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## STATUTORY INSTRUMENTS

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# 2019 No. 776

## The Social Security Coordination (Reciprocal Healthcare) (Amendment etc.) (EU Exit) Regulations 2019

### PART 1

#### Preliminary

##### Citation, commencement and extent

1.—(1) These Regulations may be cited as the Social Security Coordination (Reciprocal Healthcare) (Amendment etc.) (EU Exit) Regulations 2019 and come into force on exit day<sup>M1</sup>.

(2) An amendment, repeal or revocation made by these Regulations has the same extent and application as the provision being amended, repealed or revoked.

##### Commencement Information

**II** Reg. 1 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

##### Marginal Citations

**M1** “Exit day” is defined in section 20 of the European Union (Withdrawal) Act 2018.

##### Interpretation

2. In these Regulations—

“Regulation [\(EEC\) No 1408/71](#)” means Council Regulation [\(EEC\) No 1408/71](#) of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community;

“Regulation [\(EEC\) No 574/72](#)” means Council Regulation [\(EEC\) No 574/72](#) of 21 March 1972 fixing the procedure for implementing Regulation [\(EEC\) No 1408/71](#) on the application of social security schemes to employed persons, to self-employed persons and to their families moving within the Community;

“Regulation [\(EC\) No 883/2004](#)” means Regulation [\(EC\) No 883/2004](#) of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems;

“Regulation [\(EC\) No 987/2009](#)” means Regulation [\(EC\) No 987/2009](#) of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation [\(EC\) No 883/2004](#) on the coordination of social security systems.

**Status:** This version of this Instrument contains provisions that are prospective.  
**Changes to legislation:** There are currently no known outstanding effects for the The Social Security Coordination (Reciprocal Healthcare) (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)

#### Commencement Information

- I2** Reg. 2 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

## PART 2

### Amendments of primary legislation

#### The National Health Service Act 2006

- 3.** In the National Health Service Act 2006—
- (a) in section 183 (payment of travelling expenses) <sup>M2</sup>, omit paragraph (a)(iii) and the “or” preceding it;
  - (b) in section 275 (interpretation), omit the definition of “Regulation (EC) No. 883/2004”<sup>M3</sup> so far as it relates to section 183(a)(iii).

#### Commencement Information

- I3** Reg. 3 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

#### Marginal Citations

- M2** [2006 c.41](#); section 183 was amended by paragraph 98 of Schedule 4 to the [Health and Social Care Act 2012 \(c.7\)](#).  
**M3** The definition was inserted by [S.I. 2010/915](#).

#### The National Health Service (Wales) Act 2006

- 4.** In the National Health Service (Wales) Act 2006—
- (a) in section 131 (payment of travelling expenses) <sup>M4</sup>, omit paragraph (a)(iii) and the “or” preceding it;
  - (b) in section 206 (interpretation), omit the definition of “Regulation (EC) No. 883/2004”<sup>M5</sup> so far as it relates to section 131(a)(iii).

#### Commencement Information

- I4** Reg. 4 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

#### Marginal Citations

- M4** [2006 c.42](#); section 131 was amended by [S.I. 2010/915](#); there are other amending instruments but none is relevant.  
**M5** The definition was inserted by [S.I. 2010/915](#).

## PART 3

### Amendments of subordinate legislation

#### **The NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) (Establishment and Constitution) Order 2005**

5.—(1) The NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) (Establishment and Constitution) Order 2005 <sup>M6</sup>, is amended as follows.

(2) In article 1 (interpretation), omit the definition of “the European Health Insurance Card”.

(3) Omit article 3(a)(ii) (functions of the NHS Business Services Authority – the European Health Insurance Card).

#### **Commencement Information**

**I5** Reg. 5 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

#### **Marginal Citations**

**M6** [S.I. 2005/2414](#); relevant amendments were made by [S.I. 2006/632](#).

#### **The Human Tissue Act 2004 (Ethical Approval, Exceptions from Licensing and Supply of Information about Transplants) Regulations 2006**

[<sup>F16</sup> In the Human Tissue Act 2004 (Ethical Approval, Exceptions from Licensing and Supply of Information about Transplants) Regulations 2006, in Schedule 2 (receipt of transplantable material), in paragraph 10, in the text following “case) that—”—

(a) for sub-paragraph (a) (including the “or” at the end) substitute—

“(a) the treatment of the recipient was provided under a listed healthcare arrangement as defined in regulation 1(3) of the Healthcare (European Economic Area and Switzerland Arrangements) (EU Exit) Regulations 2019, or”;

(b) omit sub-paragraph (b).]

