



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2022 Rhif 402 (Cy. 99)

2022 No. 402 (W. 99)

**Y GWASANAETH IECHYD
GWLADOL, CYMRU**

**NATIONAL HEALTH
SERVICE, WALES**

**Rheoliadau'r Gwasanaeth Iechyd
Gwladol (Ffioedd Ymwelwyr
Tramor) (Diwygio) (Rhif 2)
(Cymru) 2022**

**The National Health Service
(Charges to Overseas Visitors)
(Amendment) (No. 2) (Wales)
Regulations 2022**

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

Mae'r Rheoliadau hyn yn diwygio Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd Ymwelwyr Tramor) 1989 (O.S. 1989/306) ("y prif Reoliadau"), sy'n darparu ar gyfer codi ac adennill ffioedd am wasanaethau perthnasol a ddarperir o dan Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 (p. 42) i ymwelwyr tramor.

Mae rheoliad 2 yn diwygio'r prif Reoliadau i ddarparu esemptiadau rhag codi ffioedd mewn perthynas ag ymwelwyr tramor sy'n bresennol yn gyfreithlon yn y Deyrnas Unedig ond sy'n preswyl fel arfer yn Wcráin, yn ogystal ag esemptiadau ar gyfer aelodau o'u teulu, cymdeithion awdurdodedig (ac mae'r diffiniad o gymdeithion awdurdodedig ("authorised companions") wedi ei ddiwygio gan reoliad 2(2) i gynnwys personau sy'n hebrwng ymwelwyr tramor o Wcráin sy'n cael cwrs o driniaeth) a phlant awdurdodedig.

Mae rheoliad 2 hefyd yn darparu, o ran ffioedd yr aed iddynt ers 24 Chwefror 2022 hyd nes y daw'r Rheoliadau hyn i rym mewn cysylltiad â'r ymwelwyr tramor hynny—

- os nad ydynt wedi eu codi eto, na chaniateir eu codi,
- os ydynt wedi eu codi, na chaniateir eu hadennill, neu
- os ydynt wedi eu talu, fod rhaid eu had-dalu.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (Charges to Overseas Visitors) Regulations 1989 (S.I. 1989/306) ("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 overseas visitors.

Regulation 2 amends the principal Regulations to provide exemptions from charging in relation to overseas visitors who are lawfully present in the United Kingdom but are ordinarily resident in Ukraine, as well as exemptions for their family members, authorised companions (the definition for which is amended by regulation 2(2) to include persons accompanying overseas visitors from Ukraine who are receiving a course of treatment) and authorised children.

Regulation 2 also provides that charges incurred since 24 February 2022 until the coming into force of these Regulations in respect of such overseas visitors—

- if not yet made, must not be made,
- if made, must not be recovered, or
- if paid, must be repaid.

Mae rheoliad 3 yn darparu i Weinidogion Cymru gynnal adolygiad cyn 1 Hydref 2022.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth: Yr Adran Iechyd a Gwasanaethau Cymdeithasol, Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

Regulation 3 provides for the Welsh Ministers to carry out a review before 1 October 2022.

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.

2022 Rhif 402 (Cy. 99)

**Y GWASANAETH IECHYD
GWLADOL, CYMRU**

**Rheoliadau'r Gwasanaeth Iechyd
Gwladol (Ffioedd Ymwelwyr
Tramor) (Diwygio) (Rhif 2)
(Cymru) 2022**

Gwnaed 28 Mawrth 2022

*Gosodwyd gerbron Senedd
Cymru* 30 Mawrth 2022

Yn dod i rym 31 Mawrth 2022

Mae Gweinidogion Cymru yn gwneud y Rheoliadau hyn drwy arfer y pwerau a roddir gan adrannau 124 a 203(9) a (10) o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006(1).

Enwi, cychwyn a dehongli

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd Ymwelwyr Tramor) (Diwygio) (Rhif 2) (Cymru) 2022.

(2) Daw'r Rheoliadau hyn i rym ar 31 Mawrth 2022.

(3) Yn y Rheoliadau hyn, ystyr "y prif Reoliadau" yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd Ymwelwyr Tramor) 1989(2).

Diwygio'r prif Reoliadau

2.—(1) Mae'r prif Reoliadau wedi eu diwygio fel a ganlyn.

