

2020 No. 1659

EXITING THE EUROPEAN UNION

NATIONAL HEALTH SERVICE, ENGLAND

**The National Health Service (Charges to Overseas Visitors)
(Amendment) (EU Exit) (No. 2) Regulations 2020**

Made - - - - at 1.47 p.m. on 31st December 2020

Laid before Parliament at 2.45 p.m. on 31st December 2020

Coming into force in accordance with regulation 1(2)

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 175 and 272(7) and (8) of the National Health Service Act 2006(a).

Citation and commencement

1.—(1) These Regulations may be cited as the National Health Service (Charges to Overseas Visitors) (Amendment) (EU Exit) (No. 2) Regulations 2020.

(2) These Regulations come into force on IP Completion Day.

Amendment of the National Health Service (Charges to Overseas Visitors) Regulations 2015

2. The National Health Service (Charges to Overseas Visitors) Regulations 2015(b) are amended in accordance with regulations 3 and 4.

New regulation 12A

3. After regulation 12 insert—

“Overseas visitors with Trade and Cooperation Agreement rights

12A.—(1) No charge may be made or recovered in respect of any relevant services provided to an overseas visitor who has an entitlement to the provision of those services without charge by virtue of a right arising from the SSC Protocol provisions of the Trade and Cooperation Agreement.

(2) In paragraph (1), “the SSC Protocol” has the same meaning as in section 26(5) of the European Union (Future Relationship) Act 2020(c) (“the 2020 Act”) and “the Trade and Cooperation Agreement” has the same meaning as in section 37(1) of the 2020 Act.”.

(a) 2006 c. 41. There are amendments to section 272, none of which are relevant to these Regulations.

(b) S.I. 2015/238.

(c) 2020 c. 29.

Amendment of Schedule 2

4. In Schedule 2(a) in the appropriate alphabetical positions insert “Ireland” and “Norway”.

At 1.47 p.m. on 31st December 2020

Nadhim Zahawi
Parliamentary Under Secretary of State
Department of Health and Social Care

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (Charges to Overseas Visitors) Regulations 2015 (S.I. 2015/238) (“the Principal Regulations”) which provide for the making and recovery of charges for relevant services provided under the National Health Service Act 2006 (c. 41) to certain persons not ordinarily resident in the United Kingdom.

Regulation 3 inserts regulation 12A into the Principal Regulations to provide that persons who are in scope of the SSC Protocol provisions of the Trade and Cooperation Agreement are able to receive relevant services without charge where there is a right arising from the agreement.

Regulation 4 inserts Ireland and Norway into the list of countries in Schedule 2 to the Principal Regulations, meaning that no charges may be made or recovered in respect of relevant services provided to an overseas visitor where the provision of those services is covered by that reciprocal agreement.

(a) S.I. 2015/238, amended by S.I. 2015/2025, 2017/756 and 2020/1423.