
WELSH STATUTORY INSTRUMENTS

2009 No. 1512 (W.148)

NATIONAL HEALTH SERVICE, WALES

The National Health Service (Charges to Overseas Visitors) (Amendment) (Wales) Regulations 2009

<i>Made</i>	- - - -	<i>18 June 2009</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>19 June 2009</i>
<i>Coming into force</i>	- -	<i>15 July 2009</i>

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

Title, commencement, application and interpretation

1.—(1) The title of these Regulations is the National Health Service (Charges to Overseas Visitors) (Amendment) (Wales) Regulations 2009 which come into force on 15 July 2009.

(2) These Regulations apply in relation to Wales.

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

Amendment of regulation 4 of the principal Regulations

2. In regulation 4 of the principal Regulations (overseas visitors exempt from charges) —

(a) in paragraph (1), in sub-paragraph (c) delete the words “which has not yet been determined”;

(b) in paragraph (1), for sub-paragraph (q) substitute—

“(q) who is working outside the United Kingdom as a missionary for an organisation that is established in the United Kingdom, regardless of whether he—

(i) derives a salary or wage from the organisation, or

(ii) receives any type of funding or assistance from the organisation for the purposes of working overseas for the organisation; or

(1) 2006 (c. 42).

(2) 1989/306 (as amended).

- (r) who the competent authorities of the United Kingdom for the purposes of the Council of Europe Convention on Action Against Trafficking in Human Beings⁽³⁾ (in this regulation “the Convention”),
 - (i) consider that there are reasonable grounds to believe is a victim within the meaning of Article 4 of the Convention, and the recovery and reflection period in relation to him under Article 13 of the Convention has not yet expired, or
 - (ii) have identified as a victim within the meaning of Article 4 of the Convention.”; and
- (c) for paragraph (4) substitute —
 - “(4) No charge is to be made in respect of any services forming part of the health service provided for—
 - (a) in the case where sub-paragraph (g), (h), (i), (j), (q) or (r) of paragraph (1) applies to an overseas visitor, the spouse, civil partner or child of the overseas visitor; or
 - (b) in the case where any other sub-paragraph applies to an overseas visitor, the spouse, civil partner or child of the overseas visitor, if the spouse, civil partner or child lives on a permanent basis with the overseas visitor in the United Kingdom.”.

Amendment of Schedule 2 to the principal Regulations

3. In Schedule 2 (countries or territories in respect of which the United Kingdom Government has entered into a reciprocal agreement), omit “Bulgaria”, “Czech Republic”, “Hungary”, “Malta”, “Poland”, “Romania” and “Slovak Republic”.

18 June 2009

Edwina Hart
Minister for Health and Social Services, one of
the Welsh Ministers

(3) The Council of Europe Convention on Action Against Trafficking in Human Beings 2005 (CETS No 197).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (Charges to Overseas Visitors) Regulations 1989 (“the principal Regulations”), which provide for the making and recovery of charges in respect of certain services provided under the National Health Service (Wales) Act 2006 to certain persons not ordinarily resident in the United Kingdom (overseas visitors).

Regulation 2(a) amends regulation 4(1)(c) of the principal Regulations so that an asylum seeker whose application for asylum has failed will not be charged for services forming part of the health service. Regulation 2(b) amends regulation 4(1) of the principal Regulations so as to extend the exemption from charges to overseas visitors, to an overseas visitor who is a missionary. Regulation 2(c) substitutes regulation 4(4) of the principal Regulations so as to provide that the spouse, civil partner or child of an overseas visitor to whom sub-paragraph (g), (h), (i), (j), (q) or (r) of paragraph (1) of regulation 4 of the principal Regulations applies is also exempt from charges. However, in all other remaining cases, it continues to be a requirement that the spouse, civil partner or child of an overseas visitor also lives on a permanent basis with the overseas visitor in the United Kingdom in order to be exempt from charges.

Regulation 3 omits certain countries from the list in Schedule 2 to the principal Regulations, as these countries have now become part of the European Union and therefore overseas visitors from those countries will be dealt with under regulations 4(1)(m), 4A(1) and 5 of the principal Regulations.