
STATUTORY INSTRUMENTS

2020 No. 1423

The National Health Service (Charges to Overseas Visitors) (Amendment) (EU Exit) Regulations 2020

PART 2

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

Substitution of regulation 13

7. For regulation 13 substitute—

“Overseas visitors with a United Kingdom issued S1 healthcare certificate or equivalent document

13. No charge may be made or recovered in respect of any relevant services provided to an overseas visitor who—

- (a) was ordinarily resident in an EEA state or Switzerland immediately before IP completion day,
- (b) continues to be ordinarily resident in an EEA state or Switzerland on and after IP completion day,
- (c) receives a state pension paid by the United Kingdom Government, and
- (d) holds an S1 healthcare certificate, or an equivalent document, issued to or in respect of that person by a competent institution of the United Kingdom.

Persons who make late applications under Appendix EU to the immigration rules

13A.—(1) Subject to paragraph (4), no charge may be made or recovered in respect of relevant services provided to an overseas visitor to whom paragraph (2) or (3) applies during the period which begins with the date on which the application mentioned in paragraph (2) (b) or (3)(b), as the case may be, is made and which ends with the date on which that application is finally determined under Appendix EU to the immigration rules.

(2) This paragraph applies to a person who is an overseas visitor by virtue of section 39 of the 2014 Act who—

- (a) is eligible to apply for leave to enter or remain in the United Kingdom under Appendix EU to the immigration rules, and
- (b) makes a valid application for leave to enter or remain in the United Kingdom under that Appendix to those rules after the application deadline.

(3) This paragraph applies to a person who is an overseas visitor by virtue of section 39 of the 2014 Act who—

- (a) was granted limited leave to enter or remain in the United Kingdom under Appendix EU to the immigration rules, and
 - (b) after the expiry of that limited leave to enter or remain, makes a valid application for indefinite leave to enter or remain in the United Kingdom under Appendix EU to the immigration rules.
- (4) Where it is determined under Appendix EU to the immigration rules not to grant leave to enter or remain in the United Kingdom to a person pursuant to an application mentioned in paragraph (2)(b) or (3)(b), as the case may be, a relevant body must make and recover charges for any relevant services provided to that person during the period specified in paragraph (1).
- (5) Where a person is granted leave to enter or remain in the United Kingdom pursuant to an application mentioned in paragraph (2)(b) or (3)(b)—
- (a) if the relevant body has made charges for relevant services provided during the period specified in paragraph (1), it must not recover those charges;
 - (b) if the relevant body has made and recovered charges for relevant services provided during the period specified in paragraph (1), it must repay any sum paid in respect of those charges in accordance with regulation 5.
- (6) In paragraph (2), “application deadline” has the meaning given in regulation 2 of the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020(1).”.