
STATUTORY INSTRUMENTS

2015 No. 238

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

PART 4

Overseas visitors exempt from charges

Overseas visitors who have made applications for entry clearance or leave to remain prior to the commencement of the immigration health charge

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

- (a) the period of leave to enter or remain in the United Kingdom granted to the overseas visitor in respect of the application for entry clearance or leave to remain to which paragraph (3) (a) refers; 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); or
 - (ii) section 3D (continuation of leave following revocation),of the 1971 Act, the period in respect of which leave is extended under those sections.

(2) In this regulation “relevant date” means the date of coming into force of the first order made under section 38 of the 2014 Act.

(3) [^{F1}Subject to paragraph (3A),] no charge may be made or recovered under these Regulations in respect of any relevant services provided to an overseas visitor during the relevant period who—

- (a) made an application for entry clearance or leave to remain in the United Kingdom before the relevant date and was granted leave to enter or remain in the United Kingdom or entry clearance which has effect on the overseas visitor's arrival in the United Kingdom as leave to enter or remain in the United Kingdom in respect of that application;
- (b) has entered, or remained in, the United Kingdom by virtue of that leave to enter or remain; and
- (c) had that application for entry clearance or leave to remain been made on or after the relevant date, would be—
 - (i) liable to pay an immigration health charge; or
 - (ii) exempt from paying an immigration health charge as a consequence of an exemption provision under an order made under section 38 of the 2014 Act, unless paragraph (4) applies.

[^{F2}(3A) Paragraph (3) does not apply in respect of chargeable assisted conception services.]

(4) This paragraph applies where an overseas visitor—

Changes to legislation: There are currently no known outstanding effects for the The National Health Service (Charges to Overseas Visitors) Regulations 2015, Section 11. (See end of Document for details)

- (a) would be exempt from an immigration health charge under an order made under section 38 of the 2014 Act by virtue of having made an application of a kind described in regulation 10(3)(a) or (b) (immigration health charge); or
- (b) has been granted leave to enter or remain in the United Kingdom outside the immigration rules for 6 months or less.

Textual Amendments

- F1** Words in reg. 11(3) inserted (21.8.2017) by [The National Health Service \(Charges to Overseas Visitors\) \(Amendment\) Regulations 2017 \(S.I. 2017/756\)](#), regs. 1(2)(b), **13(a)**
- F2** Reg. 11(3A) inserted (21.8.2017) by [The National Health Service \(Charges to Overseas Visitors\) \(Amendment\) Regulations 2017 \(S.I. 2017/756\)](#), regs. 1(2)(b), **13(b)**

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