

UK MINISTERS ACTING IN DEVOLVED AREAS

169 - The Reciprocal and Cross Border Healthcare (Amendment etc) (EU Exit) Regulations 2020

Laid in the UK Parliament: 30 September 2020

Sifting

Subject to sifting in UK Parliament?	No
Procedure:	Draft affirmative
Date of consideration by the House of Commons European Statutory Instruments Committee	NA
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	NA
Date sifting period ends in UK Parliament	NA
Written statement under SO 30C:	Paper 29
SICM under SO 30A (because amends primary legislation)	SICM(5)30

Scrutiny procedure

Outcome of sifting	NA
Procedure	Draft affirmative
Date of consideration by the Joint Committee on Statutory Instruments	Not known
Date of consideration by the House of Commons Statutory Instruments Committee	Not known
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	Not known

Commentary

These Regulations are proposed to be made by the UK Government pursuant to section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018.

The Reciprocal and Cross-Border Healthcare (Amendment etc) (EU Exit) Regulations 2020 “the 2020 Regulations” were laid before Parliament on 30 September 2020 and have now been laid before the Senedd.

The 2020 Regulations amend the following three reciprocal healthcare EU Exit SIs that were made on an England and Wales basis, relating to reciprocal health to reflect certain healthcare entitlements in the Withdrawal Agreement, the EEA EFTA Separation Agreement and the Swiss Citizens’ Rights Agreement and to make technical changes such as substituting references to ‘exit day’ to ‘IP completion day’:

- the Social Security Coordination (Reciprocal Healthcare) (Amendment etc.) (EU Exit) Regulations 2019
- the National Health Service (Cross-Border Healthcare and Miscellaneous Amendments etc.) (EU Exit) Regulations 2019
- the Health Services (Cross-Border Healthcare and Miscellaneous Amendments etc) (Northern Ireland) (EU Exit) Regulations 2019
- the Healthcare (European Economic Area and Switzerland Arrangements) (EU Exit) Regulations 2019

Specifically, the 2020 Regulations amends the National Health Service (Cross-Border Healthcare and Miscellaneous Amendments etc.) (EU Exit) Regulations 2019 (“the 2019 Regulations”). The 2019 Regulations amend the NHS (Wales) Act 2006 for the purposes of transitional arrangements relating to the reimbursement of health care costs to Welsh residents for pre-planned treatment in an EEA state authorised before IP completion date

Legal Advisers agree with the statement laid by the Welsh Government dated 5 October 2020 regarding the effect of these Regulations.

The above summary and the content of the Explanatory Memorandum to these Regulations confirm their effect.

Legal Advisers do not consider that any significant issues arise under paragraph 8 of the Memorandum on the European Union (Withdrawal) Bill and the Establishment of Common Frameworks in relation to these Regulations.

Legal Advisers have not identified any legal reason to seek a consent motion under Standing Order 30A.10 in relation to these Regulations.