretary of State;

Changes to legislation: *Immigration Act 2014, Cross Heading: National Health Service is up to date with all changes known to be in force on or before 01 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (d) make provision about the consequences of a person failing to pay a charge (including provision for the person's application to be refused);
 - (e) provide for exemptions from a charge;
 - (f) provide for the reduction, waiver or refund of part or all of a charge (whether by conferring a discretion or otherwise).
- (4) In specifying the amount of a charge under subsection (3)(b) the Secretary of State must (among other matters) have regard to the range of health services that are likely to be available free of charge to persons who have been given immigration permission.
- (5) Sums paid by virtue of an order under this section must—
- (a) be paid into the Consolidated Fund, or
 - (b) be applied in such other way as the order may specify.
- (6) In this section—
- “entry clearance” has the meaning given by section 33(1) of the Immigration Act 1971;
 - “health services” means services provided as part of the health service in England, Wales, Scotland and Northern Ireland;
- and the references to applying for leave to enter or remain for a limited period include references to applying for a variation of leave to enter or remain which would result in leave to enter or remain for a limited period.

Commencement Information

II S. 38 in force at 20.10.2014 by [S.I. 2014/2771](#), [art. 4\(b\)](#)

39 Related provision: charges for health services

- (1) A reference in the NHS charging provisions to persons not ordinarily resident in Great Britain or persons not ordinarily resident in Northern Ireland includes (without prejudice to the generality of that reference) a reference to—
- (a) persons who require leave to enter or remain in the United Kingdom but do not have it, and
 - (b) persons who have leave to enter or remain in the United Kingdom for a limited period [^{F1}unless that leave was granted by virtue of residence scheme immigration rules].
- (2) The “NHS charging provisions” are—
- (a) section 175 of the National Health Service Act 2006 (charges in respect of persons not ordinarily resident in Great Britain);
 - (b) section 124 of the National Health Service (Wales) Act 2006 (charges in respect of persons not ordinarily resident in Great Britain);
 - (c) section 98 of the National Health Service (Scotland) Act 1978 (charges in respect of persons not ordinarily resident in Great Britain);
 - (d) Article 42 of the Health and Personal Social Services (Northern Ireland) Order 1972 (S.I. 1972/1265 (N.I. 14)) (provision of services to persons not ordinarily resident in Northern Ireland).

Changes to legislation: Immigration Act 2014, Cross Heading: National Health Service is up to date with all changes known to be in force on or before 01 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

[^{F2}(3) For the purposes of subsection (1) “residence scheme immigration rules” has the meaning given by section 17 of the European Union (Withdrawal Agreement) Act 2020.]

Textual Amendments

- F1** Words in s. 39(1)(b) inserted (31.12.2020) by [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1309\)](#), regs. 1(2), **20(4)(a)**
- F2** S. 39(3) inserted (31.12.2020) by [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1309\)](#), regs. 1(2), **20(4)(b)**

Commencement Information

- I2** S. 39 in force at 6.4.2015 by [S.I. 2015/874](#), **art. 2(a)**

Changes to legislation:

Immigration Act 2014, Cross Heading: National Health Service is up to date with all changes known to be in force on or before 01 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.I. 2014/2771 by [S.I. 2015/371 art. 78](#)
- specified provision(s) savings for earlier commencing SI 2014/2771 by [S.I. 2014/2928 art. 2](#) (Amendment already reflected in Appended Commentary in EXTOES for 2014 SI2771.)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 21(4A) inserted by [S.I. 2019/745 reg. 21\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Reg. 21(2)(3) omitted immediately before IP completion day by virtue of S.I. 2020/1309, regs. 1(2)(a), 48)
- s. 27(7) inserted by [S.I. 2019/745 reg. 21\(3\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Reg. 21(2)(3) omitted immediately before IP completion day by virtue of S.I. 2020/1309, regs. 1(2)(a), 48)
- s. 70A(6A) inserted by [S.I. 2019/745 reg. 21\(7\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Reg. 21(7) omitted immediately before IP completion day by virtue of S.I. 2020/1309, regs. 1(2)(a), 48)
- Sch. 3 para. 8A inserted by [2016 c. 19 Sch. 12 para. 16](#)