

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to *The National Health Service (Cross-Border Healthcare and Miscellaneous Amendments etc.) (EU Exit) Regulations 2019*. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

## SCHEDULE 1

Regulation 15

### Cross-border cases arising before [<sup>F1</sup>IP completion day]

**F1** Words in Sch. 1 heading substituted (31.12.2020 immediately before IP completion day) by [The Reciprocal and Cross-Border Healthcare \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1348\)](#), regs. 1, **12(a)**

## PART 1

### Modifications to primary legislation

#### Modifications to the NHS Act 2006

1. The NHS Act 2006 is to be read as if—
  - (a) in the headings to sections 6A and 6BA (reimbursement of cost of services provided in an EEA state), for references to “another EEA state” there were substituted “an EEA state”;
  - (b) in those sections, for references to “an EEA state other than the United Kingdom” there were substituted “an EEA state”;
  - [<sup>F2</sup>(ba) in section 6A(6), after the second reference to “apply” there were inserted “by virtue of Title III of Part 2 of the withdrawal agreement (co-ordination of social security systems), Title III of Part 2 of the EEA EFTA separation agreement or social security co-ordination provisions of the Swiss citizens’ rights agreement (co-ordination of social security systems)”;
  - (bb) after section 6A(11), there were inserted—

“(12) In subsection (6), expressions which are defined in the European Union (Withdrawal Agreement) Act 2020 have the same meaning as they have in that Act.”;
  - (bc) in section 6BA(9), after “applies” there were inserted “by virtue of Title III of Part 2 of the withdrawal agreement (co-ordination of social security systems), Title III of Part 2 of the EEA EFTA separation agreement or social security co-ordination provisions of the Swiss citizens’ rights agreement (co-ordination of social security systems)”;
  - (bd) after section 6BA(15), there were inserted—

“(16) In subsection (9), expressions which are defined in the European Union (Withdrawal Agreement) Act 2020 have the same meaning as they have in that Act.”;
  - (c) in section 6D (regulations relating to EU obligations) and the heading to that section, for references to “EU obligations” there were substituted “retained EU obligations”;
  - (d) in section 6E(7)(b) (regulations as to exercise of functions by the Board or clinical commissioning groups), for the reference to “EU obligations” there were substituted “retained EU obligations”;
  - [<sup>F3</sup>(e) .....

**F2** Sch. 1 para. 1(ba)-(bd) inserted (31.12.2020 immediately before IP completion day) by [The Reciprocal and Cross-Border Healthcare \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1348\)](#), regs. 1, **12(b)**

**F3** Sch. 1 para. 1(e) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Reciprocal and Cross-Border Healthcare \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1348\)](#), regs. 1, **12(c)**

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**Commencement Information**

- II** Sch. 1 para. 1 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

**Modifications to the NHS (Wales) Act**

- 2. The NHS (Wales) Act is to be read as if—
  - (a) in the headings to sections 6A and 6BA (reimbursement of cost of services provided in an EEA state), for references to “another EEA state” there were substituted “an EEA state”;
  - (b) in those sections, for references to “an EEA state other than the United Kingdom” there were substituted “an EEA state”;
  - [<sup>F4</sup>(ba) in section 6A(6), after the second reference to “apply” there were inserted “by virtue of Title III of Part 2 of the withdrawal agreement (co-ordination of social security systems), Title III of Part 2 of the EEA EFTA separation agreement or social security co-ordination provisions of the Swiss citizens’ rights agreement (co-ordination of social security systems)”;
  - (bb) after section 6A(11), there were inserted—
    - “(12) In subsection (6), expressions which are defined in the European Union (Withdrawal Agreement) Act 2020 have the same meaning as they have in that Act.”;
  - (bc) in section 6BA(9), after “applies” there were inserted “by virtue of Title III of Part 2 of the withdrawal agreement (co-ordination of social security systems), Title III of Part 2 of the EEA EFTA separation agreement or social security co-ordination provisions of the Swiss citizens’ rights agreement (co-ordination of social security systems)”;
  - (bd) after section 6BA(15), there were inserted—
    - “(16) In subsection (9), expressions which are defined in the European Union (Withdrawal Agreement) Act 2020 have the same meaning as they have in that Act.”;
  - <sup>F5</sup>(c) .....

