

SL(5)499 – The National Health Service (Charges to Overseas Visitors) (Amendment) (Wales) Regulations 2020

Background and Purpose

These Regulations amend the National Health Service (Charges to Overseas Visitors) Regulations 1989 (SI 1989/306) (“the Principal Regulations”).

The Principal Regulations allow Local Health Boards (LHBs) in Wales to recover charges from overseas visitors who are not ordinarily resident in the UK for certain categories of healthcare provided to them in Wales, unless the overseas visitors, or the service they receive falls within an exemption.

The amendments made by these Regulations to the Principal Regulations ensure that NHS services for any overseas visitor who require diagnosis or treatment for Wuhan novel coronavirus (2019-nCoV) is provided without charge to that overseas visitor.

Procedure

Negative.

Technical Scrutiny

One point is identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

One point is identified for reporting under Standing Order 21.3 in respect of this instrument.

1. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Assembly

We note the breach of the 21-day rule (i.e. the rule that 21 days should pass between the date subordinate legislation is laid before the Assembly and the date the subordinate legislation comes into force), and the explanation for the breach provided by Rebecca Evans, Minister for Finance and Trefnydd to the Llywydd in a letter dated 4 February 2020.

In particular, we note what the letter says about these Regulations coming into force on the day it is laid,

“Amending the Principal Regulations to include Wuhan novel coronavirus (2019-nCoV) to Schedule 1 of the Principal Regulations, exempts LHBs for charging for services provided for the diagnosis and treatment of this disease and reduces the risk of people not seeking treatment, thereby more widely protecting and lowering the public health risk.

The 2020 Regulations were made and laid as soon as practicable on public health grounds in order to remove the financial barrier for overseas visitors to seek and continue treatment from the NHS for this disease and ensure the LHBs are prepared if cases do arise.

As a result, they have come into force less than 21 days after they were made. Not adhering to the 21 day convention allows the Regulations to come into force on 4 February 2020 and in view of the circumstances surrounding this disease the reduced period is therefore thought necessary and justifiable in this case.”



Implications arising from exiting the European Union

No points are identified for reporting under Standing Order 21.3 in respect of this instrument.

Government Response

A government response is not required.

Legal Advisers

Constitutional and Legislative Affairs Committee

5 February 2020



Cynulliad Cenedlaethol Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

—

National Assembly for Wales

Legislation, Justice and Constitution Committee