

**2012 No. 1586**

**NATIONAL HEALTH SERVICE, ENGLAND**

**The National Health Service (Charges to Overseas Visitors)  
Amendment Regulations 2012**

<i>Made</i> - - - -	<i>19th June 2012</i>
<i>Laid before Parliament</i>	<i>25th June 2012</i>
<i>Coming into force</i> - -	<i>1st October 2012</i>

The Secretary of State for Health makes the following 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. These Regulations may be cited as the National Health Service (Charges to Overseas Visitors) Amendment Regulations 2012 and come into force on 1st October 2012.

**Amendments of the National Health Service (Charges to Overseas Visitors) Regulations 2011**

2.—(1) The National Health Service (Charges to Overseas Visitors) Regulations 2011(b) are amended as follows.

(2) In regulation 2 (interpretation), in paragraph (1), omit the definition of “relevant period”.

(3) In regulation 6 (services exempted from charges), in sub-paragraph (e), omit the words “, but in the case of services which relate to infection with Human Immunodeficiency Virus, only to the extent that they consist of a diagnostic test for evidence of infection with the Virus and counselling associated with that test or its result”.

(4) In regulation 8 (overseas visitors exempt from charges – presence for work, study etc, or to settle), for paragraph (1) substitute—

“(1) No charge may be made or recovered in respect of any relevant services provided to an overseas visitor who the relevant NHS body is satisfied would be present for any purpose specified in paragraph (2)—

- (a) in the United Kingdom;
- (b) in a designated area of the Continental Shelf;
- (c) in or over any area of the Continental Shelf; or
- (d) on a stationary structure within the territorial waters of the United Kingdom,

if that visitor was not present in England while being provided with the relevant services by that relevant NHS body.”.

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(a) 2006 c.41. By virtue of section 271(1) of the National Health Service Act 2006 the powers of the Secretary of State exercised in making these provisions are exercisable only in relation to England.

(b) S.I. 2011/1556.

(5) In regulation 23 (overseas visitors exempt from charges for treatment the need for which arose during the visit only), in paragraph (1), omit sub-paragraph (e).

(6) For regulation 24 (family members of overseas visitors) substitute—

“24.—(1) No charge may be made or recovered in respect of any relevant services provided to an overseas visitor who is a member of the family of another overseas visitor and is lawfully present in the United Kingdom if the other overseas visitor is exempt from charges under any of the following regulations—

- (a) regulation 12 (human trafficking);
- (b) regulation 15 (NATO forces);
- (c) regulation 18 (Her Majesty’s United Kingdom Forces, Crown servants and others);
- (d) regulation 20 (missionaries).

(2) No charge may be made or recovered in respect of any relevant services provided to an overseas visitor who is a member of the family of another overseas visitor and is lawfully present on a permanent basis with that other overseas visitor whilst that other overseas visitor is residing in or visiting the United Kingdom, if that other overseas visitor is exempt from charges under any of the following regulations—

- (a) regulation 7 (lawful residence for 12 months);
- (b) regulation 8 (presence for work, study etc, or to settle);
- (c) regulation 9 (EU rights);
- (d) regulation 11 (refugees, asylum seekers and children in care);
- (e) regulation 14 (diplomats);
- (f) regulation 16 (long term visits by United Kingdom pensioners);
- (g) regulation 17 (war pensioners and armed forces compensation scheme payment recipients);
- (h) regulation 19 (former residents working overseas);
- (i) regulation 21 (prisoners and detainees);
- (j) regulation 22 (employees on ships).

(3) No charge may be made or recovered in respect of any relevant services consisting of treatment the need for which arose during the visit, provided to an overseas visitor who is a member of the family of another overseas visitor and is lawfully present on a permanent basis with that other overseas visitor whilst that other overseas visitor is residing in or visiting the United Kingdom, if that other overseas visitor is exempt from charges under regulation 10 (reciprocal agreements), or regulation 23(1)(a) or (b) (treatment for needs arising).

(4) For the purposes of this regulation “member of the family of an overseas visitor” means—

- (a) the spouse or civil partner of an overseas visitor; or
- (b) a child in respect of whom an overseas visitor is a parent or legal guardian.

(5) None of the provisions of this regulation affect any entitlement which any member of the family of an overseas visitor may have to the provision of any relevant services by virtue of an enforceable EU right or any other exemption which they may be entitled to in their own right.”

(7) Omit Schedule 3.

Signed by authority of the Secretary of State for Health.

19th June 2012

*Anne Milton*  
Parliamentary Under-Secretary of State for Health,  
Department of Health

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

Regulation 2 of these Regulations makes various amendments to the National Health Service (Charges to Overseas Visitors) Regulations 2011.

It amends the exemption in regulation 6, relating to sexually transmitted infections, to provide for all relevant services which relate to infection with Human Immunodeficiency Virus to be exempt. It removes the exemption in regulation 23 relating to the Olympic Games (and related references) as this exemption is no longer required at the date these Regulations come into force.

It amends regulation 8 to clarify that a person comes within the exemption if they would have been in one of the specified places but for the fact that the patient is in England for treatment.

It inserts a substitute regulation 24 to clarify that the exemption set out in that regulation applies to a member of the family of an overseas visitor, who is himself or herself an overseas visitor and is lawfully present with that other overseas visitor in the United Kingdom, and that other overseas visitor is exempt for one of the reasons specified.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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STATUTORY INSTRUMENTS

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