
STATUTORY INSTRUMENTS

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^{M1} (“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; ^{F1}...
- (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; [^{F2}or]
- (d) [^{F3}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;]

^{F4}

“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)^{M2}.

(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, [^{F5}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.

Changes to legislation:

There are currently no known outstanding effects for the The National Health Service (Charges to Overseas Visitors) Regulations 2015, Section 8.