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D I R E C T I O N S

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**2021 No. WG21-16**

**THE NATIONAL HEALTH  
SERVICE (WALES) ACT 2006**

The National Health Service  
(Reimbursement of the Cost of EEA  
Treatment) (Wales) (Amendment)  
Directions 2021

*Made* 25 March 2021

*Coming into force in accordance with  
direction 1(2)*

The Welsh Ministers give the following Directions in exercise of the powers conferred by sections 12(1)(b), 12(3), 203(9) and (10) and 204(1) of the National Health Service (Wales) Act 2006<sup>(1)</sup>.

**Title, commencement, application and interpretation**

**1.**—(1) The title of these Directions is the National Health Service (Reimbursement of the Cost of EEA Treatment) (Wales) (Amendment) Directions 2021.

(2) These Directions come into force from implementation period completion day.

(3) These Directions are given to Local Health Boards and apply in relation to Wales.

(4) In these Directions—

“the NHS Act” means the National Health Service (Wales) Act 2006;

“the Reimbursement Directions” means the National Health Service (Reimbursement of the Cost of EEA Treatment) (Wales) Directions 2010<sup>(2)</sup>.

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(1) 2006 c. 42.

(2) 2010 No. 40. The Directions were made on 5 August 2010 and amended by the National Health Service (Reimbursement of the Cost of EEA Treatment) (Amendment) Directions 2013 (2013) No. 25 (“the Amendment Directions”). The Directions are available at <https://gov.wales/sites/default/files/publications/2019-07/the-national-health-service-reimbursement-of-the-cost-of-eea-treatment-wales-directions-2010-2010-no-40.pdf>. The

## **Saving and transitional provisions relating to the Reimbursement Directions**

2. The Reimbursement Directions are to continue to apply with the modifications made by the Schedule, to the provision of information to, and consideration of applications made by, patients in relation to whom any of the following continue to apply by virtue of regulation 15 of the National Health Service (Cross-Border Healthcare and Miscellaneous Amendments etc.) (EU Exit) Regulations 2019 (cross-border cases arising before implementation period completion day)(1)—

- (a) section 6A or 6B of the NHS Act (reimbursement of costs of services provided in an EEA state and prior authorisation)(2);
- (b) section 6BA or 6BB of the NHS Act (reimbursement of cost of services provided in an EEA state where expenditure incurred on or after 25 October 2013 and prior authorisation)(3).

*Name,*

Sioned Rees, Deputy Director, Welsh Government,  
under the authority of the Minister for Health and  
Social Services, one of the Welsh Ministers

Date: 25 March 2021

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Amendment Directions are available at  
<https://gov.wales/sites/default/files/publications/2019-07/national-health-service-reimbursement-of-the-cost-of-eea-treatment-wales-amendment-directions-2013-2013-no-25-no-w-25.pdf>

- (1) S.I. 2019/777 as amended by S.I. 2020/1348.
- (2) Sections 6A and 6B were inserted by S.I. 2010/915 and omitted by S.I. 2019/777, subject to savings and transitional provision.
- (3) Sections 6BA and 6BB were inserted by S.I. 2013/2269 and omitted by S.I. 2019/777, subject to savings and transitional provision.

## Cross-border cases arising before implementation period completion day

1. The Reimbursement Directions are to be read as if—

- (a) in direction 2 (interpretation) in the appropriate place there were inserted—
  - ““the Cross-Border Exit Regulations” means the National Health Service (Cross-Border Healthcare and Miscellaneous Amendments etc.) (EU Exit) Regulations 2019(1);”;
- (b) direction 2 (interpretation) is to be read as if the existing text were to become paragraph (1) and after that paragraph there were inserted—
  - “(2) In these Directions, a reference to section 6A, 6B, 6BA or 6BB of the NHS (Wales) Act 2006 is a reference to that section as continued by regulation 15 of the Cross-Border Exit Regulations.”;
- (c) in the heading to direction 10 (duty to publish information about special services subject to prior authorisation), for “Duty to publish information” there were substituted “Information”;
- (d) in direction 10(1) after “each Local Health Board must” there were inserted “make reasonable efforts to”;
- (e) in the heading to direction 11 (duty to publish information on procedures for reimbursement and prior authorisation), for “Duty to publish information” there were substituted “Information”;
- (f) in direction 11, after “Each Local Health Board must” there were inserted “make reasonable efforts to”;
- (g) in direction 12(1) (advice and assistance)—
  - (i) after “Each Local Health Board must” there were inserted “make reasonable efforts to”;
  - (ii) for “another EEA state” in both places, there were substituted “an EEA state”;
- (h) for direction 13 (advice and assistance) there were substituted “Such advice and assistance is to be provided in accordance with the provisions of direction 6 of the National

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(1) S.I. 2019/777 as amended by S.I. 2020/1348.

Health Service (Cross-Border Healthcare)  
(Wales) Directions 2013(1).”.

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(1) 2013 No. 26. The Directions were made on 25 October 2013 and are available at <https://gov.wales/sites/default/files/publications/2019-07/national-health-service-cross-border-healthcare-wales-directions-2013-2013-no-26.pdf>. The Directions were amended on implementation completion date and the amending directions are available at <https://gov.wales/national-health-service-cross-border-healthcare-wales-amendment-directions-2021>.