
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (Charges to Overseas Visitors) Regulations 1989 (S.I. 1989/306) (“the principal Regulations”), which provide for the making and recovery of charges for relevant services provided under the National Health Service (Wales) Act 2006 (c. 42) to certain persons not ordinarily resident in the United Kingdom.

Regulation 3 amends regulation 1 of the principal Regulations to insert definitions of “the 1971 Act” and “immigration health charge”. It also amends the existing definition of “relevant services” to refer to “general”, rather than “primary” ophthalmic services.

Regulation 4 amends regulation 4 of the principal Regulations to omit the exemption in respect of persons granted leave to remain in the United Kingdom under Appendix S2 Health Visitor to the immigration rules, and in respect of whom a waiver to the immigration health charge applies. This is as a consequence of the equivalent provision being included in the new regulation 4F. The requirement on overseas visitors to pay for relevant services that do not form part of the planned healthcare treatment authorised by that person’s S2 healthcare certificate remains.

Regulation 5 inserts new regulations 4F, 4G and 4H into the principal Regulations. The new regulation 4F provides an exemption from charges for an overseas visitor who has paid or is exempt from paying an immigration health charge, subject to specified exemptions. The exemption applies for the “relevant period” which is the period for which leave to enter or remain in the United Kingdom is granted to the overseas visitor. The new regulation 4G provides an exemption from charges for those overseas visitors who applied for leave to enter or remain in the United Kingdom prior to 6 April 2015 when the Immigration (Health Charge) Order 2015 (S.I. 2015/792) came into force and who, consequently, will not have had an opportunity to pay the immigration health charge until they next apply for leave to enter or remain in the United Kingdom.

The new regulation 4H provides an exemption from charges for a child who is born to a parent who is exempt from charges under regulation 4F (immigration health charge) or regulation 4G (overseas visitors who have made applications for entry clearance or leave to remain prior to the commencement of the immigration health charge). The exemption applies while the child is less than three months of age provided they have not left the United Kingdom since birth. The exemption ensures that a child born in these circumstances does not attract charges before the child’s parents have had an opportunity to regularise the child’s immigration status and apply for leave for their child to remain in the United Kingdom and pay the immigration health charge, if applicable.

Regulation 6 amends the reference to “Wuhan novel coronavirus (2019-nCoV)” in Schedule 1 to the principal Regulations to the current confirmed name for the Coronavirus, which is “Severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2)”.

Regulation 7 inserts Switzerland into, and removes Sweden and Liechtenstein from, the list of countries or territories with whom the United Kingdom Government has entered into a reciprocal agreement in Schedule 2 to the principal Regulations. Sweden is covered by the Social Security Co-ordination Protocol provisions of the UK Trade and Co-operation Agreement and does not need to be separately listed.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be

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