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STATUTORY INSTRUMENTS

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**2022 No. 1253**

**The National Health Service (Charges to Overseas Visitors) (Amendment) (No. 4) Regulations 2022**

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

**2.—**(1) The National Health Service (Charges to Overseas Visitors) Regulations 2015(1) are amended as follows.

(2) In regulation 2 (interpretation)—

(a) after the definition of “competent institution”(2) insert—

““domestic abuse” has the meaning given in Part 1 of the Domestic Abuse Act 2021(3);

(b) after the definition of “equivalent document”(4) insert—

““healthcare” means all forms of healthcare provided for individuals, whether relating to mental or physical health, and includes related ancillary care;

“healthcare agreement” means an agreement or other commitment between the United Kingdom and either a country or territory outside the United Kingdom or an international organisation, concerning healthcare provided anywhere in the world;”;

(c) after the definition of “immigration rules” insert—

““international organisation” means an organisation of which—

(a) two or more sovereign powers are members; or

(b) the governments of two or more sovereign powers are members;”;

(d) omit the definition of “reciprocal agreement”.

(3) In regulation 6(5) (provision relating to recovery of charges in respect of refugees and victims of modern slavery)—

(a) in paragraph (1)(b)(i), omit the words in brackets after “refugees”;

(b) after paragraph (1) insert—

“(1A) This paragraph applies to an overseas visitor(6) who—

(a) received relevant services(7) from a relevant body(8);

(b) subsequent to receiving the relevant services, has become an overseas visitor who is exempt from charges under—

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(1) [S.I. 2015/238](#) (“the 2015 Regulations”), amended by [S.I. 2015/2025](#), [2017/756](#), [2020/1423](#) and [2022/614](#); there are other amending instruments but none is relevant.

(2) The definition of “competent institution” was inserted by [S.I. 2020/1423](#).

(3) [2021 c.17](#).

(4) The definition of “equivalent document” was inserted by [S.I. 2020/1423](#).

(5) Regulation 6 was substituted by [S.I. 2015/2025](#) and amended by [S.I. 2017/756](#).

(6) See regulation 2 of the 2015 Regulations for the definition of “overseas visitor”.

(7) See regulation 2 of the 2015 Regulations for the definition of “relevant services”.

(8) See regulation 2 of the 2015 Regulations for the definition of “relevant body”.

- (i) regulation 15(aa)(9) (dependants of refugees); or
- (ii) regulation 25(1A)(10) (family members of victims of modern slavery);  
and
- (c) at the time that the overseas visitor received the relevant services—
  - (i) where paragraph (1A)(b)(i) applies—
    - (aa) that visitor was a dependant of another overseas visitor (“the principal overseas visitor”); and
    - (bb) the principal overseas visitor was in the United Kingdom for the purpose of making an application to be granted temporary protection, asylum or humanitarian protection under the immigration rules, but had not made that application; or
  - (ii) where paragraph (1A)(b)(ii) applies—
    - (aa) that visitor was a family member of another overseas visitor (“the principal overseas visitor”); and
    - (bb) the principal overseas visitor was a person to whom regulation 16(11) (victims of modern slavery) applies but had not yet been identified as such.”;
- (c) in paragraphs (2) and (3), after “paragraph (1)” insert “or (1A)”.
- (4) In regulations 8(2)(a)(12) (interpretation of Part 3) and 9(1)(f)(iii)(13) (relevant services exempt from charges), for “domestic violence” substitute “domestic abuse”.
- (5) For regulation 14 (reciprocal health care agreements), including its heading, substitute—

**“Healthcare agreements**

**14.** No charge may be made or recovered in respect of any relevant services provided to an overseas visitor under a healthcare agreement with a country, territory or international organisation specified in Schedule 2.”.

- (6) For regulation 15(aa) substitute—
  - “(aa) is a dependant of a person described in paragraph (a) (“the principal overseas visitor”) and—
    - (i) has leave to enter or remain in the United Kingdom as the dependant of the principal overseas visitor; or
    - (ii) is born in the United Kingdom to the principal overseas visitor.”.
- (7) In regulation 25(14) (family members of overseas visitors)—
  - (a) after paragraph (1) insert—
    - “(1A) No charge may be made or recovered in respect of any relevant services provided to an overseas visitor who is a member of the family of another overseas visitor (“the principal overseas visitor”) if the principal overseas visitor is exempt from charges under regulation 16 (victims of modern slavery).”;
  - (b) omit paragraph (2)(a).

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(9) Regulation 15(aa) was inserted by [S.I. 2017/756](#).  
 (10) Regulation 25(1A) is inserted by these Regulations.  
 (11) Regulation 16 was substituted by [S.I. 2015/2025](#).  
 (12) There are amendments to regulation 8 but none is relevant.  
 (13) Regulation 9 was renumbered by [S.I. 2022/614](#).  
 (14) There are amendments to regulation 25 but none is relevant.

- (8) In Schedule 2(**15**) (healthcare agreements)(**16**)—
- (a) for the heading “Reciprocal agreements” substitute “Healthcare agreements”;
  - (b) after “Australia” insert “Bailiwick of Guernsey”;
  - (c) after “Gibraltar” insert “Iceland”;
  - (d) after “Kosovo” insert “Liechtenstein” and “Malta”.

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**(15)** Schedule 2 was amended by [S.I. 2015/2025](#) and [2020/1659](#); there are other amending instruments but none is relevant.

**(16)** The title of Schedule 2 is amended by these Regulations.