
DRAFT STATUTORY INSTRUMENTS

2023 No.

The Healthcare (International Arrangements) (EU Exit) Regulations 2023

NHS BSA functions: healthcare agreements

5.—(1) NHS BSA must give effect to the obligations and commitments of the United Kingdom under or in relation to relevant healthcare agreements.

(2) The duty in paragraph (1) includes (but is not limited to) doing the following in accordance with such agreements—

- (a) processing any applications or claims;
- (b) determining any applications or claims (including maternity applications and third country applications) other than—
 - (i) applications required to be determined under regulation 8;
 - (ii) planned healthcare applications in relation to Northern Ireland;
- (c) registering any entitlements;
- (d) making any payments;
- (e) issuing any documents verifying entitlement to the provision of healthcare.

(3) The duty in paragraph (1) does not apply where the Secretary of State or another person is required to give, or has given, effect to the obligations or commitments.

(4) NHS BSA must establish and publish procedures for the determination of applications and claims under this regulation.

(5) Those procedures must include provision for the review of determinations.

(6) NHS BSA must inform the applicant in writing of its determination of the application or claim.

(7) Where the determination is not to approve the application or claim the determination must set out—

- (a) the information considered,
- (b) the reasons for the determination, and
- (c) the steps an applicant must take if the applicant disagrees with the determination and wishes to request a review of the determination.