

## **Explanatory Memorandum to the NHS (Charges to Overseas Visitors) (Amendment) (Wales) Regulations 2009**

This Explanatory Memorandum has been prepared by The Department for Health and Social Services and is laid before the National Assembly for Wales in accordance with Standing Order 24.1.

### **(i) Description**

These Regulations amend the NHS (Charges to Overseas Visitors) Regulations 1989. The amendment proposed will update the list of individuals who are exempt from charges for NHS treatment.

### **(ii) Matters of special interest to the Subordinate Legislation Committee**

None.

### **(iii) Purpose and intended effect of the legislation**

The amendments to the Regulations are:

- If an asylum seeker's claim for asylum is rejected they will not be charged for treatment but will be entitled to receive free NHS treatment until the point of their departure to their country of origin.
- The spouses, civil partners and dependent children of Crown Servants, employees of the British Council and Commonwealth War Graves Commission and members of HM Armed Forces, will be exempt from hospital treatment charges irrespective of whether the spouse, civil partner and dependent child is living with the exempt overseas visitor on a permanent basis in the UK. This will include anyone working abroad in a job financed in part by the UK Government or a public body of some other country or territory.
- Missionaries will be exempt from hospital treatment charges regardless of whether they derive a salary or wage from the organisation, or receive any type of funding or assistance from the organisation for the purposes of working for the overseas organisation. The spouse, civil partner and dependent child of a missionary will be exempt from charges for services forming part of the health service.
- The spouse, civil partner or child of an overseas visitor who falls within the exemption in sub paragraph (r) of paragraph (1) of regulation 4 of the 1989 Regulations relating to a victim of human trafficking is also exempt from charges in respect of services forming part of the health service.

### **(iv) Implementation**

It is intended that these Regulations will come into force on 15 July 2009.

**(v) Consultation**

A 2 week consultation commenced on 18 May 2009. 4 responses were received from Abertawe Bro Morgannwg NHS Trust, Caerphilly Local Health Board, Velindre NHS Trust and the Welsh Refugee Council.

**(vi) Regulatory Impact Assessment**

A Regulatory Impact Assessment has not been prepared for this instrument as the legislation simply amends existing legislation.