**F4** Sch. 1 para. 2(ba)-(bd) inserted (31.12.2020 immediately before IP completion day) by [The Reciprocal and Cross-Border Healthcare \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1348\)](#), regs. 1, [12\(d\)](#)

**F5** Sch. 1 para. 2(c) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Reciprocal and Cross-Border Healthcare \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1348\)](#), regs. 1, [12\(e\)](#)

**Commencement Information**

- I2** Sch. 1 para. 2 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

**Modifications to the Health and Social Care Act 2012**

- 3. The Health and Social Care Act 2012 is to be read as if—
  - (a) in section 124(9) (local modifications of prices: agreements), for “an EU obligation” there were substituted “a retained EU obligation”;
  - (b) in section 125(9) (local modifications of prices: applications), for “an EU obligation” there were substituted “a retained EU obligation”.

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#### Commencement Information

- I3** Sch. 1 para. 3 in force at 31.12.2020 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

### Modification to the Cities and Local Government Devolution Act 2016

**4.** The Cities and Local Government Devolution Act 2016 is to be read as if for section 18(2)(b) (devolving health service functions) there were substituted—

- “(b) sections 6BA and 6BB of that Act (duties regarding the reimbursement of costs of services provided in an EEA state).”

#### Commencement Information

- I4** Sch. 1 para. 4 in force at 31.12.2020 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

## PART 2

### Modifications to secondary legislation

#### Modifications to the 2013 Regulations

- 5.** The 2013 Regulations are to be read as if—
- (a) in regulation 1(3) (interpretation)—
    - (i) in the definition of “resident patient”, for the reference to “the United Kingdom is” there were substituted “ immediately before [<sup>F6</sup>IP completion day] the United Kingdom was ”;
    - (ii) in the definition of “visiting patient”, for the reference to “a member State other than the United Kingdom is” there were substituted “ immediately before [<sup>F6</sup>IP completion day] a member State other than the United Kingdom was ”;
  - (b) in regulation 2 (national contact point: designation), for references to “must” there were substituted “ may ”;
  - (c) in regulation 3 (NCP: information about treatment in England and Wales)—
    - (i) in paragraph (1), before “ensure” there were inserted “make reasonable efforts to”;
    - (ii) in paragraph (2), before “ensure” there were inserted “make reasonable efforts to”;
  - (d) in the heading to regulation 4 (NCP: information about treatment in a member State), for the reference to “another member State” there were substituted “ a member State ”;
  - (e) in regulation 4(1)—
    - (i) before “ensure” there were inserted “make reasonable efforts to”;
    - (ii) for references to “other member States” there were substituted “ member States ”;
    - (iii) for the reference to “another member State” there were substituted “ a member State ”;
  - (f) regulation 4A (NCP: information about prescriptions) were omitted;
  - (g) in regulation 5 (NCP: cross-border co-operation)—

