

Draft Regulations laid before Parliament under paragraph 1(1) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2019 No. 0000

**EXITING THE EUROPEAN UNION
HEALTH SERVICES
NATIONAL HEALTH SERVICE,
ENGLAND AND WALES
SOCIAL SECURITY
HUMAN TISSUE, ENGLAND AND WALES
HUMAN TISSUE, NORTHERN IRELAND**

**The Social Security Coordination (Reciprocal Healthcare)
(Amendment etc) (EU Exit) Regulations 2019**

Made - - - -

Coming into force in accordance with regulation 1

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018⁽¹⁾.

In accordance with paragraph 1(1) of Schedule 7 to that Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

PART 1

Preliminary

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Social Security Coordination (Reciprocal Healthcare) (Amendment etc) (EU Exit) Regulations 2019 and come into force on exit day⁽²⁾.

(2) An amendment, repeal or revocation made by these Regulations has the same extent and application as the provision being amended, repealed or revoked.

Interpretation

2. In these Regulations—

“Regulation (EEC) No 1408/71” means Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community;

“Regulation (EEC) No 574/72” means Council Regulation (EEC) No 574/72 of 21 March 1972 fixing the procedure for implementing Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to their families moving within the Community;

“Regulation (EC) No 883/2004” means Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems;

“Regulation (EC) No 987/2009” means Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems.

PART 2

Amendments of primary legislation

The National Health Service Act 2006

3. In the National Health Service Act 2006—

(a) in section 183 (payment of travelling expenses)⁽³⁾, omit paragraph (a)(iii) and the “or” preceding it;

(b) in section 275 (interpretation), omit the definition of “Regulation (EC) No. 883/2004”⁽⁴⁾ so far as it relates to section 183(a)(iii).

The National Health Service (Wales) Act 2006

4. In the National Health Service (Wales) Act 2006—

(a) in section 131 (payment of travelling expenses)⁽⁵⁾, omit paragraph (a)(iii) and the “or” preceding it;

(2) “Exit day” is defined in section 20 of the European Union (Withdrawal) Act 2018.

(3) 2006 c.41; section 183 was amended by paragraph 98 of Schedule 4 to the Health and Social Care Act 2012 (c.7).

(4) The definition was inserted by S.I. 2010/915.

(5) 2006 c.42; section 131 was amended by S.I. 2010/915; there are other amending instruments but none is relevant.

- (b) in section 206 (interpretation), omit the definition of “Regulation (EC) No. 883/2004”(6) so far as it relates to section 131(a)(iii).

PART 3

Amendments of subordinate legislation

The NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) (Establishment and Constitution) Order 2005

5.—(1) The NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) (Establishment and Constitution) Order 2005(7), is amended as follows.

(2) In article 1 (interpretation), omit the definition of “the European Health Insurance Card”.

(3) Omit article 3(a)(ii) (functions of the NHS Business Services Authority – the European Health Insurance Card).

The Human Tissue Act 2004 (Ethical Approval, Exceptions from Licensing and Supply of Information about Transplants) Regulations 2006

6. In the Human Tissue Act 2004 (Ethical Approval, Exceptions from Licensing and Supply of Information about Transplants) Regulations 2006(8), in Schedule 2 (receipt of transplantable material), in paragraph 10, in the text following “case) that—” —

(a) omit sub-paragraph (a);

(b) omit sub-paragraph (b).

The National Health Service and Public Health (Functions and Miscellaneous Provisions) Regulations 2013

7. In the National Health Service and Public Health (Functions and Miscellaneous Provisions) Regulations 2013(9), omit regulations 2 to 8 (exercise of EU functions), so far as not omitted by the National Health Service (Cross-Border Healthcare and Miscellaneous Amendments etc) (EU Exit) Regulations 2019.

The National Health Service (General Medical Services Contracts) Regulations 2015

8. In the National Health Service (General Medical Services Contracts) Regulations 2015(10), omit regulation 74F (information relating to overseas visitors).

The National Health Service (Personal Medical Services Agreements) Regulations 2015

9. In the National Health Service (Personal Medical Services Agreements) Regulations 2015(11), omit regulation 67F (information relating to overseas visitors).

(6) The definition was inserted by S.I. 2010/915.

(7) S.I. 2005/2414; relevant amendments were made by S.I. 2006/632.

(8) S.I. 2006/1260; relevant amendments were made by S.I. 2011/1043 and 2012/1809.

(9) S.I. 2013/261; amended by S.I. 2013/2269; there are other amending instruments but none is relevant.

(10) S.I. 2015/1862; relevant amendments were made by S.I. 2017/908.

(11) S.I. 2015/1879; relevant amendments were made by S.I. 2017/908.

The Social Security Coordination (Regulation (EC) No 883/2004, EEA Agreement and Swiss Agreement) (Amendment) (EU Exit) Regulations 2019

10. In the Social Security Coordination (Regulation (EC) No 883/2004, EEA Agreement and Swiss Agreement) (Amendment) (EU Exit) Regulations 2019, in Schedule 3 (amendments to Title 3 of Regulation (EC) No 883/2004)—

- (a) omit paragraph 2 (amendments of Article 29);
- (b) omit paragraph 5 (amendments of Article 36(2)).

PART 4

Rights etc deriving from the Treaties

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11. The rights, powers, liabilities, obligations, restrictions, remedies and procedures which, but for this regulation, would continue to be recognised and available in domestic law⁽¹²⁾ by virtue of section 4 of the European Union (Withdrawal) Act 2018, are to cease to be recognised and available in domestic law on exit day, so far as they are inconsistent with, or are otherwise capable of affecting the interpretation, application or operation of, provision made by these Regulations.

PART 5

Amendment of EU Regulations

Regulation (EC) No 883/2004

12. Regulation (EC) No 883/2004 is amended as set out in Schedule 1.

Regulation (EC) No 987/2009

13. Regulation (EC) No 987/2009 is amended as set out in Schedule 2.

Regulation (EEC) No 1408/71

14. Regulation (EEC) No 1408/71 is amended as set out in Schedule 3.

Regulation (EEC) No 574/72

15. Regulation (EEC) No 574/72 is amended as set out in Schedule 4.

⁽¹²⁾ “Domestic law” is defined in section 20 of the European Union (Withdrawal) Act 2018.

PART 6

Amendment of the EEA agreement

Amendment of the EEA agreement

16. In the Agreement on the European Economic Area signed at Oporto on 2 May 1992, so far as it forms part of domestic law by virtue of section 3(2)(b) of the European Union (Withdrawal) Act 2018, in Annex 6, in Part 1 (general social security coordination), in paragraph 1 (provision relating to Regulation (EC) No 883/2004)—

- (a) omit point (e) (modification of Annex 3);
- (b) omit point (f) (modification of Annex 4);
- (c) omit point (l) (modification of Annex 11), so far as not omitted by regulation 3 of the Social Security Coordination (Regulation (EC) No 883/2004, EEA Agreement and Swiss Agreement) (Amendment) (EU Exit) Regulations 2019.

PART 7

Savings and transitional provision

Savings and transitional provision

- 17.** Schedule 5 makes savings and transitional provision.

Signed by authority of the Secretary of State for Health and Social Care.

Date

Name
Minister of State,
Department for Health and Social Care