STATUTORY INSTRUMENTS

2022 No. 318

NATIONAL HEALTH SERVICE, ENGLAND

The National Health Service (Charges to Overseas Visitors) (Amendment) (No. 2) Regulations 2022

Made - - - -	*at 10.20 a.m. on 17th March 2022*
Laid before Parliament	*at 1.30 p.m. on 17th March 2022*
Coming into force - -	*at 5.00 p.m. on 17th March 2022*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 175 and 272(7) and (8) of the National Health Service Act 2006(**a**).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the National Health Service (Charges to Overseas Visitors) (Amendment) (No. 2) Regulations 2022.

(2) These Regulations come into force at 5.00 p.m. on 17th March 2022.

(3) These Regulations extend to England and Wales.

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

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

(2) In regulation 2 (interpretation), in the definition of "authorised companion"—

(a) the words from "obtaining a course of treatment" to the end become paragraph (a) of that definition;

(b) after that paragraph insert—

"or

(b) ordinarily resident in Ukraine and is obtaining a course of treatment;".

(3) After regulation 22 (war pensioners and armed forces compensation scheme payment recipients), insert—

(**a**) 2006 c. 41. By virtue of section 271(1) the powers of the Secretary of State exercised in making these Regulations are exercisable only in relation to England. See section 275(1) for the definitions of "prescribed" and "regulations".

(**b**) S.I. 2015/238, amended by S.I. 2017/756; there are other amending instruments which are not relevant.

"Overseas visitors from Ukraine

22A.—(1) No charge may be made or recovered in respect of any relevant services(**a**) provided to an overseas visitor(**b**) who—

(a) is lawfully present in the United Kingdom; and

(b) is ordinarily resident in Ukraine.

(2) This paragraph applies to an overseas visitor who, during the relevant period—

(a) received relevant services from a relevant body(**c**) and who is exempt from charges for those services by virtue of—

(i) paragraph (1);

(ii) regulation 25(2)(d) (family members of overseas visitors); or

(iii) regulation 25(3)(a)(iii) (child aged 3 months or less born to a parent lawfully present in the United Kingdom and ordinarily resident in Ukraine); or

(b) received relevant services consisting of treatment the need for which arose during the visit(**d**) from a relevant body and who is exempt from charges for those services by virtue of being—

(i) an authorised companion(**e**); or

(ii) an authorised child(**f**)

who has been granted leave to enter the United Kingdom to accompany a person who is exempt from charges under paragraph (1).

(3) An overseas visitor to whom paragraph (2) applies is to be treated for the purposes of these Regulations as if, at the time that the relevant services were provided, the overseas visitor was an overseas visitor in respect of whom no charge may be made or recovered for those relevant services.

(4) A relevant body which, in respect of an overseas visitor to whom paragraph (2) applies, has—

(a) yet to make charges under regulation 3 (obligation to make and recover charges), must not make the charges;

(b) made charges under regulation 3 but has yet to recover the charges, must not recover the charges; or

(c) made charges under regulation 3 and received payment in respect of the charges, must repay any sum paid in respect of the charges in accordance with regulation 5 (repayment of a sum recovered or secured by a relevant body).

(5) Paragraphs (1) to (3) do not apply in respect of chargeable assisted conception services(**g**).

(6) In this regulation "the relevant period" means the period from 24th February 2022 to the coming into force of these Regulations.".

(4) In regulation 25 (family members of overseas visitors)—

(a) in paragraph (2), after sub-paragraph (c) insert—

"(d) subject to paragraph (2A), regulation 22A(1) (overseas visitors from Ukraine).";

(**a**) "Relevant services" is defined in regulation 2 of the National Health Service (Charges to Overseas Visitors) Regulations 2015 ("the 2015 Regulations").
(**b**) "Overseas visitor" is defined in regulation 2 of the 2015 Regulations.
(**c**) "Relevant body" is defined in regulation 2 of the 2015 Regulations.
(**d**) "Treatment the need for which arose during the visit" is defined in regulation 2 of the 2015 Regulations.
(**e**) "Authorised companion" is defined in regulation 2 of the 2015 Regulations and is amended by regulation 2(2) of these Regulations.
(**f**) "Authorised child" is defined in regulation 2 of the 2015 Regulations.
(**g**) "Chargeable assisted conception services" is defined in regulation 9A of the 2015 Regulations.

(b) after paragraph (2) insert—

"(2A) Paragraph (2)(d) does not apply in respect of chargeable assisted conception services.";

(c) in paragraph (3)(a)—

(i) after paragraph (i) omit "or";

(ii) after paragraph (ii) insert—

"or

(iii) regulation 22A(1) (overseas visitors from Ukraine);".

Review

3. Before 17th September 2022, the Secretary of State must carry out a review of the amendments made by these Regulations.

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

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

At 10.20 a.m. on 17th March 2022

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (Charges to Overseas Visitors) Regulations 2015 (S.I. 2015/238, "the 2015 Regulations") which provide for the making and recovery of charges for relevant services provided under the National Health Service Act 2006 (c. 41) to overseas visitors, that is persons not ordinarily resident in the United Kingdom.

Regulation 2 amends the 2015 Regulations to provide exemptions from charging in relation to overseas visitors who are lawfully present in the United Kingdom but are ordinarily resident in Ukraine, as well as exemptions for their family members, authorised companions (the definition for which is amended by regulation 2(2) to include persons accompanying overseas visitors from Ukraine who are receiving a course of treatment) and authorised children. The exemptions from charging do not apply to chargeable assisted conception services.

Regulation 2 also provides that charges incurred since 24th February 2022 until the coming into force of these Regulations in respect of such overseas visitors should: if not yet made, not be made; or, if made, should not be recovered; or, if paid, should be repaid.

Regulation 3 provides for the Secretary of State to carry out a review before 17th September 2022.

No impact assessment has been prepared for these Regulations.

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