#### **Textual Amendments**

**F1** Reg. 6 substituted (31.12.2020 immediately before IP completion day) by [The Reciprocal and Cross-Border Healthcare \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1348\)](#), regs. 1, 3

#### **Commencement Information**

**I6** Reg. 6 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

#### **The National Health Service and Public Health (Functions and Miscellaneous Provisions) Regulations 2013**

7. In the National Health Service and Public Health (Functions and Miscellaneous Provisions) Regulations 2013 <sup>M7</sup>, omit regulations 2 to 8 (exercise of EU functions), so far as not omitted by the National Health Service (Cross-Border Healthcare and Miscellaneous Amendments etc.) (EU Exit) Regulations 2019 <sup>M8</sup>.

*Status: This version of this Instrument contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the The Social Security Coordination (Reciprocal Healthcare) (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)*

#### Commencement Information

**I7** Reg. 7 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

#### Marginal Citations

**M7** [S.I. 2013/261](#); amended by [S.I. 2013/2269](#); there are other amending instruments but none is relevant.

**M8** [S.I. 2019/777](#).

### The National Health Service (General Medical Services Contracts) Regulations 2015

[<sup>F28</sup> In regulation 74F (information relating to overseas visitors) of the National Health Service (General Medical Services Contracts) Regulations 2015—

- (a) for paragraph (1)(b) (but not the words following that paragraph) substitute—
  - “(b) where applicable in the case of a patient, record the fact that the patient is the holder of a document—
    - (i) which is—
      - (aa) a European Health Insurance Card;
      - (bb) an S1 Healthcare Certificate; or
      - (cc) a document which, for the purposes of a listed healthcare arrangement as defined in regulation 1(3) of the Healthcare (European Economic Area and Switzerland Arrangements) (EU Exit) Regulations 2019, is treated as equivalent to a document referred to in sub-paragraph (aa) (“EHIC equivalent document”) or (bb) (“S1 equivalent document”); and
    - (ii) which has not been issued to or in respect of the patient by the United Kingdom,”;
- (b) in paragraph (2)(a)—
  - (i) after “European Health Insurance Card” insert “or EHIC equivalent document”;
  - (ii) after “that card” insert “or document”;
- (c) in paragraph (4)—
  - (i) after “S1 Healthcare Certificate” insert “or S1 equivalent document”;
  - (ii) after the remaining references to “certificate” (in both places), insert “or document”.]

#### Textual Amendments

**F2** Reg. 8 substituted (31.12.2020 immediately before IP completion day) by [The Reciprocal and Cross-Border Healthcare \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1348\)](#), [regs. 1, 4](#)

#### Commencement Information

**I8** Reg. 8 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

## The National Health Service (Personal Medical Services Agreements) Regulations 2015

[<sup>F39</sup> In regulation 67F (information relating to overseas visitors) of the National Health Service (Personal Medical Services Agreements) Regulations 2015—

- (a) for paragraph (1)(b) (but not the words following that paragraph) substitute—
  - “(b) where applicable in the case of a patient, record the fact that the patient is the holder of a document—
    - (i) which is—
      - (aa) a European Health Insurance Card;
      - (bb) an S1 Healthcare Certificate; or
      - (cc) a document which, for the purposes of a listed healthcare arrangement as defined in regulation 1(3) of the Healthcare (European Economic Area and Switzerland Arrangements) (EU Exit) Regulations 2019, is treated as equivalent to a document referred to in sub-paragraph (aa) (“EHIC equivalent document”) or (bb) (“S1 equivalent document”); and
    - (ii) which has not been issued to or in respect of the patient by the United Kingdom,”;
- (b) in paragraph (2)(a)—
  - (i) after “European Health Insurance Card” insert “or EHIC equivalent document”;
  - (ii) after “that card” insert “or document”;
- (c) in paragraph (4)—
  - (i) after “S1 Healthcare Certificate” insert “or S1 equivalent document”;
  - (ii) after the remaining references to “certificate” (in both places), insert “or document”.]

