

Explanatory Memorandum to the National Health Service (Charges to Overseas Visitors) (Amendment) (Wales) Regulations 2014

This Explanatory Memorandum has been prepared by the Department for Health and Social Services and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the National Health Service (Charges to Overseas Visitors) (Amendment) (Wales) Regulations 2014.

Mark Drakeford

MINISTER FOR HEALTH AND SOCIAL SERVICES

20 June 2014

1. Description

The National Health Service (Charges to Overseas Visitors) (Amendment) (Wales) Regulations 2014 (“the 2014 Regulations”) amend the National Health Service (Charges to Overseas Visitors) Regulations 1989 (“the 1989 Regulations”) to provide an exemption for individuals who are in Wales as part of the Commonwealth Games Family during the Commonwealth Games in Glasgow between 19th July and 7 August 2014, as part of IPC Athletic European Championships Family during the IPC European Athletic Championships in Swansea between 14th and 27th August 2014 and as accredited persons attending the NATO summit between 2 and 6 September 2014.

2. Matters of special interest to the Constitutional and Legislative Affairs Committee

None

3. Legislative background

The power to make these regulations is contained in sections 124, 203(9) and (10) of the National Health Service (Wales) Act 2006.

Regulation 5 of the 1989 Regulations sets out the circumstances in which an overseas visitor will be exempt from charges for treatment the need for which arose during the overseas visitors visit to the United Kingdom.

Regulation 2 of the 2014 Regulations amends the 1989 Regulations so as to provide exemptions from NHS charges for individuals who are in Wales as part of the Commonwealth Games Family between 19 July and 7 August, the IPC European Athletics Family between 14 and 27 August and accredited NATO personnel between 2 and 6 September. Regulation 2(5) of the 2014 Regulations inserts a new Schedule 4 into the National Health Service (Charges to Overseas Visitors) Regulations 1989 to define what is meant by ‘Commonwealth Games Family’, IPC Athletic European Championships Family and NATO accredited person.

These regulations also revoke Schedule 3 to the 1989 Regulations which provided an exemption for individuals who were part of the Games Family during the Olympic and Paralympic Games in London 2012.

The instrument is subject to the negative procedure.

4. Purpose & intended effect of the legislation

The three events will attract significant media attention and representatives from many countries. This provides an opportunity for us to enhance the reputation of Wales and health has a role in achieving this.

Amending the regulations will ensure that accredited individuals attending the Commonwealth Games, IPC Athletic European Championships and the NATO Summit can access free immediate and necessary treatment.

The amendments will only apply for a set period for each of the three events and any treatment provided prior to these events would be assessed under the unamended 1989 Regulations. The amendment will only allow for non-emergency treatment to be exempt from charging where the need for treatment arose during the visit. Pre-planned, elective treatment or routine monitoring of chronic conditions will therefore not be included within the exemption.

The regulations will set out the categories of visitors for each event who will be eligible for free healthcare. Those taking part in the Commonwealth Games will be issued with letter codes which will enable the NHS to determine that those individuals are eligible for free immediate and necessary treatment. A visitor to Wales who is not exempt from NHS charges will be charged the same amount during the games and Summit period as they would be at any other time.

5. Consultation

No formal consultation was undertaken the National Health Service (Charges to Overseas Visitors) (Amendment) (Wales) Regulations 2014 does not implement any changes to policy.

6. Regulatory Impact Assessment

A Regulatory Impact Assessment (RIA) has not been undertaken as the National Health Service (Charges to Overseas Visitors) (Amendment) (Wales) Regulations 2014 does not implement any changes to policy. This is in line with Section 4.2 of the Welsh Ministers' RIA code which states that the Welsh Ministers' policy is not to carry out an RIA "*Where routine technical amendments or factual amendments are required to update regulations etc. that have no major policy impact*".

The National Health Service (Charges to Overseas Visitors) (Amendment) (Wales) Regulations 2014 does not have any effect relevant to the statutory duties at sections 77-79 of the Government of Wales Act 2006, or to the statutory partners (sections 72-75).