



Ein cyf/Our ref: MA-EM-2157-22

Elin Jones MS
Llywydd
Senedd Cymru
Cardiff Bay
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29 June 2022

Dear Llywydd

The National Health Service (Charges to Overseas Visitors) (Amendment) (No. 3) (Wales) Regulations 2022 (“the 2022 Regulations”)

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 1 July 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 hospital treatment which is provided in Wales.

The 2022 Regulations amend Schedule 1 of the Principal Regulations to include monkeypox as a disease, services for the treatment of which is exempt from NHS charges for overseas visitors.

The 2022 Regulations also provide that where an overseas visitor who, on or after 23 May 2022 but before 1 July 2022 (the latter being the date that the amendments are to come into force), was provided with services for the treatment of monkeypox, a Local Health Board or NHS Trust must not charge for those services and if charges have already been made then they must not be recovered and if they have already been recovered then they must be repaid. This is because as a result of the latest outbreak there are already monkeypox cases in Wales. 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. It will also ensure that those who have received

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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.

treatment for monkeypox before the Regulations came into force are treated equally to those who receive treatment after the Regulations come into force.

For information, The Department of Health and Social Care (DHSC) have included a similar provision in its charging regulations save that DHSC has chosen to extend the exemption from charges to treatment that was provided to overseas visitors on or after 1 May 2022, as opposed to 23 May 2022. This is because the first case of monkeypox was identified in England earlier (6 May 2022) than in Wales (25 May 2022 and confirmed by Public Health Wales on 26 May 2022). The amending legislation brought into effect by DHSC in England came into force less than 21 days after it was laid, so as to minimise any public health risk of discouraging an overseas visitor from coming forward for treatment due to the prospect of being charged.

The 2022 Regulations were made and laid as soon as practicable to enable monkeypox to be included in the list of diseases in Schedule 1 which are exempt from NHS charge (where treatment is necessary to protect the wider public health).

If the 21 day convention is adhered to, there is a risk (as has been identified by DHSC in respect of its legislation in England) that overseas visitors will be deterred from presenting for treatment due to charging concerns and thereby become a public health risk to the wider community.

Not adhering to the 21 day convention allows the 2022 Regulations to come into force as early as practicable, thereby minimising the risk to wider public health.

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