

Explanatory Memorandum to the NHS (Charges to Overseas Visitors) (Amendment) (Wales) Regulations 2010.

This Explanatory Memorandum has been prepared by the Health and Social Services Directorate General and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with:

Standing Order 24.1

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of NHS (Charges to Overseas Visitors) (Amendment) (Wales) Regulations 2010

Edwina Hart AM OStJ MBE

Minister for Health and Social Services
10 March 2010

1. Description

These Regulations amend the NHS (Charges to Overseas Visitors) Regulations 1989. The amendment proposed will remove the Isle of Man from the list of countries and territories specified in Schedule 2 of the Regulations, so that visitors to Wales from the Isle of Man may now be charged for hospital treatment in the same way that other overseas visitors are, unless they meet any of the exemption categories. It also means that visitors from Wales to the Isle of Man may also be charged for treatment, and so should take out health insurance before travelling.

2. Matters of special interest to the Constitutional Affairs Committee

There are no matters of special interest. However, it may be worth noting that members of the British Irish Parliamentary Assembly have shown an interest in this matter.

3. Legislative background

Section 124 of the NHS (Wales) Act 2006 which provides that Welsh Minister may make Regulations which provide for the making and recovery of charges in respect of services under the Act provided to persons not ordinarily resident in Wales as prescribed.

The Regulations will be subject to the negative resolution procedure.

4. Purpose and intended effect of the legislation

With effect from 31 March 2010, the UK Government has terminated the 1974 agreement which entitled visitors to the UK from the Isle of Man to be entitled to certain health services free of charge.

As a result of the agreement being terminated at a UK level, visitors from Wales who require medical treatment whilst in the Isle of Man will now be charged for their treatment and visitors from the Isle of Man who require medical treatment whilst in Wales may also be chargeable. The amendment to the Regulations removing the Isle of Man from Schedule 2, reflects the agreement being terminated.

The Isle of Man Census of 2006, indicated that the population of the Island was 80,058. 1.2% (960 people) of the population of the Isle of Man were actually born in Wales.

In relation to the make up of tourism, of the 324,137 tourist visitors to the Isle of Man in 2007, 2.7% (that were in paid accommodation) were from Wales. We have no figures relating to the number of Welsh patients who received treatment in the Isle of Man whilst on holiday there.

Although we are not able to quantify how many visitors to Wales were from the Isle of Man, we are aware how many visitors to Wales from the Isle of Man required medical treatment, because the Resource Directorate of the Health and Social Services Directorate General is responsible for reimbursing Welsh LHBs and NHS Trusts which have provided treatment to overseas visitors from countries with which we have a bilateral agreement.

The Resource Directorate have confirmed that during the financial year of 2007/2008, nine visitors from the Isle of Man were treated at a cost of £17,476.36 and in 2008/2009, six visitors were treated at a cost of £13,613.06.

Concerns have been expressed that tourist visitors who are elderly and/or have a long term pre existing condition will find it difficult to obtain holiday insurance to cover visits to either of the respective countries. The Minister for Health and Social Services understand this and has indicated her willingness to discuss the possibility of entering into a new reciprocal agreement with the Isle of Man. We are awaiting further contact from the Isle of Man Government on this issue.

In the meantime, the Regulations require amendment to reflect the removal of the Isle of Man from the list of countries with which the UK has a reciprocal agreement. Should we eventually agree to the setting up of a new agreement between Wales and the Isle of Man, then we will consider amending the Regulations again.

5. Consultation

The amendments to the Regulations were not consulted upon as the decision to end the bilateral agreement with the Isle of Man was undertaken by central government.

6. Regulatory Impact Assessment (RIA)

A RIA has not been completed as the subordinate legislation imposes no costs or no savings, or negligible costs or savings on the public, private or charities and voluntary sectors in Wales.