EXPLANATORY MEMORANDUM TO

THE NATIONAL HEALTH SERVICE (CHARGES TO OVERSEAS VISITORS) (AMENDMENT) REGULATIONS 2026

2026 No. 536

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department of Health and Social Care (DHSC) and is laid before Parliament by Command of His Majesty.

1.2 This memorandum contains information for the Joint Committee on Statutory Instruments and Secondary Legislation Scrutiny Committee.

2. Declaration

2.1 Sharon Hodgson, Parliamentary Under-Secretary of State for Public Health and Prevention at the Department of Health and Social Care confirms that this Explanatory Memorandum meets the required standard.

2.2 Mike Haslam, Deputy Director for Cross Border Healthcare and Cost Recovery at the Department of Health and Social Care confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Adam Mcleod at the Department of Health and Social Care can be contacted by email at the following address with any queries regarding the instrument: adam.mcleod@dhsc.gov.uk Alternatively, the department can be contacted by telephone: 0300 790 4007

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This instrument amends the National Health Service (Charges to Overseas Visitors) Regulations 2015 (S.I. 2015/238) ("the Charging Regulations").

4.2 This instrument adds hantavirus disease, including hantavirus pulmonary or cardiopulmonary syndrome and haemorrhagic fever with renal syndrome ("hantavirus disease") to Schedule 1 of the Charging Regulations, which contains a list of diseases, the diagnosis and treatment of which is exempt from charge to all overseas visitors.

4.3 It provides that if any charges have been incurred for services for the diagnosis and treatment of hantavirus disease, from 1st May 2026 until the instrument comes into force, they must be cancelled and not recovered, or if paid they must be refunded.

4.4 It ensures that where an overseas visitor has travelled to the United Kingdom for the purpose of seeking diagnosis or treatment of any condition listed in Schedule 1, this will be provided without charge, provided that the overseas visitor has not travelled to the United Kingdom for the purpose of seeking that diagnosis or treatment, unless it is by means of a form of transport which has been agreed with or funded by the Secretary of State.

Where does the legislation extend to, and apply?

4.5 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales.

4.6 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England.

5. Policy Context

What is being done and why?

5.1 This instrument amends the Charging Regulations for the purpose of ensuring overseas visitors in England are exempt from charge for services for the diagnosis and treatment of hantavirus disease.

5.2 Specifically, it adds hantavirus disease to Schedule 1 of the Charging Regulations, which is the list of diseases, the diagnosis and treatment of which is exempt from charge under Regulation 9(1)(d). Schedule 1 also includes diseases such as tuberculosis and Covid-19.

5.3 This is to remove a financial barrier to overseas visitors in England presenting for NHS hospital treatment for hantavirus disease, therefore ensuring that the risk to public health from infected visitors is minimised.

5.4 This instrument also amends the Charging Regulations to provide that if any charges have been incurred for services for the diagnosis and treatment of hantavirus disease since 1 May 2026 (up to the date when the amending regulations come into force), they must be cancelled and not recovered, or if paid they must be refunded. This is as a result of the ongoing response to the outbreak of hantavirus disease that originated on the cruise ship, MV Hondius. It is intended, that by cancelling charges that might otherwise apply before the coming into force date, overseas visitors will not be deterred from presenting for treatment due to charging concerns. The changes made by this instrument form part of the Government's strategy for dealing with serious infectious diseases at large in the community.

5.5 Finally, this instrument ensures that where an overseas visitor has travelled to the United Kingdom for the purpose of diagnosis or treatment of any condition listed in Schedule 1, this will be provided without charge, provided that the overseas visitor has not travelled to the United Kingdom for the purpose of seeking that diagnosis or treatment, unless it is by means of a form of transport which has been agreed with or funded by the Secretary of State.

5.6 This in response to both the current hantavirus disease outbreak and future public health risks. This could include for example, the Secretary of State agreeing or directly funding overseas visitors to come to the United Kingdom for diagnosis or treatment for a condition listed in Schedule 1 in the event of an emerging or wider risk to public health or supporting another country or body to do so.

What was the previous policy, how is this different?

5.7 Previously the only related condition listed in Schedule 1 was viral haemorrhagic fever. This instrument broadens the description to cover hantavirus disease, including hantavirus pulmonary or cardiopulmonary syndrome and haemorrhagic fever with renal syndrome. This is in line with planned amendments to the Health Protection (Notification) Regulations (HPNR) 2010.

5.8 This instrument means there is an exemption from charges for the purpose of diagnosis or treatment of any condition listed in Schedule 1, provided that the overseas visitor has not travelled to the United Kingdom for the purpose of seeking that diagnosis or treatment, unless it is by means of a form of transport which has been agreed with or funded by the Secretary of State.

6. Legislative and Legal Context

How has the law changed?

6.1 Section 175 of the National Health Service Act 2006 ("the 2006 Act") authorises the Secretary of State to make regulations for the making and recovery of charges from persons not ordinarily resident in Great Britain for NHS services, including that charges may only be made in such cases as may be determined in accordance with the regulations.

6.2 The Charging Regulations require relevant NHS and other bodies in England to make and recover charges from overseas visitors (anyone not ordinarily resident in the United Kingdom) for certain NHS services provided to them, unless the overseas visitor, or the service they receive, is covered by one of a number of exemption categories as set out in the regulations.

6.3 The proposed instrument amends the Charging Regulations for the purpose of providing an exemption from charging for the diagnosis and treatment of overseas visitors arriving or present in the UK with hantavirus disease by including it in Schedule 1. This instrument also seeks to ensure future proofing for measures relating to the protection of wider public health by ensuring that where an overseas visitor has travelled to the United Kingdom for the purpose of seeking diagnosis or treatment for any condition listed in Schedule 1, this will be provided without charge, provided that the overseas visitor has not travelled to the United Kingdom for the purpose of seeking that diagnosis or treatment, unless it is by means of a form of transport which has been agreed with or funded by the Secretary of State.

Why was this approach taken to change the law?

6.4 This is the only possible approach to make the necessary changes.

7. Consultation

Summary of consultation outcome and methodology

7.1 There has been no public consultation in relation to this instrument.

7.2 Charging policy is a devolved matter. The Devolved Administrations have been engaged in relation to the changes in this instrument but are responsible for taking forward any amendments to charging regulations in Scotland, Wales and Northern Ireland. This instrument makes no provision that could otherwise fall within devolved competence.

8. Applicable Guidance

8.1 Extensive guidance to the NHS on how to implement the Charging Regulations is available. This will be updated appropriately.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because it does not apply to activities that are undertaken by businesses.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities or voluntary bodies because it does not apply to activities carried out by them.

9.3 The legislation does not impact small or micro businesses.

9.4 There is no, or no significant, impact on the public sector beyond the NHS.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 DHSC will monitor those provisions. It is not expected that a review of this instrument will be necessary, but the Charging Regulations are kept under continuous general review.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 This statutory instrument will come into force the day it is signed, in breach of the convention that instruments subject to the negative procedure should normally be laid 21 days before the instrument comes into force ("the 21-day rule").

11.2 It is important that urgent action can be taken to respond to the hantavirus disease risk and to protect those we have returned to the United Kingdom for testing, isolation, monitoring and treatment (should it be needed) for all schedule 1 diseases, do not incur charges for NHS care.

11.3 The addition of hantavirus disease to schedule 1 is to minimise any public health risk of discouraging an overseas visitor from coming forward for treatment due to the prospect of being charged.

12. European Convention on Human Rights

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

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").