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STATUTORY INSTRUMENTS

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**2011 No. 1556**

**The National Health Service (Charges to Overseas Visitors) Regulations 2011**

**PART 1**

**INTRODUCTION**

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the National Health Service (Charges to Overseas Visitors) Regulations 2011 and come into force on 1st August 2011.

(2) These Regulations apply in relation to England<sup>(1)</sup>.

**Interpretation**

2.—(1) In these Regulations—

“the Act” means the National Health Service Act 2006;

“authorised child” means a child who—

- (a) has been granted leave to enter the United Kingdom with a parent or legal guardian of that child for the purpose of the parent or legal guardian receiving a course of treatment in respect of which no charge may be made or recovered under regulation 13; or
- (b) is a child of an authorised companion;

“authorised companion” means a person who has been granted leave to enter the United Kingdom to accompany a person who is obtaining a course of treatment in respect of which no charge may be made or recovered under regulation 13;

“child” means a person who is—

- (a) under the age of sixteen; or
- (b) a qualifying young person within the meaning of section 142 of the Social Security Contributions and Benefits Act 1992<sup>(2)</sup> (“child” and “qualifying young person”) or section 138 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992<sup>(3)</sup>;

“Continental Shelf” except in reference to a designated area of the Continental Shelf means the seabed and subsoil of the submarine area (other than in the Baltic or Mediterranean Seas, including the Adriatic and Aegean, or the Black Sea), adjacent to the coasts, lying north of the latitude of 25 degrees north and between the longitude of 30 degrees west and 35 degrees east, of the territory (including islands) of—

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(1) The powers of the Secretary of State under the provisions of the National Health Service Act 2006 (c. 41) (“the Act”) under which these Regulations are made are exercisable only in relation to England by virtue of section 271 of the Act.  
(2) 1992 c. 4. Section 142 was substituted by section 1(2) of the Child Benefit Act 2005 (c. 6).  
(3) 1992 c. 7. Section 138 was substituted by section 2(2) of the Child Benefit Act 2005 (c. 6).

- (a) any country situated on the Continent of Europe; or
- (b) the Republic of Ireland,

where the submarine area is outside the seaward limits of the territorial limits of those countries and the Republic of Ireland and is an area with respect to which the exercise by any of them of sovereign rights in accordance with international law is recognised by the Government of the United Kingdom;

“designated area of the Continental Shelf” means any area which is for the time being designated by an Order in Council under section 1(7) of the Continental Shelf Act 1964(4) as an area within which the rights of the United Kingdom with respect to the sea-bed and subsoil and their natural resources may be exercised;

“NHS trust” means an NHS trust all or most of whose hospitals, establishments and facilities are situated in England;

“overseas visitor” means a person not ordinarily resident in the United Kingdom;

“reciprocal agreement” means arrangements mutually agreed between the Government of the United Kingdom and the Government of a country or territory outside the United Kingdom for the provision of health care;

“relevant NHS body” means an NHS foundation trust, an NHS trust, a Primary Care Trust, a Strategic Health Authority or a Special Health Authority;

“relevant period” means the period from 9th July 2012 to 12th September 2012;

“relevant services” means (except in regulation 8(2)(c)) accommodation, services or facilities provided under section 3(1) of the Act (Secretary of State’s duty as to provision of certain services), other than primary dental services, primary medical services or primary ophthalmic services;

“ship or vessel” includes a hovercraft;

“treatment the need for which arose during the visit” means—

- (a) diagnosis of symptoms or signs occurring for the first time after the visitor’s arrival in the United Kingdom; or
- (b) treatment which, in the opinion of a medical or dental practitioner employed by or providing services to, the relevant NHS body, is required promptly for a condition which—
  - (i) arose after the visitor’s arrival in the United Kingdom;
  - (ii) became acutely exacerbated after the visitor’s arrival; or
  - (iii) but for the treatment would be likely to become acutely exacerbated after the visitor’s arrival.

(2) In calculating a period of residence in the United Kingdom for the purposes of these Regulations, any interruption by reason of temporary absence of not more than 182 days must be disregarded. The temporary absence cannot include an absence where the overseas visitor was not lawfully entitled to enter or remain in the United Kingdom.