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.