### Textual Amendments

**F3** Reg. 9 substituted (31.12.2020 immediately before IP completion day) by [The Reciprocal and Cross-Border Healthcare \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1348\)](#), regs. 1, 5

### Commencement Information

**I9** Reg. 9 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

## The Social Security Coordination (Regulation (EC) No 883/2004, EEA Agreement and Swiss Agreement) (Amendment) (EU Exit) Regulations 2019

<sup>F4</sup>10. ....

### Textual Amendments

**F4** Reg. 10 omitted (31.12.2020) by virtue of [The Social Security Co-ordination \(Revocation of Retained Direct EU Legislation and Related Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1508\)](#), reg. 1(3), [Sch. para. 5\(a\)](#)

*Status: This version of this Instrument contains provisions that are prospective.*  
*Changes to legislation: There are currently no known outstanding effects for the The Social Security Coordination (Reciprocal Healthcare) (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)*

## <sup>F5</sup> PART 4

### Rights etc deriving from the Treaties

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#### Textual Amendments

- F5** Pt. 4 omitted (1.3.2024) by virtue of The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Provision) Regulations 2024 (S.I. 2024/80), reg. 1(2), **Sch. para. 12**

## PART 5

### Amendment of EU Regulations

#### Regulation (EC) No 883/2004

- 12.** Regulation (EC) No 883/2004 is amended as set out in Schedule 1.

#### Commencement Information

- I10** Reg. 12 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(1)

#### Regulation (EC) No 987/2009

- 13.** Regulation (EC) No 987/2009 is amended as set out in Schedule 2.

#### Commencement Information

- I11** Reg. 13 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(1)

#### Regulation (EEC) No 1408/71

- 14.** Regulation (EEC) No 1408/71 is amended as set out in Schedule 3.

#### Commencement Information

- I12** Reg. 14 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(1)

#### Regulation (EEC) No 574/72

- 15.** Regulation (EEC) No 574/72 is amended as set out in Schedule 4.

*Status: This version of this Instrument contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the The Social Security Coordination (Reciprocal Healthcare) (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)*

**Commencement Information**

**I13** Reg. 15 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(1)**

## PART 6

### Amendment of the EEA agreement

#### Amendment of the EEA agreement

**16.** In the Agreement on the European Economic Area signed at Oporto on 2 May 1992, so far as it forms part of domestic law by virtue of section 3(2)(b) of the European Union (Withdrawal) Act 2018, in Annex 6, in Part 1 (general social security coordination), in paragraph 1 (provision relating to Regulation (EC) No 883/2004)—

- (a) omit point (e) (modification of Annex 3);
- (b) omit point (f) (modification of Annex 4);
- (c) omit point (l) (modification of Annex 11) <sup>F6</sup>....

**Textual Amendments**

**F6** Words in reg. 16(c) omitted (31.12.2020) by virtue of [The Social Security Co-ordination \(Revocation of Retained Direct EU Legislation and Related Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1508\)](#), **reg. 1(3)**, **Sch. para. 5(b)**

**Commencement Information**

**I14** Reg. 16 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(1)**

## PART 7

### Savings and transitional provision

PROSPECTIVE

#### Savings and transitional provision

<sup>F7</sup>**17.** .....

**Textual Amendments**

**F7** Reg. 17 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Reciprocal and Cross-Border Healthcare \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1348\)](#), **regs. 1, 6**

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**Status:** *This version of this Instrument contains provisions that are prospective.*

**Changes to legislation:** *There are currently no known outstanding effects for the The Social Security Coordination (Reciprocal Healthcare) (Amendment etc.) (EU Exit) Regulations 2019. (See end of Document for details)*

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Signed by authority of the Secretary of State for Health and Social Care.

Department for Health and Social Care

*Stephen Hammond*  
Minister of State,



**Status:**

This version of this Instrument contains provisions that are prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the The Social Security Coordination (Reciprocal Healthcare) (Amendment etc.) (EU Exit) Regulations 2019.