

2008 No. 2364 (W. 203)

**NATIONAL HEALTH
SERVICE, WALES**

The National Health Service
(Charges to Overseas Visitors)
(Amendment) (Wales) Regulations
2008

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 (Wales) Act 2006 to certain persons not ordinarily resident in the United Kingdom (overseas visitors).

Regulation 2 amends regulation 4(1) of the principal Regulations to meet the United Kingdom’s obligations in relation to medical treatment under the Council of Europe Convention on Action Against Human Trafficking.

The effect of this is to extend the exemption from charges to overseas visitors set out in regulation 4 of the principal Regulations, to overseas visitors who the United Kingdom has reasonable grounds to believe are victims within the meaning of Article 4 of the Council of Europe Convention on Action Against Human Trafficking (this exemption is limited to the recovery and reflection period recognised in Article 13 of the Convention), and those who have been identified as victims.

2008 No. 2364 (W. 203)

**NATIONAL HEALTH
SERVICE, WALES**

The National Health Service
(Charges to Overseas Visitors)
(Amendment) (Wales) Regulations
2008

Made 4 September 2008

Laid before the National Assembly for Wales

8 September 2008

Coming into force 1 October 2008

The Welsh Ministers, in exercise of the powers conferred by sections 124 and 203 (10) of the National Health Service (Wales) Act 2006(1), make the following Regulations:

Title, commencement, application and interpretation

1.—(1) The title of these Regulations is the National Health Service (Charges to Overseas Visitors) (Amendment) (Wales) Regulations 2008 which come into force on 1 October 2008.

(2) These Regulations apply in relation to Wales.

(3) In these Regulations, “the principal Regulations” (“y *prif Reoliadau*”) means the National Health Service (Charges to Overseas Visitors) Regulations 1989(2).

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—

(1) 2006 c.42.

(2) 1989/306 (as amended).

“, or

- (q) who the competent authorities of the United Kingdom for the purposes of the Council of Europe Convention on Action Against Trafficking in Human Beings⁽¹⁾ (in this regulation “the Convention”),
 - (i) consider that there are reasonable grounds to believe is a victim within the meaning of Article 4 of the Convention, and the recovery and reflection period in relation to him under Article 13 of the Convention has not yet expired; or
 - (ii) have identified as a victim within the meaning of Article 4 of the Convention.”.

Edwina Hart

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

4 September 2008

(1) The Council of Europe Convention on Action Against Trafficking in Human Beings 2005 (CETS No197).

