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W E L S H S T A T U T O R Y
I N S T R U M E N T S

2023 No. 85 (W. 15)

**NATIONAL HEALTH
SERVICE, WALES**

The National Health Service
(Charges to Overseas Visitors)
(Amendment) (Wales) Regulations
2023

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (Charges to Overseas Visitors) Regulations 1989 (S.I. 1989/306) (“the Principal Regulations”), which provide for the making and recovery of charges for relevant services provided under the National Health Service (Wales) Act 2006 (c. 42) to overseas visitors.

Regulation 2 amends regulation 4D of the Principal Regulations, which is concerned with charges for the provision of healthcare services to individuals who have made a late application for leave to enter or remain in the United Kingdom under the European Union Settlement Scheme (“EUSS”). The amendments provide that individuals who have made such an application, but have not been granted EUSS pre-settled or settled status, must not be charged for relevant healthcare services provided to them whilst their application is under consideration, and that any charges for such services—

- if already made, must not be recovered,
- if already paid, must be repaid.

The Welsh Ministers’ code of practice on the carrying out of regulatory impact assessments was considered in relation to these Regulations. As a result a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Department of Health and Social Services, Welsh Government, Cathays Park, Cardiff CF10 3NQ.

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Made 29 January 2023

Laid before Senedd Cymru 31 January 2023

Coming into force 1 February 2023

The Welsh Ministers make these Regulations in exercise of the powers conferred by sections 124 and 203(9) and (10) of the National Health Service (Wales) Act 2006(1).

Title, commencement and interpretation

1.—(1) The title of these Regulations is the National Health Service (Charges to Overseas Visitors) (Amendment) (Wales) Regulations 2023.

(2) These Regulations come into force on 1 February 2023.

(3) In these Regulations, “the Principal Regulations” means the National Health Service (Charges to Overseas Visitors) Regulations 1989(2).

(1) 2006 c. 42.
(2) S.I. 1989/306, amended by S.I. 1991/438; S.I. 1994/1535; S.I. 2004/614; S.I. 2004/696; S.I. 2004/1433 (W. 146); S.I. 2008/2364 (W. 203); S.I. 2009/1175 (W. 102); S.I. 2009/1512 (W. 148); S.I. 2009/1824 (W. 165); S.I. 2009/3005 (W. 264); S.I. 2010/730 (W. 71); S.I. 2010/927 (W. 94); S.I. 2011/1043; S.I. 2011/2906 (W. 310); S.I. 2012/1809; S.I. 2014/1622 (W. 166); S.I. 2020/113 (W. 20); S.I. 2020/1607 (W. 334); S.I. 2021/221 (W. 55); S.I. 2022/89 (W. 30); S.I. 2022/402 (W. 99); S.I. 2022/715 (W. 158); S.I. 2022/1207 (W. 249); there are other amending instruments but none are relevant to these Regulations.

Amendment of the Principal Regulations

2.—(1) The Principal Regulations are amended as follows.

(2) In regulation 4D (persons who make late applications under Appendix EU to the immigration rules)—

- (a) in paragraph (1), for “Subject to paragraph (4), no” substitute “No”;
- (b) omit paragraph (4);
- (c) for paragraph (5) substitute—

“(5) Where a person has made an application mentioned in paragraph (2)(b) or (3)(b) and has received relevant services during the period specified in paragraph (1), if the Local Health Board or NHS trust—

- (a) has made charges for relevant services received during that period, but has not yet recovered them, it must not recover those charges;
- (b) has made and recovered charges for relevant services received during that period, it must repay any sum paid in respect of those charges.”.

Eluned Morgan

Minister for Health and Social Services, one of the
Welsh Ministers
29 January 2023