

## **Explanatory Memorandum to the NHS (Charges to Overseas Visitors) (Amendment) (Wales) Regulations 2008**

This Explanatory Memorandum has been prepared by The Department for Health and Social Services and is laid before the National Assembly for Wales in accordance with Standing Order 24.1.

### **(i) Description**

These regulations amend the NHS (Charges to Overseas Visitors) Regulations 1989. The amendment proposed will update the list of individuals who are exempt from charges for NHS treatment.

### **(ii) Matters of special Interest to the Subordinate Legislation Committee**

None.

### **(iii) Legislative Background**

The Regulations will be made pursuant to powers under Section 124 of the NHS (Wales) Act 2006.

### **(iv) Purpose and intended effect of the legislation**

The amendments proposed will allow overseas visitors whom the UK has reasonable grounds to believe are victims within the meaning of Article 4 of the Council of Europe Convention on Action Against Human Trafficking, and those who have been identified as victims, to be entitled to receive free NHS treatment until the point of departure to their country of origin.

### **(v) Implementation**

It is intended that these regulations will come into force on 1 October 2008. Separate but parallel instruments will also come into force in England on 6 October 2008. If the Regulations do not come into force on the given date, central government will not be able to ratify the Council of Europe Convention on Action Against Human Trafficking by the end of the year.

### **(vi) Consultation**

No consultation has taken place as we were required to make the amendment to the regulations as a result of a central government commitment to ratify the Council of Europe Convention on Action Against Human Trafficking by the end of the year.

### **(vii) Regulatory Impact Assessment**

A Regulatory Impact Assessment has not been prepared for this instrument as the legislation simply amends existing legislation. However, given the relatively low numbers of people who are the victims of human trafficking across the UK as a whole, the financial impact in Wales is expected to be minimal and the impact manageable within existing resources.