

SL(6)290 – The National Health Service (Charges to Overseas Visitors) (Amendment) (No. 4) (Wales) Regulations 2022

Background and Purpose

These Regulations amend the National Health Service (Charges to Overseas Visitors) Regulations 1989 (“the principal Regulations”), which provide for the making and recovery of charges for relevant services provided under the National Health Service (Wales) Act 2006 to certain persons not ordinarily resident in the UK.

Regulation 2 adds Malta and the Bailiwick of Guernsey to the list of countries or territories with whom the UK Government has entered into a reciprocal agreement in Schedule 2 to the principal Regulations.

Procedure

Negative

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

The following points are identified for reporting under Standing Order 21.3 in respect of this instrument.

1. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.

We note there has been no consultation on these Regulations. In particular, we note the following paragraph in the Explanatory Memorandum:

“There is no statutory duty to consult prior to making the recommendations. It is considered that the proposed amendments do not require consultation as they are implementing UK international agreements which apply to the UK as a whole and thereby Wales is obliged to implement and observe them.”



2. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.

Standing Order 15.4 requires all laid documents to be bilingual “*so far as is appropriate in the circumstances and reasonably practicable.*” We note that the Explanatory Memorandum is not available in Welsh. Could the Welsh Government provide an explanation?

Welsh Government response

Merit Scrutiny point 2:

Explanatory Memoranda for subordinate legislation are prioritised for publication in Welsh (in line with Standard 47 of the Welsh Language Standards). A Welsh language version is published if the subject matter of the Explanatory Memorandum suggests that one should be available in Welsh, or the anticipated audience will expect to see a Welsh language version. In this instance, the Welsh Government deemed that a Welsh Language version of the Explanatory Memorandum was unnecessary due to the narrow and specific nature of the Regulations and the small target audience (ie. Welsh Local Health Boards).

Legal Advisers

Legislation, Justice and Constitution Committee

28 November 2022



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament

Legislation, Justice and Constitution Committee