
STATUTORY INSTRUMENTS

2015 No. 238

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

PART 4

Overseas visitors exempt from charges

Immigration health charge

10.—(1) In this regulation “relevant period” means—

(a) where—

(i) an immigration health charge is payable ^{M1};

(ii) an exemption from paying an immigration health charge applies as a consequence of any exemption provided for in an order made under section 38 (immigration health charge) of the 2014 Act;

(iii) the Secretary of State has exercised discretion to reduce or waive all or part of an immigration health charge in accordance with such an order; ^{F1}...

(iv) the Secretary of State has exercised discretion to refund part ^{F2}... of an immigration health charge paid under such an [^{F3}order; or]

[^{F4}(v) in a case to which paragraph (5) applies, the Secretary of State has exercised discretion to refund all of an immigration health charge paid under such an order.]

the period of leave to enter or remain in the United Kingdom which is granted to the overseas visitor, or has effect on their arrival in the United Kingdom, in respect of the application for entry clearance or leave to remain to which the immigration health charge, exemption, reduction [^{F5}, refund] or waiver relates; and

(b) in a case where the overseas visitor's leave to enter or remain in the United Kingdom is extended by virtue of—

(i) section 3C (continuation of leave pending variation decision) ^{M2}; or

(ii) section 3D (continuation of leave following revocation) ^{M3},

of the 1971 Act, the period in respect of which leave is extended under those sections.

(2) [^{F6}Subject to paragraph (2A),] no charge may be made or recovered under these Regulations in respect of any relevant services provided during the relevant period to an overseas visitor in respect of whom—

(a) an immigration health charge has been paid;

(b) an exemption from paying such an immigration health charge applies, unless paragraph (3) applies;

(c) [^{F7}subject to paragraph (6),] a reduction or waiver from paying such an immigration health charge applies; or

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Changes to legislation: There are currently no known outstanding effects for the The National Health Service (Charges to Overseas Visitors) Regulations 2015, Section 10. (See end of Document for details)

- (d) a refund for part, [^{F8}or in a case to which paragraph (5) applies (but only in that case)] all, of an immigration health charge has been made,

in accordance with an order made under section 38 of the 2014 Act.

[^{F9}(2A) Paragraph (2) does not apply in respect of chargeable assisted conception services.]

(3) [^{F10}Subject to paragraph (4), this] paragraph applies where a person is exempt from payment of an immigration health charge under an order made under section 38 of the 2014 Act by virtue of having made an application—

- (a) for entry clearance where, if granted in accordance with the immigration rules, the entry clearance would have effect on arrival in the United Kingdom as leave to enter for 6 months or less, or where the leave to enter which may be granted pursuant to that entry clearance would be for 6 months or less if granted in accordance with the immigration rules; or

[^{F11}(b) for entry clearance—

- (i) before 6th April 2016, under Part 2 of the immigration rules (visitors to the UK); or
(ii) on or after 6th April 2016, under Appendix V to the immigration rules (immigration rules for visitors).]

[^{F12}(4) Paragraph (3) does not apply where a person is exempt from the payment of an immigration health charge by virtue of Schedule 2, paragraph 1(o) of the Immigration (Health Charge) Order 2015.

(5) No charge may be made to or recovered from a person under these Regulations—

- (a) in respect of any relevant services provided to that person on or after 27th October 2020 and during the relevant period, and
(b) where a full refund of an immigration health charge has been made to, or in respect of, that person on the ground that they are a—
(i) person who is working in the field of health or social care; or
(ii) dependant of a person who is working in the field of health or social care.]

[^{F13}(6) Paragraph (2) does not apply in respect of relevant services that are provided to an overseas visitor —

- (a) who is granted leave to remain in the United Kingdom under Appendix S2 Healthcare Visitor to the immigration rules, and
(b) in respect of whom a waiver to the immigration health charge applies,

where those relevant services are not part of the planned healthcare treatment authorised by that person's S2 healthcare certificate.]

