EXPLANATORY MEMORANDUM TO

THE NATIONAL HEALTH SERVICE (CHARGES TO OVERSEAS VISITORS) (AMENDMENT) REGULATIONS 2014

2014 No. 1534

1. This explanatory memorandum has been prepared by the Department of Health and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 The National Health Service (Charges to Overseas Visitors) (Amendment) Regulations 2014 ("the amending regulations") amend the National Health Service (Charges to Overseas Visitors) Regulations 2011 ("the charging regulations") to introduce an exemption from NHS hospital charges for those individuals who are members of the Accredited Commonwealth Games Family ("the Commonwealth Games Family") during the period of the Commonwealth Games in 2014.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Context

4.1 The charging regulations provide for relevant NHS bodies in England to make and recover charges from overseas visitors (anyone not ordinarily resident in the UK) for any NHS hospital treatment provided to them, unless the overseas visitor, or the service they receive, is covered by one of a number of exemption categories.

4.2 In order to guarantee the Commonwealth Games Family receive free NHS hospital treatment from NHS bodies in England, should the need for treatment arise during the period of the Commonwealth Games, an amendment to the charging regulations is necessary.

5. Territorial Extent and Application

5.1 This instrument applies to England.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 As part of its bid to host the XX Commonwealth Games 2014, the Scottish Government gave the commitment that, if successful, it would provide free necessary NHS healthcare to the accredited Commonwealth Games Family (athletes and their supporting teams; technical officials; certain members of the press and broadcasters; the Games Committee; security) in the event of illness or accident. The Scottish Government have amended their own charging regulations to provide for this entitlement to free treatment.

7.2 The bid was supported by the UK Government and since it is possible that certain members of the Games Family will spend some time in England, particularly when they travel to and from the UK, or will be based in training camps in England during the games period, the amendment to the charging regulations is necessary.

7.3 Similar to the Scottish amending regulations, the amending regulations restrict the Commonwealth Games Family's eligibility to receive necessary NHS treatment whilst in England to the period starting Monday 7 July 2014 and ending Thursday 7 August 2014 inclusive ("the relevant period").

7.4 The Commonwealth Games Family will be entitled, during the relevant period, to free of charge treatment the need for which arises during their visit to the UK. This will include treatment for the diagnosis of symptoms or signs occurring for the first time after the visitor's arrival in the UK, or treatment which, in the opinion of a medical or dental practitioner employed by or providing services to, the relevant NHS body, is required promptly for a condition which arose after the visitor's arrival in the UK, or became, or but for the treatment would be likely to become, acutely exacerbated after the visitor's arrival. Pre-planned, elective treatment or routine monitoring of chronic conditions that can wait until after the period of the games is not covered under the exemption.

8. Consultation outcome

8.1 Due to the fact the commitment to provide free necessary NHS treatment to the Commonwealth Games Family was given as part of the Commonwealth Games bid that the UK Government supported, there was no public consultation on whether to amend the charging regulations for this purpose.

9. Guidance

9.1 A guidance note for NHS administrators who oversee the charging regulations will be placed on the uk.gov website, setting out how the Commonwealth Games Family will be exempt from charges for NHS hospital treatment when the need for it arises during the relevant period. This note will also include a description of the documentation they should request to see that will demonstrate that the patient is a member of the Commonwealth Games Family.

10. Impact

10.1 There is no impact on business, charities or voluntary bodies.

10.2 The impact on the NHS is expected to be very small.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to small businesses.

12. Monitoring & review

12.1 The amending regulations will ensure that members of the Commonwealth Games Family are not charged for needs arising treatment during the period of the Commonwealth Games. It will not be monitored or reviewed due to the period concerned ending after one month.

13. Contact

Craig Keenan at the Department of Health (Tel: 0113 254 6438 or email: craig.keenan@dh.gsi.gov.uk) can answer any queries regarding the instrument.