
STATUTORY INSTRUMENTS

2015 No. 238

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

PART 2

Provision for making and recovery of charges

Obligation to make and recover charges

3.—(1) Where the condition specified in paragraph (2) is met, a [^{F1}relevant body] must make and recover charges for any relevant services it provides to an overseas visitor from the person liable under regulation 4 (liability for payment of charges).

[^{F2}(1A) Where the condition specified in paragraph (2) is met, before providing a relevant service in respect of an overseas visitor, a relevant body must secure payment for the estimated amount of charges to be made under paragraph (1) for that relevant service unless doing so would prevent or delay the provision of—

- (a) an immediately necessary service; or
- (b) an urgent service.

(1B) The person from whom payment is to be secured under paragraph (1A) in respect of a relevant service is the person who it appears to the relevant body, at the time that the request for that payment is made, will be the person to whom a charge will be made under paragraph (1) in respect of that relevant service at the time that it is provided.]

(2) The condition is that the [^{F1}relevant body], having made such enquiries as it is satisfied are reasonable in all the circumstances, including in relation to the state of health of that overseas visitor, determines that the case is not one in which these Regulations provide for no charge to be made.

[^{F3}(3) Where more than one relevant body is to provide relevant services to an overseas visitor, each relevant body must secure the advance payment sum in respect of each relevant service that it is to provide.

(3A) Where more than one relevant body provides relevant services to an overseas visitor, each relevant body must make and recover the actual charge in respect of each relevant service that it provides.

(4) A relevant body that makes and recovers a charge in accordance with paragraph (1) or secures payment in accordance with paragraph (1A) must give or send to the person making the payment a receipt for the amount paid.

(4A) In making and recovering an actual charge from a person in respect of a relevant service, a relevant body must—

- (a) deduct any advance payment sum secured by the relevant body from that person in respect of that relevant service; and

- (b) refund any amount by which an advance payment sum secured by the relevant body from that person in respect of that relevant service exceeds the amount of the actual charge that person is liable to pay.]
- (5) Subject to paragraph (6), where—
- (a) a [^{F1}relevant body] has determined that an overseas visitor is exempt from being charged for relevant services under these Regulations, except where the overseas visitor is exempt from being charged by virtue of—
- (i) regulation 10 (immigration health charge);
 - (ii) regulation 11 (overseas visitors who have made applications for entry clearance or leave to remain prior to the commencement of the immigration health charge); ^{F4}...
 - (iii) regulation 25(3) (family members of overseas visitors – children born to a parent exempt under regulation 10 or 11); [^{F5}or]
- [^{F6}(iv) regulation 14 (reciprocal health care agreements);]
- (b) the overseas visitor has received relevant services from a [^{F1}relevant body] as part of a course of treatment; and
- (c) prior to the course of treatment being completed, a [^{F1}relevant body] has determined that the overseas visitor is no longer exempt from being charged for relevant services under these Regulations,

a [^{F1}relevant body] may not make and recover charges under paragraph (1) in respect of relevant services provided as part of that course of treatment during a period where the overseas visitor has remained in the United Kingdom without absence.

(6) Paragraph (5) does not apply where a [^{F1}relevant body] has determined that a person is exempt from being charged for relevant services as a result of that body receiving fraudulent or misleading information.

[^{F7}(7) In this regulation—

“actual charge” means a charge to be made under paragraph (1);

“advance payment sum” means a sum to be secured under paragraph (1A);

“immediately necessary service” means—

- (a) antenatal services provided in respect of a person who is pregnant;
- (b) intrapartum and postnatal services provided in respect of—
 - (i) a person who is pregnant;
 - (ii) a person who has recently given birth; or
 - (iii) a baby; and
- (c) any other relevant service that the treating clinician determines the recipient needs promptly—
 - (i) to save the recipient’s life;
 - (ii) to prevent a condition becoming immediately life-threatening; or
 - (iii) to prevent permanent serious damage to the recipient from occurring;

“urgent service” means a service that the treating clinician determines is not an immediately necessary service but which should not wait until the recipient can be reasonably expected to leave the United Kingdom.]

Textual Amendments

- F1** Words in reg. 3 substituted (23.10.2017) by [The National Health Service \(Charges to Overseas Visitors\) \(Amendment\) Regulations 2017 \(S.I. 2017/756\)](#), regs. 1(2)(a), **3(1)**
- F2** Reg. 3(1A)(1B) inserted (23.10.2017) by [The National Health Service \(Charges to Overseas Visitors\) \(Amendment\) Regulations 2017 \(S.I. 2017/756\)](#), regs. 1(2)(a), **4(2)**
- F3** Reg. 3(3)-(4A) substituted for reg. 3(3)(4) (23.10.2017) by [The National Health Service \(Charges to Overseas Visitors\) \(Amendment\) Regulations 2017 \(S.I. 2017/756\)](#), regs. 1(2)(a), **4(3)**
- F4** Word in reg. 3(5)(a)(ii) omitted (23.10.2017) by virtue of [The National Health Service \(Charges to Overseas Visitors\) \(Amendment\) Regulations 2017 \(S.I. 2017/756\)](#), regs. 1(2)(a), **4(4)(a)**
- F5** Word in reg. 3(5)(a)(iii) inserted (23.10.2017) by [The National Health Service \(Charges to Overseas Visitors\) \(Amendment\) Regulations 2017 \(S.I. 2017/756\)](#), regs. 1(2)(a), **4(4)(b)**
- F6** Reg. 3(5)(a)(iv) inserted (23.10.2017) by [The National Health Service \(Charges to Overseas Visitors\) \(Amendment\) Regulations 2017 \(S.I. 2017/756\)](#), regs. 1(2)(a), **4(4)(c)**
- F7** Reg. 3(7) inserted (23.10.2017) by [The National Health Service \(Charges to Overseas Visitors\) \(Amendment\) Regulations 2017 \(S.I. 2017/756\)](#), regs. 1(2)(a), **4(5)**

Changes to legislation:

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