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STATUTORY INSTRUMENTS

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**2015 No. 238**

**The National Health Service (Charges  
to Overseas Visitors) Regulations 2015**

**PART 3**

Relevant services exempt from charges

**Interpretation of this Part**

**8.—(1) In this Part—**

“female genital mutilation” means the excision, infibulation or other mutilation (collectively referred to as mutilation) of the whole or any part of a female’s labia majora, labia minora or clitoris where—

- (a) that mutilation constituted an offence under the Female Genital Mutilation Act 2003<sup>M1</sup> (“the 2003 Act”);
- (b) if the mutilation was performed prior to the coming into force of the 2003 Act, that mutilation would have constituted an offence under the 2003 Act if the Act had been in force at the time the mutilation was performed; <sup>F1</sup>...
- (c) if the mutilation was performed outside the United Kingdom but did not constitute an offence under the 2003 Act, that mutilation would have constituted an offence under the 2003 Act had it been performed in the United Kingdom; [<sup>F2</sup>or]
- (d) [<sup>F3</sup>if the mutilation was performed outside the United Kingdom prior to the coming into force of the 2003 Act, that mutilation would have constituted an offence under the 2003 Act if—
  - (i) the mutilation had been performed in the United Kingdom; and
  - (ii) the 2003 Act had been in force at the time the mutilation was performed;]

<sup>F4</sup> .....

“torture” has the meaning given in Article 1(1) of the United Nations Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (agreed in New York on 4th February 1985)<sup>M2</sup>.

**(2) The reference to treatment in regulation 9(f) includes—**

- (a) any subsequent or on-going treatment provided to an overseas visitor for any condition, including a chronic condition, that is directly attributable to the torture, female genital mutilation, [<sup>F5</sup>domestic abuse] or sexual violence; and
- (b) in the case of female genital mutilation, any antenatal, perinatal and postpartum treatment provided to an overseas visitor the need for which is directly attributable to the mutilation.

**Textual Amendments**

- F1** Word in reg. 8(1) omitted (1.2.2016) by virtue of [The National Health Service \(Charges to Overseas Visitors\) \(Amendment\) Regulations 2015 \(S.I. 2015/2025\)](#), regs. 1(1), **4(2)(a)**
- F2** Word in reg. 8(1) inserted (1.2.2016) by [The National Health Service \(Charges to Overseas Visitors\) \(Amendment\) Regulations 2015 \(S.I. 2015/2025\)](#), regs. 1(1), **4(2)(b)**
- F3** Words in reg. 8(1) added (1.2.2016) by [The National Health Service \(Charges to Overseas Visitors\) \(Amendment\) Regulations 2015 \(S.I. 2015/2025\)](#), regs. 1(1), **4(2)(c)**
- F4** Words in reg. 8(1) omitted (1.2.2016) by virtue of [The National Health Service \(Charges to Overseas Visitors\) \(Amendment\) Regulations 2015 \(S.I. 2015/2025\)](#), regs. 1(1), **4(3)**
- F5** Words in reg. 8(2)(a) substituted (28.12.2022) by [The National Health Service \(Charges to Overseas Visitors\) \(Amendment\) \(No. 4\) Regulations 2022 \(S.I. 2022/1253\)](#), regs. 1(1), **2(4)**

**Marginal Citations**

- M1** 2003 c. 31.
- M2** Cm 1775. The Convention entered into force in respect of the United Kingdom on 7th January 1989.

**Relevant services exempt from charges**

**9.** No charge may be made or recovered in respect of any of the following relevant services provided to an overseas visitor—

[<sup>F6</sup>(1)] No charge may be made or recovered in respect of any of the following relevant services provided to an overseas visitor—

- (a) accident and emergency services, but not including any services provided—
  - (i) after the overseas visitor has been accepted as an in-patient at a hospital <sup>M3</sup>; or
  - (ii) at an outpatient appointment;

[<sup>F7</sup>(aa) services provided as part of the telephone advice line commissioned by [<sup>F8</sup>an integrated care board] or [<sup>F9</sup>NHS England];]

<sup>F10</sup>(b) .....