2022 No. 402 (W. 99)

**NATIONAL HEALTH
SERVICE, WALES**

**The National Health Service
(Charges to Overseas Visitors)
(Amendment) (No. 2) (Wales)
Regulations 2022**

Made 28 March 2022

Laid before Senedd Cymru 30 March 2022

Coming into force 31 March 2022

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, commencement and interpretation

1.—(1) The title of these Regulations is the National Health Service (Charges to Overseas Visitors) (Amendment) (No. 2) (Wales) Regulations 2022.

(2) These Regulations come into force on 31 March 2022.

(3) In these Regulations, "the principal Regulations" means the National Health Service (Charges to Overseas Visitors) Regulations 1989(2).

Amendment of the principal Regulations

2.—(1) The principal Regulations are amended as follows.

(1) 2006 p. 42.

(2) O.S. 1989/306, a ddiwygiwyd gan O.S. 1991/438; O.S. 1994/1535; O.S. 2004/614; O.S. 2004/696; O.S. 2004/1433 (Cy. 146); O.S. 2008/2364 (Cy. 203); O.S. 2009/1175 (Cy. 102); O.S. 2009/1512 (Cy. 148); O.S. 2009/1824 (Cy. 165); O.S. 2009/3005 (Cy. 264); O.S. 2010/730 (Cy. 71); O.S. 2010/927 (Cy. 94); O.S. 2011/1043; O.S. 2011/2906 (Cy. 310); O.S. 2012/1809; O.S. 2014/1622 (Cy. 166); O.S. 2020/113 (Cy. 20); O.S. 2020/1607 (Cy. 334); O.S. 2021/221 (Cy. 55); O.S. 2022/89 (Cy. 30); mae offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol i'r Rheoliadau hyn.

(1) 2006 c. 42.

(2) S.I. 1989/306, amended by S.I. 1991/438; S.I. 1994/1535; S.I. 2004/614; S.I. 2004/696; S.I. 2004/1433 (W. 146); S.I. 2008/2364 (W. 203); S.I. 2009/1175 (W. 102); S.I. 2009/1512 (W. 148); S.I. 2009/1824 (W. 165); S.I. 2009/3005 (W. 264); S.I. 2010/730 (W. 71); S.I. 2010/927 (W. 94); S.I. 2011/1043; S.I. 2011/2906 (W. 310); S.I. 2012/1809; S.I. 2014/1622 (W. 166); S.I. 2020/113 (W. 20); S.I. 2020/1607 (W. 334); S.I. 2021/221 (W. 55); S.I. 2022/89 (W. 30); there are other amending instruments but none are relevant to these Regulations.

(2) Yn rheoliad 1(2) (enwi, cychwyn a dehongli), yn lle'r diffiniad o "authorised companion" rhodder—

““authorised companion” means a person who has been granted leave to enter the United Kingdom to accompany a person who is—

- (a) obtaining a course of treatment in respect of which no charges are payable under regulation 6A; or
- (b) ordinarily resident in Ukraine and is obtaining a course of treatment;”.

(3) Ar ôl rheoliad 4H (plant ymwelwyr tramor sy'n esempt rhag ffioedd yn rhinwedd rheoliadau 4F a 4G) mewnosoder—

“Overseas Visitors from Ukraine

4I.—(1) No charge may be made or recovered in respect of any relevant services provided to an overseas visitor who—

- (a) is lawfully present in the United Kingdom; and
- (b) is ordinarily resident in Ukraine.

(2) No charge may be made or recovered in respect of any relevant services provided to an overseas visitor who is lawfully present in the United Kingdom and is—

- (a) the spouse or civil partner of another overseas visitor who is exempt from charges under paragraph (1); or
- (b) a child in respect of whom another overseas visitor, who is exempt from charges under paragraph (1), has responsibility.

(3) No charge may be made or recovered in respect of any relevant services provided to an overseas visitor who is a child who—

- (a) is born in the United Kingdom to a parent who is exempt from charges by virtue of paragraph (1);
- (b) is aged 3 months or less; and
- (c) has not left the United Kingdom since birth.

(4) This paragraph applies to an overseas visitor who, during the relevant period—

- (a) received relevant services from a Local Health Board or NHS trust and who is exempt from charges for those services by virtue of—
 - (i) paragraph (1);
 - (ii) paragraph (2); or
 - (iii) paragraph (3); or

(2) In regulation 1(2) (citation, commencement and interpretation), for the definition of “authorised companion” substitute—

““authorised companion” means a person who has been granted leave to enter the United Kingdom to accompany a person who is—

- (a) obtaining a course of treatment in respect of which no charges are payable under regulation 6A; or
- (b) ordinarily resident in Ukraine and is obtaining a course of treatment;”.

