STATUTORY INSTRUMENTS

2022 No. 19

NATIONAL HEALTH SERVICE, ENGLAND

The National Health Service (Charges to Overseas Visitors) (Amendment) Regulations 2022

Made - - - -	*10th January 2022*
Laid before Parliament	*11th January 2022*
Coming into force	*14th February 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) Regulations 2022.

(2) These Regulations come into force on 14th February 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 7 (charges imposed on overseas visitors)—

(a) in paragraph (5)—

(i) for "Unless paragraph (6) applies, where" substitute "Where";

(ii) omit "in relation to that relevant body";

(b) for paragraph (8) substitute—

"(8) Where a relevant service is not specified in the national tariff under section 116(1)(a) of the 2012 Act and—

(a) the rules specified in the national tariff under section 116(4)(b) of that Act make provision for a unit price to be used as the basis for determining the price payable for that service (even if only in certain circumstances specified in the rules), the tariff is such price as would be determined for that service in accordance with those rules on the basis of that unit price;

(**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 and 2020/59; there are other amending instruments, but none are relevant.

(b) where paragraph (6) and sub-paragraph (a) of this paragraph do not apply, the tariff for the provision of that service is such price as is determined in accordance with the rules specified in the national tariff under section 116(4)(b) of the 2012 Act.";

(c) in paragraph (11)(a) omit " or (8) (whichever is applicable)";

(d) in paragraph (11)(b) after "the rules" insert "specified in the national tariff under section 116(4)(b) of the 2012 Act";

(e) in paragraph (13) omit the definition of "the rules".

(3) In regulation 24 (treatment the need for which arose during the visit)—

(a) number the current text in regulation 24 as paragraph (1);

(b) after the newly numbered paragraph (1) insert—

"(2) No charge may be made or recovered in respect of any relevant services, consisting of treatment the need for which arose during the relevant period, provided to an overseas visitor who—

(a) is in the United Kingdom during the relevant period;

(b) has been given an accreditation pass by the Organising Committee to allow them to participate in the Games; and

(c) is not part of the Games Workforce.

(3) In this regulation—

the "Games" and the "Organising Committee" have the meaning given in section 1 of the Birmingham Commonwealth Games Act 2020(**a**);

"the relevant period" means the period beginning with 14th July 2022 and ending with 17th August 2022;

the "Games Workforce" means—

(a) a person engaged by the Organising Committee; or

(b) a person engaged to a supplier, contractor or sub-contractor of the Organising Committee.".

(4) In Schedule 1 (diseases for which no charge is to be made for treatment), omit "Wuhan novel coronavirus (2019-nCoV)" and at the relevant place insert "Severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2)".

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

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

10th January 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 Principal Regulations") which provide for the making and recovery of charges for relevant services provided under the National Health Service Act 2006 (c.41) to certain persons not ordinarily resident in the United Kingdom ("overseas visitors").

Regulation 2(2) amends regulation 7 of the Principal Regulations. The national tariff (the prices and payment rules for commissioners and providers to use for NHS services) for 2021/2022 only publishes a national price for unbundled diagnostic services, and for all other services without national prices, subject to the rules, publishes unit prices instead. The amendments to that regulation provide that for the purpose of calculating charges imposed on overseas visitors (unless

(**a**) 2020 c. 10

an exemption applies), the national price will be used for services that have a national price; for those services that do not the unit price will be used unless the service has neither a national price nor a unit price in which cases the price will be determined according to the rules.

Regulation 2(3) amends regulation 24 of the Principal Regulations, to provide for an exemption from charging overseas visitors for use of certain NHS services, for those individuals who are participating in the Commonwealth Games in Birmingham in 2022 (except individuals from Games workforce). The exemption applies to treatment, the need for which arises during the individual's visit to the United Kingdom, and is limited to the period beginning with 14th July 2022 and ending with 17th August 2022.

Regulation 2(4) replaces the previous descriptive terminology for coronavirus in Schedule 1 to the Principal Regulations to align with terminology used for the disease in other legislation.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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£4.90

http://www.legislation.gov.uk/id/uksi/2022/19

ISBN 978-0-34-823096-3