- (c) family planning services;
- (d) services provided for the diagnosis and treatment of a condition listed in Schedule 1;
- (e) services provided for the diagnosis and treatment of sexually transmitted infections;
- (f) services provided for the treatment of a condition caused by—
  - (i) torture;
  - (ii) female genital mutilation;
  - (iii) [<sup>F11</sup>domestic abuse]; or
  - (iv) sexual violence,

provided that the overseas visitor has not travelled to the United Kingdom for the purpose of seeking that treatment.

[<sup>F12</sup>(g) palliative care services provided by—

- (i) a company referred to in section 26 of the Companies (Audit, Investigations and Community Enterprise) Act 2004 (community interest companies); or
- (ii) a palliative care charity within the meaning given in section 33D of the Value Added Tax Act 1994 (charities to which section 33C applies);]

[<sup>F13</sup>(2) In a case to which this paragraph applies, a relevant body—

- (a) yet to make charges under regulation 3 (obligation to make and recover charges), must not make the charges;
- (b) that made charges under regulation 3 but has yet to recover the charges, must not recover the charges; or
- (c) that made charges under regulation 3 and received payment in respect of the charges, must repay any sum paid in respect of the charges in accordance with regulation 5 (repayment of a sum recovered or secured by a relevant body).

(3) Paragraph (2) applies in the case of an overseas visitor who, on or after 1st May 2022 but before that paragraph came into force, was provided with services for the diagnosis or treatment of monkeypox.]

#### Textual Amendments

- F6** Reg. 9 renumbered as reg. 9(1) (8.6.2022) by [The National Health Service \(Charges to Overseas Visitors\) \(Amendment\) \(No. 3\) Regulations 2022 \(S.I. 2022/614\)](#), regs. 1(1), **2(2)(a)**
- F7** Reg. 9(aa) inserted (21.8.2017) by [The National Health Service \(Charges to Overseas Visitors\) \(Amendment\) Regulations 2017 \(S.I. 2017/756\)](#), regs. 1(2)(b), **10(a)**
- F8** Words in Regulations substituted (1.7.2022) by [The Health and Care Act 2022 \(Consequential and Related Amendments and Transitional Provisions\) Regulations 2022 \(S.I. 2022/634\)](#), reg. 1(2), **Sch. para. 1**
- F9** Words in Regulations substituted (6.11.2023) by [The Health and Care Act 2022 \(Further Consequential Amendments\) \(No. 2\) Regulations 2023 \(S.I. 2023/1071\)](#), reg. 1(1), **Sch. para. 1**
- F10** Reg. 9(b) omitted (21.8.2017) by virtue of [The National Health Service \(Charges to Overseas Visitors\) \(Amendment\) Regulations 2017 \(S.I. 2017/756\)](#), regs. 1(2)(b), **10(b)**
- F11** Words in reg. 9(1)(f)(iii) substituted (28.12.2022) by [The National Health Service \(Charges to Overseas Visitors\) \(Amendment\) \(No. 4\) Regulations 2022 \(S.I. 2022/1253\)](#), regs. 1(1), **2(4)**
- F12** Reg. 9(g) inserted (23.10.2017) by [The National Health Service \(Charges to Overseas Visitors\) \(Amendment\) Regulations 2017 \(S.I. 2017/756\)](#), regs. 1(2)(a), **10(c)**
- F13** Reg. 9(2)(3) added (8.6.2022) by [The National Health Service \(Charges to Overseas Visitors\) \(Amendment\) \(No. 3\) Regulations 2022 \(S.I. 2022/614\)](#), regs. 1(1), **2(2)(b)**

#### Marginal Citations

- M3** “Hospital” is defined in section 275(1) of the 2006 Act.

**Changes to legislation:**

There are currently no known outstanding effects for the The National Health Service (Charges to Overseas Visitors) Regulations 2015, PART 3.