



Ein cyf/Our ref MA VG 4223 20

Elin Jones, MS
Llywydd
Senedd Cymru
Cardiff Bay
CF99 1SN

21 December 2020

Dear Llywydd,

The National Health Service (Charges to Overseas Visitors) (Amendment) (Wales) (EU Exit) Regulations 2020

In accordance with section 11A(4) of the Statutory Instruments Act 1946, as inserted by Sch.10 para 3 of the Government of Wales Act 2006, I am notifying you that this Statutory Instrument (SI) will come into force less than 21 days from the date of laying. The Explanatory Memorandum for these Regulations is attached for your information.

The 2020 Regulations amend the National Health Service (Charges to Overseas Visitors) Regulations 1989 ("the Principal Regulations"). The Principal Regulations set the framework for charging persons who are not ordinarily resident in the UK for emergency and non-emergency hospital treatment which is provided in Wales.

Should the UK leave the EU without a deal, amendments to the Principal Regulations are necessary to ensure that the law remains operable and that specified categories of visitors from EU/EEA States and Switzerland with continuing citizens' rights under Title III of Part 2 of the Withdrawal Agreement, Title III of Part 2 of the EEA EFTA separation agreement or the Swiss citizens' rights agreement remain exempt from charging for NHS services in Wales in the event of a No Deal at implementation period (IP) completion day (31 December 2020). This will provide equality for EEA state or Switzerland citizens accessing healthcare with their counterparts in the rest of the United Kingdom.

The 2020 Regulations were made and laid as soon as practicable after the final draft SI for amending England's Charging Regulations was shared by DHSC in early December. The 2020 Regulations were contingent on these and their lateness has meant that Wales' Regulations have come into force less than 21 days after they were made in order to come into effect by IP completion day at the absolute latest.

Not adhering to the 21 day convention allows the Regulations to come into force on 31 December, IP completion day in order to ensure the continued effective operation of the

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Principal Regulations following the UK leaving the EU with No Deal. Not adhering to the 21 day rule is therefore necessary and justifiable in this case.

An Explanatory Memorandum has been prepared and this has been laid, together with the Regulations, in Table Office.

A copy of this letter goes to Mick Antoniw AM, Chair of the Legislation, Justice and Constitution Committee, Sian Wilkins, Head of Chamber and Committee Services and Julian Luke, Head of Policy and Legislation Committee Service.

Yours sincerely,

A handwritten signature in black ink that reads "Rebecca Evans." The signature is written in a cursive, flowing style.

Rebecca Evans AS/MS
Y Gweinidog Cyllid a'r Trefnydd
Minister for Finance and Trefnydd