



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2023 Rhif 85 (Cy. 15)

2023 No. 85 (W. 15)

**Y GWASANAETH IECHYD
GWLADOL, CYMRU**

**NATIONAL HEALTH
SERVICE, WALES**

**Rheoliadau'r Gwasanaeth Iechyd
Gwladol (Ffioedd Ymwelwyr
Tramor) (Diwygio) (Cymru) 2023**

**The National Health Service
(Charges to Overseas Visitors)
(Amendment) (Wales) Regulations
2023**

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

Mae'r Rheoliadau hyn yn diwygio Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd Ymwelwyr Tramor) 1989 (O.S. 1989/306) ("y Prif Reoliadau"), sy'n darparu ar gyfer codi ac adennill ffioedd am wasanaethau perthnasol a ddarperir o dan Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 (p. 42) i ymwelwyr tramor.

Mae rheoliad 2 yn diwygio rheoliad 4D o'r Prif Reoliadau, sy'n ymwneud â ffioedd ar gyfer darparu gwasanaethau gofal iechyd i unigolion sydd wedi gwneud cais hwyr am ganiatâd i ddod i mewn i'r Deyrnas Unedig neu i aros ynddi o dan y Cynllun Preswyllo'n Sefydlog i Ddinasyddion yr Undeb Ewropeaidd ("y Cynllun"). Mae'r diwygiadau yn darparu na chaniateir codi ffi ar unigolion sydd wedi gwneud cais o'r fath, ond na roddwyd statws preswlydd cyn-sefydlog neu statws preswlydd sefydlog iddynt o dan y Cynllun hwnnw, am wasanaethau gofal iechyd perthnasol a ddarperir iddynt wrth i'w cais gael ei ystyried, ac o ran unrhyw ffioedd am y gwasanaethau hynny—

- os ydynt eisoes wedi eu codi, na chaniateir eu hadennill,
- os ydynt eisoes wedi eu talu, fod rhaid eu hadalu.

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 overseas visitors.

Regulation 2 amends regulation 4D of the Principal Regulations, which is concerned with charges for the provision of healthcare services to individuals who have made a late application for leave to enter or remain in the United Kingdom under the European Union Settlement Scheme ("EUSS"). The amendments provide that individuals who have made such an application, but have not been granted EUSS pre-settled or settled status, must not be charged for relevant healthcare services provided to them whilst their application is under consideration, and that any charges for such services—

- if already made, must not be recovered,
- if already paid, must be repaid.

Ystyriwyd cod ymarfer Gweinidogion Cymru ar gynnal asesiadau effaith rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth: Yr Adran Iechyd a Gwasanaethau Cymdeithasol, Llywodraeth Cymru, Parc Cathays, Caerdydd CF10 3NQ.

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 obtained from the Department of Health and Social Services, Welsh Government, Cathays Park, Cardiff CF10 3NQ.

2023 Rhif 85 (Cy. 15)

**Y GWASANAETH IECHYD
GWLADOL, CYMRU**

Rheoliadau'r Gwasanaeth Iechyd
Gwladol (Ffioedd Ymwelwyr
Tramor) (Diwygio) (Cymru) 2023

Gwnaed 29 Ionawr 2023
Gosodwyd gerbron Senedd
Cymru 31 Ionawr 2023
Yn dod i rym 1 Chwefror 2023

Mae Gweinidogion Cymru yn gwneud y Rheoliadau hyn drwy arfer y pwerau a roddir gan adrannau 124 a 203(9) a (10) o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006(1).

Enwi, cychwyn a dehongli

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd Ymwelwyr Tramor) (Diwygio) (Cymru) 2023.

(2) Daw'r Rheoliadau hyn i rym ar 1 Chwefror 2023.

(3) Yn y Rheoliadau hyn, ystyr "y Prif Rheoliadau" yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd Ymwelwyr Tramor) 1989(2).

2023 No. 85 (W. 15)

**NATIONAL HEALTH
SERVICE, WALES**

The National Health Service
(Charges to Overseas Visitors)
(Amendment) (Wales) Regulations
2023

Made 29 January 2023
Laid before Senedd Cymru 31 January 2023
Coming into force 1 February 2023

The Welsh Ministers make these Regulations in exercise of the powers conferred by sections 124 and 203(9) and (10) of the National Health Service (Wales) Act 2006(1).

Title, commencement and interpretation

1.—(1) The title of these Regulations is the National Health Service (Charges to Overseas Visitors) (Amendment) (Wales) Regulations 2023.