(3) After regulation 4H (children of overseas visitors exempt from charges by virtue of regulations 4F and 4G) insert—

“Overseas Visitors from Ukraine

4I.—(1) No charge may be made or recovered in respect of any relevant services provided to an overseas visitor who—

- (a) is lawfully present in the United Kingdom; and
- (b) is ordinarily resident in Ukraine.

(2) No charge may be made or recovered in respect of any relevant services provided to an overseas visitor who is lawfully present in the United Kingdom and is—

- (a) the spouse or civil partner of another overseas visitor who is exempt from charges under paragraph (1); or
- (b) a child in respect of whom another overseas visitor, who is exempt from charges under paragraph (1), has responsibility.

(3) No charge may be made or recovered in respect of any relevant services provided to an overseas visitor who is a child who—

- (a) is born in the United Kingdom to a parent who is exempt from charges by virtue of paragraph (1);
- (b) is aged 3 months or less; and
- (c) has not left the United Kingdom since birth.

(4) This paragraph applies to an overseas visitor who, during the relevant period—

- (a) received relevant services from a Local Health Board or NHS trust and who is exempt from charges for those services by virtue of—
 - (i) paragraph (1);
 - (ii) paragraph (2); or
 - (iii) paragraph (3); or

- (b) received relevant services consisting of treatment the need for which arose during the visit from a Local Health Board or NHS trust and who is exempt from charges for those services by virtue of being—

- (i) an authorised companion; or
(ii) an authorised child,

who has been granted leave to enter the United Kingdom to accompany a person who is exempt from charges under paragraph (1).

(5) An overseas visitor to whom paragraph (4) applies is to be treated for the purposes of these Regulations as if, at the time that the relevant services were provided, the overseas visitor was an overseas visitor in respect of whom no charge may be made or recovered for those relevant services.

(6) A Local Health Board or NHS trust which, in respect of an overseas visitor to whom paragraph (5) applies, has—

- (a) yet to make charges under regulation 2 (making and recovery of charges), must not make the charges;
(b) made charges under regulation 2 but has yet to recover the charges, must not recover the charges; or
(c) made charges under regulation 2 and received payment in respect of the charges, must repay any sum paid in respect of the charges in accordance with regulation 8 (repayments).

(7) In this regulation, “the relevant period” means the period from 24 February 2022 to the coming into force of this regulation.”

- (b) received relevant services consisting of treatment the need for which arose during the visit from a Local Health Board or NHS trust and who is exempt from charges for those services by virtue of being—

- (i) an authorised companion; or
(ii) an authorised child,

who has been granted leave to enter the United Kingdom to accompany a person who is exempt from charges under paragraph (1).

(5) An overseas visitor to whom paragraph (4) applies is to be treated for the purposes of these Regulations as if, at the time that the relevant services were provided, the overseas visitor was an overseas visitor in respect of whom no charge may be made or recovered for those relevant services.

(6) A Local Health Board or NHS trust which, in respect of an overseas visitor to whom paragraph (5) applies, has—

- (a) yet to make charges under regulation 2 (making and recovery of charges), must not make the charges;
(b) made charges under regulation 2 but has yet to recover the charges, must not recover the charges; or
(c) made charges under regulation 2 and received payment in respect of the charges, must repay any sum paid in respect of the charges in accordance with regulation 8 (repayments).

(7) In this regulation, “the relevant period” means the period from 24 February 2022 to the coming into force of this regulation.”

Adolygu

3. Cyn 1 Hydref 2022, rhaid i Weinidogion Cymru gynnal adolygiad o'r diwygiadau a wneir gan y Rheoliadau hyn.

Review

3. Before 1 October 2022, the Welsh Ministers must carry out a review of the amendments made by these Regulations.

Eluned Morgan

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol,
un o Weinidogion Cymru
28 Mawrth 2022

Minister for Health and Social Services, one of the
Welsh Ministers
28 March 2022

©Hawlfraint y Goron 2022

© Crown copyright 2022

Argraffwyd a chyhoeddwyd yn y Deyrnas Unedig gan The Stationery Office Limited o dan awdurdod ac arolygiaeth Jeff James, Rheolwr Gwasg Ei Mawrhydi ac Argraffydd Deddfau Seneddol y Frenhines.

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£4.90

<http://www.legislation.gov.uk/id/wsi/2022/402>

ISBN 978-0-348-39285-2



9 780348 392852