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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations confer functions in relation to the provision of healthcare in the countries and territories listed in the Schedule (“listed countries”), including the making of payments in respect of such healthcare, as provided for by the Healthcare (International Arrangements) Act 2019 (c. 14). These Regulations also make provision to give effect to agreements and other commitments concerning the provision of such healthcare (“relevant healthcare agreements”) and for related purposes.

Regulation 3 provides for the Secretary of State to make payments, or arrange for payments to be made, for healthcare provided in a listed country under a relevant healthcare agreement.

Regulation 4 provides for the Secretary of State to make a payment for healthcare provided in a listed country outside of a relevant healthcare agreement if the Secretary of State considers the payment to be justified by exceptional circumstances. This regulation also places requirements on the Secretary of State as to procedures and information to be provided to applicants.

Regulation 5 confers functions on the NHS Business Services Authority (“NHS BSA”) for the purposes of giving effect to relevant healthcare agreements. The functions of NHS BSA are subject to exceptions as set out in paragraphs (2)(b) and (3), including the determination of certain applications in relation to England, Wales and Scotland relating to authorisation to travel to a listed country for the purpose of receiving healthcare under a relevant healthcare agreement (“planned healthcare”) which are determined under regulation 8. This regulation also places requirements on NHS BSA as to procedures and information to be provided to applicants.

Regulation 6 requires NHS BSA to establish an information and advice service.

Regulation 7 imposes a duty on NHS BSA to assist the Secretary of State with the exercise of the Secretary of State’s functions in relation to relevant healthcare agreements and the provision of healthcare in listed countries.

Regulation 8 requires certain health boards in England, Wales and Scotland to determine applications relating to planned healthcare in listed countries under relevant healthcare agreements. This regulation also places requirements on relevant health boards as to procedures and information to be provided to applicants.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen. An assessment of the impact of the healthcare agreements which these Regulations implement will be carried out as appropriate and any such assessment will be available from the Department of Health and Social Care at 39 Victoria Street, London, SW1H 0EU.