

2020 No. 1152

NATIONAL HEALTH SERVICE, ENGLAND

**The National Health Service (Charges to Overseas Visitors)
(Amendment) (No.3) Regulations 2020**

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| <i>Made</i> - - - - | <i>21st October 2020</i> |
| <i>Laid before Parliament</i> | <i>22nd October 2020</i> |
| <i>Coming into force</i> - - | <i>27th October 2020</i> |

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 175 and 272(7) of the National Health Service Act 2006(a).

Citation and Commencement

1. These Regulations may be cited as the National Health Service (Charges to Overseas Visitors) (Amendment) (No.3) Regulations 2020 and come into force on 27th October 2020.

Amendment of the National Health Service (Charges to Overseas Visitors) Regulations 2015

2.—(1) Regulation 10 (immigration health charge) of the National Health Service (Charges to Overseas Visitors) Regulations 2015(b) is amended as follows.

(2) In paragraph (1)(a)(iii) at the end delete “or”.

(3) In paragraph (1)(a)(iv) delete “, but not all” and for “order,” substitute “order; or”.

(4) After paragraph (1)(a)(iv) insert—

“(v) in a case to which paragraph (5) applies, the Secretary of State has exercised discretion to refund all of an immigration health charge paid under such an order,”.

(5) In the full-out to paragraph (1)(a) after “reduction” insert “, refund”.

(6) In paragraph (2)(d) for “but not” substitute “or in a case to which paragraph (5) applies (but only in that case)”.

(7) In paragraph (3) for “This” substitute “Subject to paragraph (4), this”.

(8) After paragraph (3) insert—

“(4) Paragraph (3) does not apply where a person is exempt from the payment of an immigration health charge by virtue of Schedule 2, paragraph 1(o) of the Immigration (Health Charge) Order 2015(c).

(5) No charge may be made to or recovered from a person under these Regulations—

(a) 2006 c.41. By virtue of section 271(1) of the National Health Service Act 2006, the powers of the Secretary of State exercised in making these Regulations are exercisable only in relation to England.

(b) S.I. 2015/238. Regulation 10 was amended by S.I. 2017/756 in ways which are not relevant to these Regulations.

(c) S.I. 2015/792. Schedule 2, paragraph 1(o) was inserted by paragraph 2(3)(a) of S.I. 2020/1086.

- (a) in respect of any relevant services provided to that person on or after 27th October 2020 and during the relevant period, and
- (b) where a full refund of an immigration health charge has been made to, or in respect of, that person on the ground that they are a—
 - (i) person who is working in the field of health or social care; or
 - (ii) dependant of a person who is working in the field of health or social care.”.

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

21st October 2020

Edward Argar
Minister of State,
Department of Health and Social Care

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend regulation 10 of the National Health Service (Charges to Overseas Visitors) Regulations 2015 (S.I. 2015/238) (“the Principle Regulations”). The Principle Regulations provide for the making and recovery of charges for certain services under the National Health Service Act 2006 to certain persons not ordinarily resident in the United Kingdom.

The Immigration (Health Charge) Order 2015 (S.I. 2015/792) requires certain persons who apply for entry clearance for a limited period, or for limited leave to remain, to pay an immigration health charge in respect of such application.

Regulation 10 (immigration health charge) of the Principle Regulations, amongst other things, exempts a person who has paid the immigration health charge from charges for relevant services during the relevant period, except where they have been fully refunded the immigration health charge they have paid. These Regulations amend regulation 10 so that when a person (“P”), receives a full refund of any immigration health charge paid by them because they are employed in a health or social care setting (“a full refund”) they will not, because of this full refund, then become chargeable under the Principle Regulations. This will apply in respect of relevant health services received by them from the date these Regulations come into force until the end of the relevant period.

These Regulations also ensure that when a dependant of P receives a full refund they also will not be charged for relevant services received by them during this period.

These Regulations also amend paragraph (3) of regulation 10 and insert new paragraph (4) so that if a person is exempt from paying the immigration health charge by virtue of having applied for entry clearance for a period of 6 months or less; and in addition to this is exempt by virtue of having applied for entry clearance under Schedule 2, paragraph 1(o) of the Immigration (Health Charge) Order 2015 (the health and social care visa), they will not be chargeable under the Principle Regulations.

A full impact assessment has not been produced for this instrument as no, or no significant impact on the private, voluntary or public sectors is foreseen.

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