Textual Amendments

- F1** Word in reg. 10(1)(a)(iii) omitted (27.10.2020) by virtue of [The National Health Service \(Charges to Overseas Visitors\) \(Amendment\) \(No.3\) Regulations 2020 \(S.I. 2020/1152\)](#), regs. 1, **2(2)**
- F2** Words in reg. 10(1)(a)(iv) omitted (27.10.2020) by virtue of [The National Health Service \(Charges to Overseas Visitors\) \(Amendment\) \(No.3\) Regulations 2020 \(S.I. 2020/1152\)](#), regs. 1, **2(3)**
- F3** Words in reg. 10(1)(a)(iv) substituted (27.10.2020) by [The National Health Service \(Charges to Overseas Visitors\) \(Amendment\) \(No.3\) Regulations 2020 \(S.I. 2020/1152\)](#), regs. 1, **2(3)**
- F4** Reg. 10(1)(a)(v) inserted (27.10.2020) by [The National Health Service \(Charges to Overseas Visitors\) \(Amendment\) \(No.3\) Regulations 2020 \(S.I. 2020/1152\)](#), regs. 1, **2(4)**
- F5** Word in reg. 10(1)(a) inserted (27.10.2020) by [The National Health Service \(Charges to Overseas Visitors\) \(Amendment\) \(No.3\) Regulations 2020 \(S.I. 2020/1152\)](#), regs. 1, **2(5)**

- F6** Words in reg. 10(2) inserted (21.8.2017) by [The National Health Service \(Charges to Overseas Visitors\) \(Amendment\) Regulations 2017 \(S.I. 2017/756\)](#), regs. 1(2)(b), **12(2)**
- F7** Words in reg. 10(2)(c) inserted (31.12.2020) by [The National Health Service \(Charges to Overseas Visitors\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1423\)](#), regs. 1(2), **5(a)**
- F8** Words in reg. 10(2)(d) substituted (27.10.2020) by [The National Health Service \(Charges to Overseas Visitors\) \(Amendment\) \(No.3\) Regulations 2020 \(S.I. 2020/1152\)](#), regs. 1, **2(6)**
- F9** Reg. 10(2A) inserted (21.8.2017) by [The National Health Service \(Charges to Overseas Visitors\) \(Amendment\) Regulations 2017 \(S.I. 2017/756\)](#), regs. 1(2)(b), **12(3)**
- F10** Words in reg. 10(3) substituted (27.10.2020) by [The National Health Service \(Charges to Overseas Visitors\) \(Amendment\) \(No.3\) Regulations 2020 \(S.I. 2020/1152\)](#), regs. 1, **2(7)**
- F11** Reg. 10(3)(b) substituted (21.8.2017) by [The National Health Service \(Charges to Overseas Visitors\) \(Amendment\) Regulations 2017 \(S.I. 2017/756\)](#), regs. 1(2)(b), **12(4)**
- F12** Reg. 10(4)(5) inserted (27.10.2020) by [The National Health Service \(Charges to Overseas Visitors\) \(Amendment\) \(No.3\) Regulations 2020 \(S.I. 2020/1152\)](#), regs. 1, **2(8)**
- F13** Reg. 10(6) inserted (31.12.2020) by [The National Health Service \(Charges to Overseas Visitors\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1423\)](#), regs. 1(2), **5(b)**

Marginal Citations

- M1** It is anticipated that an order will be made under section 38 of the Immigration Act 2014 to be in force on the 6th April 2015, but if that is not the case then regulations 10, 11 and 25(3) have no practical effect until such time as an order is made.
- M2** 1971 c. 77; section 3C was amended by the [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), section 118; the [Immigration, Asylum and Nationality Act 2006 \(c. 13\)](#), section 11(1) to (4); and the [Immigration Act 2014 \(c. 22\)](#) (the 2014 Act), Schedule 9, paragraphs 20 and 21.
- M3** Section 3D was amended by the [Immigration, Asylum and Nationality Act 2006](#), section 11(5) and the 2014 Act, Schedule 9, paragraphs 20 and 22.

Status:

Point in time view as at 31/12/2020.

Changes to legislation:

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