

**2006 No. 3306**

**NATIONAL HEALTH SERVICE, ENGLAND**

**The National Health Service (Charges to Overseas Visitors)  
(Amendment) Regulations 2006**

<i>Made</i> - - - -	<i>11th December 2006</i>
<i>Laid before Parliament</i>	<i>18th December 2006</i>
<i>Coming into force</i> - -	<i>15th January 2007</i>

The Secretary of State for Health makes these Regulations in exercise of the powers conferred by sections 121 and 126(4) of the National Health Service Act 1977(a):

**Citation, commencement, application and interpretation**

1.—(1) These Regulations may be cited as the National Health Service (Charges to Overseas Visitors) (Amendment) Regulations 2006 and shall come into force on 15th January 2007.

(2) These Regulations apply in relation to England only.

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

**Amendment of regulation 4 of the principal Regulations**

2. In regulation 4 of the principal Regulations (overseas visitors exempt from charges)—

(a) in paragraph (1), after sub-paragraph (p) insert—

“; or

(q) who is working outside the United Kingdom as a missionary for an organisation that is established in the United Kingdom, regardless of whether he—

(i) derives a salary or wage from the organisation, or

(ii) receives any type of funding or assistance from the organisation for the purposes of working overseas for the organisation.”; and

(b) for paragraph (4) substitute—

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(a) 1977 (c.49). Section 121 was amended by the Health and Medicines Act 1988 (c.49), section 7(12) and (14). Section 126(4) was amended by the National Health Service and Community Care Act 1990 (c.19) (“the 1990”), section 65(2); the Health Act 1999 (c.8), section 65(1) and paragraphs 4 and 37(1) and (6) of Schedule 4; the Health and Social Care Act 2001 (c.15), section 67(1) and paragraph 5(1) and (13)(b), Part 1, of Schedule 5; the National Health Service Reform and Health Care Professions Act 2002 (c.17), sections 6(3)(c) and 37(1) and paragraphs 1 and 10(a) of Schedule 8; the Health and Social Care (Community Health and Standards) Act 2003 (c.43), section 184 and paragraphs 7 and 38 of Schedule 11 and section 196 and Part 4 of Schedule 14. The functions of the Secretary of State under these provisions are, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2(a) of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). See section 128(1) of the National Health Service Act 1977, as amended by section 26 of the 1990 Act, for the meaning of “prescribed” and “regulations”.

(b) S.I.1989/306, as amended by S.I. 1991/438, 1994/1535, 2000/602, 2004/614 and 696 and 2005/2114.

“(4) No charge shall be made in respect of any services forming part of the health service provided for—

- (a) in the case where sub-paragraph (g), (h), (i), (j) or (q) of paragraph (1) applies to an overseas visitor, the spouse, civil partner or child of the overseas visitor; or
- (b) in the case where any other sub-paragraph applies to an overseas visitor, the spouse, civil partner or child of the overseas visitor, if the spouse, civil partner or child lives on a permanent basis with the overseas visitor in the United Kingdom.”.

### **Amendment of Schedule 2 to the principal Regulations**

3. In Schedule 2 (countries or territories in respect of which the United Kingdom Government has entered into a reciprocal agreement), omit “Bulgaria”, “Czech Republic”, “Hungary”, “Malta”, “Poland”, “Romania” and “Slovak Republic”.

Signed by authority of the Secretary of State for Health

*Rosie Winterton*  
Minister of State for Health  
Department of Health

11th December 2006

### **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 in respect of certain services provided under the National Health Service Act 1977 to certain persons not ordinarily resident in the United Kingdom (overseas visitors).

Regulation 2 amends regulation 4(1) of the principal Regulations so as to extend the exemption from charges to overseas visitors, to an overseas visitor who is a missionary. Regulation 2 also substitutes regulation 4(4) of the principal Regulations so as to provide that the spouse, civil partner or child of an overseas visitor to whom sub-paragraph (g), (h), (i), (j) or (q) of paragraph (1) of regulation 4 of the principal Regulations applies is also exempt from charges. However, in all other remaining cases, it continues to be a requirement that the spouse, civil partner or child of an overseas visitor also lives on a permanent basis with the overseas visitor in the United Kingdom in order to be exempt from charges.

Regulation 3 omits certain countries from the list in Schedule 2 to the principal Regulations, as these countries have now become (or will from 1st January 2007 become) part of the European Union and therefore overseas visitors from those countries will be dealt with under regulations 4(1)(m), 4A(1) and 5 of the principal Regulations.

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