
STATUTORY INSTRUMENTS

2017 No. 756

The National Health Service (Charges to Overseas Visitors) (Amendment) Regulations 2017

Substitution of regulation 5

7. For regulation 5 of the Principal Regulations (repayment of charges made and recovered by relevant NHS bodies), substitute—

“Repayment of a sum recovered or secured by a relevant body

5.—(1) A claim to a relevant body for repayment of a sum—

- (a) recovered in respect of charges made; or
- (b) secured in respect of an estimated amount of charges to be made,

under these Regulations may be made by the person who paid the sum to the relevant body (“the claimant”).

(2) When making a claim under paragraph (1), the claimant must provide to the relevant body—

- (a) the receipt for payment of the sum or other evidence of the claimant’s having paid the sum;
- (b) a declaration in support of the claim signed by or on behalf of the claimant; and
- (c) such other evidence in support of the declaration as the relevant body may require.

(3) Where a claimant makes a claim under paragraph (1) and the relevant body is satisfied that any sum was paid to it by the claimant in respect of—

- (a) a charge that should not have been made and recovered under these Regulations;
- (b) a relevant service that was not, or will not in the reasonably foreseeable future be, provided by the relevant body;
- (c) an advance payment sum, which was paid by or on behalf of a person who is not liable to pay an actual charge in respect of the relevant service to which the advance payment sum relates; or
- (d) a charge that should not have been recovered as a consequence of regulation 6A(2) (b) (provision relating to victims of female genital mutilation and supported individuals),

the relevant body must repay that sum to the claimant.”.