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- (i) for paragraph (1) there were substituted—
  - “(1) In so far as it considers it is appropriate for the purposes of giving effect to regulation 15 of the National Health Service (Cross-Border Healthcare and Miscellaneous Amendments etc.) (EU Exit) Regulations 2019, the NCP must make reasonable efforts to co-operate with the national contact points in member States and any other national contact points in the United Kingdom.”;
  - (ii) in paragraph (2), after “must” there were inserted “so far as the NCP considers appropriate;
- (h) regulation 6 (NCP: duty to consult) were omitted;
- (i) in regulation 9(1) (information on rights and entitlements), after “must” there were inserted “ make reasonable efforts to ”;
- (j) in regulation 12(1) (information on rights and entitlements), after “must” there were inserted “ make reasonable efforts to ”;
- [<sup>F7</sup>(ja) in regulation 13(2) (NHS charges), in paragraph (a) of the definition of “cross-border healthcare service”, after “visiting patient”, there were inserted “which insofar as it was provided before IP completion day was provided”];
- (k) in the heading to regulation 14 (exemption from NHS charges), for the reference to “another member State” there were substituted “ a member State ”;
- (l) in regulation 14—
  - (i) in paragraph (2), for the reference to “P is” there were substituted “ immediately before [<sup>F6</sup>IP completion day] P was ”;
  - (ii) in paragraph (2)(a), for the reference to “is resident” there were substituted “ was resident ”;
  - (iii) in paragraph (2)(b), for the reference to “is the competent member State” there were substituted “ was the competent member State ”;
  - [<sup>F8</sup>(iv) in paragraph (3)(b), for “it is not provided” there were substituted “insofar as the service was provided before IP completion day it was not provided”];
  - <sup>F9</sup>(v) .....
- [<sup>F10</sup>(m) regulation 16 (review) were omitted;]
- (n) the Schedule (elements that must be included in prescriptions) were omitted.

<b>F6</b>	Words in Sch. 1 substituted (31.12.2020 immediately before IP completion day) by <a href="#">The Reciprocal and Cross-Border Healthcare (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1348)</a> , regs. 1, <b>12(a)</b>
<b>F7</b>	Sch. 1 para. 5(ja) inserted (31.12.2020 immediately before IP completion day) by <a href="#">The Reciprocal and Cross-Border Healthcare (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1348)</a> , regs. 1, <b>12(f)</b>
<b>F8</b>	Sch. 1 para. 5(l)(iv) substituted (31.12.2020 immediately before IP completion day) by <a href="#">The Reciprocal and Cross-Border Healthcare (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1348)</a> , regs. 1, <b>12(g)</b>
<b>F9</b>	Sch. 1 para. 5(l)(v) omitted (31.12.2020 immediately before IP completion day) by virtue of <a href="#">The Reciprocal and Cross-Border Healthcare (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1348)</a> , regs. 1, <b>12(h)</b>
<b>F10</b>	Sch. 1 para. 5(m) substituted (31.12.2020 immediately before IP completion day) by <a href="#">The Reciprocal and Cross-Border Healthcare (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1348)</a> , regs. 1, <b>12(i)</b>

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- I5** Sch. 1 para. 5 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

#### [<sup>F11</sup> Modifications to the National Health Service and Public Health (Functions and Miscellaneous Provisions) Regulations 2013

6. The NHS Functions Regulations are to be read as if—
- (a) regulation 2(1)(a) (interpretation) were omitted;
  - (c) in regulation 3 (exercise of functions)—
    - (i) in paragraph (a), for references to “another EEA state” (in both places) there were substituted “an EEA state”;
    - (ii) paragraph (b) were omitted;
  - (c) in regulation 4 (procedure for applications)—
    - (i) after paragraph (1)(a) there were inserted “and”;
    - (ii) paragraph (1)(c) and the “and” before it were omitted;
    - (iii) in paragraph (3)(a), the words “or pursuant to Article 20 or Article 27(3)” were omitted;
  - (d) in regulation 6(2) (form and content of determination)—
    - (i) after sub-paragraph (a) there were inserted “or”;
    - (ii) sub-paragraph (c) and the “or” before it were omitted.]

- F11** Sch. 1 para. 6 substituted (31.12.2020 immediately before IP completion day) by [The Reciprocal and Cross-Border Healthcare \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1348\)](#), [regs. 1, 12\(j\)](#)

#### Commencement Information

- I6** Sch. 1 para. 6 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

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**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 1 Pt. 1 para. 1(c)(d) words substituted by [S.I. 2024/80 Sch. para. 13\(4\)\(a\)](#)
- Sch. 1 Pt. 1 para. 3(a)(b) words substituted by [S.I. 2024/80 Sch. para. 13\(4\)\(b\)](#)