(2) These Regulations come into force on 1 February 2023.

(3) In these Regulations, "the Principal Regulations" means the National Health Service (Charges to Overseas Visitors) Regulations 1989(2).

(1) 2006 p. 42.

(2) O.S. 1989/306, a ddiwygiwyd gan O.S. 1991/438; O.S. 1994/1535; O.S. 2004/614; O.S. 2004/696; O.S. 2004/1433 (Cy. 146); O.S. 2008/2364 (Cy. 203); O.S. 2009/1175 (Cy. 102); O.S. 2009/1512 (Cy. 148); O.S. 2009/1824 (Cy. 165); O.S. 2009/3005 (Cy. 264); O.S. 2010/730 (Cy. 71); O.S. 2010/927 (Cy. 94); O.S. 2011/1043; O.S. 2011/2906 (Cy. 310); O.S. 2012/1809; O.S. 2014/1622 (Cy. 166); O.S. 2020/113 (Cy. 20); O.S. 2020/1607 (Cy. 334); O.S. 2021/221 (Cy. 55); O.S. 2022/89 (Cy. 30); O.S. 2022/402 (Cy. 99); O.S. 2022/715 (Cy. 158); O.S. 2022/1207 (Cy. 249); mae offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol i'r Rheoliadau hyn.

(1) 2006 c. 42.

(2) S.I. 1989/306, amended by S.I. 1991/438; S.I. 1994/1535; S.I. 2004/614; S.I. 2004/696; S.I. 2004/1433 (W. 146); S.I. 2008/2364 (W. 203); S.I. 2009/1175 (W. 102); S.I. 2009/1512 (W. 148); S.I. 2009/1824 (W. 165); S.I. 2009/3005 (W. 264); S.I. 2010/730 (W. 71); S.I. 2010/927 (W. 94); S.I. 2011/1043; S.I. 2011/2906 (W. 310); S.I. 2012/1809; S.I. 2014/1622 (W. 166); S.I. 2020/113 (W. 20); S.I. 2020/1607 (W. 334); S.I. 2021/221 (W. 55); S.I. 2022/89 (W. 30); S.I. 2022/402 (W. 99); S.I. 2022/715 (W. 158); S.I. 2022/1207 (W. 249); there are other amending instruments but none are relevant to these Regulations.

Diwygio'r Prif Reoliadau

2.—(1) Mae'r Prif Reoliadau wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 4D (personau sy'n gwneud ceisiadau hwyr o dan Atodiad EU i'r rheolau mewnfudo)—

- (a) ym mharagraff (1), yn lle “Subject to paragraph (4), no” rhodder “No”;
- (b) hepgorer paragraff (4);
- (c) yn lle paragraff (5) rhodder—

“(5) Where a person has made an application mentioned in paragraph (2)(b) or (3)(b) and has received relevant services during the period specified in paragraph (1), if the Local Health Board or NHS trust—

- (a) has made charges for relevant services received during that period, but has not yet recovered them, it must not recover those charges;
- (b) has made and recovered charges for relevant services received during that period, it must repay any sum paid in respect of those charges.”.

Amendment of the Principal Regulations

2.—(1) The Principal Regulations are amended as follows.

(2) In regulation 4D (persons who make late applications under Appendix EU to the immigration rules)—

- (a) in paragraph (1), for “Subject to paragraph (4), no” substitute “No”;
- (b) omit paragraph (4);
- (c) for paragraph (5) substitute—

“(5) Where a person has made an application mentioned in paragraph (2)(b) or (3)(b) and has received relevant services during the period specified in paragraph (1), if the Local Health Board or NHS trust—

- (a) has made charges for relevant services received during that period, but has not yet recovered them, it must not recover those charges;
- (b) has made and recovered charges for relevant services received during that period, it must repay any sum paid in respect of those charges.”.

Ehuned Morgan

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol,
un o Weiniogion Cymru
29 Ionawr 2023

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Argraffwyd a chyhoeddwyd yn y DU gan Y Llyfrfa Cyf dan awdurdod a goruchwyliaeth Jeff James, Rheolwr Llyfrfa Ei Fawrhydi ac Argraffydd Deddfau Senedd y Brenin.

Minister for Health and Social Services, one of the
Welsh Ministers
29 January 2023

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£4.90

<http://www.legislation.gov.uk/id/wsi/2023/85>

ISBN 978-0-348-39415-3



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