



Ein cyf/Our ref MA/EM/1301/22

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

30 March 2022

Dear Llywydd,

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

In accordance with section 11A(4) of the Statutory Instruments Act 1946 I am notifying you that this statutory instrument will come into force on 31 March 2022, less than 21 days after it has been laid. A copy of the instrument and the Explanatory Memorandum that accompanies it are attached for your information.

The 2022 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.

The 2022 Regulations provide a new exemption from NHS secondary healthcare charges for Ukrainian residents and their family members who are lawfully in the UK and who come to Wales from 24 February 2022 following the start of the conflict in Ukraine.

The 2022 Regulations were made and laid as soon as practicable after the final draft SI for amending England's Charging Regulations was shared by the Department for Health and Social Care in mid-March. The Wales' 2022 Regulations have been made contingent to the English regulations so that the same exemptions apply in Wales and due to the urgency of the situation, requires that the Wales' Regulations come into force less than 21 days after they were made.

If the 21 day convention is adhered to, there is a risk that Ukrainian refugees coming into Wales will be subject to NHS charges for treatment whereas the position in England will be more favourable as they will have a legal exception in force already. This will provide an unacceptable position of inequality between Ukrainian refugees in Wales and those across the border in England in a time of humanitarian crisis.

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Gohebiaeth.Eluned.Morgan@llyw.cymru
Correspondence.Eluned.Morgan@gov.wales

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.

Not adhering to the 21 day convention allows the Regulations to come into force as early as practicable, due to exceptional humanitarian reasons involved. Not adhering to the 21 day rule is therefore necessary and justifiable in this case. The Regulations will be reviewed six months from the coming into force date to assess at that point whether the exemptions are still required.

I am copying this letter to the Minister for Rural Affairs, North Wales and Trefnydd, Huw Irranca-Davies MS, Chair of the Legislation, Justice and Constitution Committee, Russell George MS Chair of the Health and Social Care Committee, Siwan Davies, Director of Senedd Business, Sian Wilkins, Head of Chamber and Committee Services and Julian Luke, Head of Policy and Legislation Committee Service.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'M. E. Morgan'.

Eluned Morgan AS/MS

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol
Minister for Health and Social Services