
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

2021 No. 221 (W. 55)

**EXITING THE EUROPEAN
UNION, WALES**

**NATIONAL HEALTH
SERVICE, WALES**

The National Health Service
(Charges to Overseas Visitors)
(Amendment) (Wales) (EU Exit)
Regulations 2021

EXPLANATORY NOTE

(This note is not part of the Regulations)

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 (c. 42) to certain persons not ordinarily resident in the United Kingdom.

Regulation 3 inserts regulation 4E into the principal Regulations to provide that persons who are within the 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.

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 2 March 2021

Laid before Senedd Cymru 3 March 2021

Coming into force 26 March 2021

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 and commencement

1.—(1) The title of these Regulations is the National Health Service (Charges to Overseas Visitors) (Amendment) (Wales) (EU Exit) Regulations 2021.

(2) These Regulations come into force on 26 March 2021.

**Amendment of the National Health Service
(Charges to Overseas Visitors) Regulations 1989**

2. The National Health Service (Charges to Overseas Visitors) Regulations 1989(2) are amended as follows.

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- (1) 2006 c. 42. *See* section 206(1) for the definition of “prescribed” and “regulations”.
- (2) S.I. 1989/306; relevant amending instruments are S.I. 1991/438, 1994/1535, 2004/1433 (W. 146), 2009/1512 (W. 148) and 3005 (W. 264), 2010/927 (W. 94), 2011/2906 (W. 310) and 2020/1607 (W. 334).

Insertion of regulation 4E

3. After regulation 4D (persons who make late applications under Appendix EU to the immigration rules) insert—

“Overseas visitors with Trade and Cooperation Agreement Rights

4E.—(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⁽¹⁾ (“the 2020 Act”) and “the Trade and Cooperation Agreement” has the same meaning as in section 37(1) of the 2020 Act.”

Amendment of Schedule 2

4. In Schedule 2 (countries or territories in respect of which the United Kingdom Government has entered into a reciprocal arrangement), in the appropriate places insert “Ireland” and “Norway”.

Vaughan Gething
Minister for Health and Social Services, one of the
Welsh Ministers
2 March 2021

(1) 2020 c. 29.