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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

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**2022 No. 715 (W. 158)**

**NATIONAL HEALTH  
SERVICE, WALES**

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

**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 the principal Regulations to insert “Monkeypox” into Schedule 1 (diseases for the treatment of which no charge is to be made). Regulation 2(2)(b) provides that charges incurred in respect of services provided to an overseas visitor for the treatment of monkeypox on or after 23 May 2022 but before these Regulations came into force—

- if not yet made, must not be made,
- if made, must not be recovered, or
- if paid, must be repaid.

There has been no regulatory impact assessment in relation to these Regulations due to the need to put them in place urgently to respond to the current outbreak of monkeypox in the United Kingdom.

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*Made* 28 June 2022

*Laid before Senedd Cymru* 29 June 2022

*Coming into force* 1 July 2022

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) (No. 3) (Wales) Regulations 2022.

(2) These Regulations come into force on 1 July 2022.

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

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(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); 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 3 (services exempted from charges)—

- (a) the existing text becomes paragraph (1);
- (b) after the new paragraph (1), insert—

“(2) Services provided to an overseas visitor for the treatment of monkeypox on or after 23 May 2022 but before this paragraph came into force are to be treated for the purposes of these Regulations as if, at the time that the services were provided, they were relevant services in respect of which no charge may be made or recovered.

(3) Where paragraph (2) applies, a Local Health Board or NHS Trust—

- (a) yet to make charges under regulation 2 (making and recovery of charges) must not make the charges;
- (b) that made charges under regulation 2 but has yet to recover the charges, must not recover the charges; or
- (c) that made charges under regulation 2 and received payment in respect of the charges, must repay any sum paid in respect of the charges in accordance with regulation 8 (repayments).”.

(3) In Part 4 of Schedule 1 (diseases for the treatment of which no charge is to be made), in the appropriate alphabetical position, insert “Monkeypox”.

*Eluned Morgan*

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

28 June 2022