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OFFERYNNAU STATUDOL  
CYMRU

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WELSH STATUTORY  
INSTRUMENTS

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**2021 Rhif 221 (Cy. 55)**

**2021 No. 221 (W. 55)**

**YMADAEL Â'R UNDEB  
EWROPEAIDD, CYMRU**

**EXITING THE EUROPEAN  
UNION, WALES**

**Y GWASANAETH IECHYD  
GWLADOL, CYMRU**

**NATIONAL HEALTH  
SERVICE, WALES**

**Rheoliadau'r Gwasanaeth Iechyd  
Gwladol (Ffioedd Ymwelwyr  
Tramor) (Diwygio) (Cymru)  
(Ymadael â'r UE) 2021**

**The National Health Service  
(Charges to Overseas Visitors)  
(Amendment) (Wales) (EU Exit)  
Regulations 2021**

**NODYN ESBONIADOL**

*(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)*

Mae'r Rheoliadau hyn yn diwygio Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd Ymwelwyr Tramor) 1989 ("y prif Reoliadau"), sy'n darparu ar gyfer codi ac adennill ffioedd am wasanaethau perthnasol a ddarperir o dan Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 (p. 42) i bersonau penodol nad ydynt yn preswyl fel arfer yn y Deyrnas Unedig.

Mae rheoliad 3 yn mewnosod rheoliad 4E yn y prif Reoliadau i ddarparu y gall personau sydd o fewn cwrdd darpariaethau Protocol Cyd-drefnu Nawdd Cymdeithasol y Cytundeb Masnach a Chydweithredu gael gwasanaethau perthnasol yn ddi-dâl pan fo hawl yn codi o'r cytundeb.

Mae rheoliad 4 yn mewnosod Iwerddon a Norwy yn y rhestr o wledydd yn Atodlen 2 i'r prif Reoliadau, sy'n golygu na chaniateir codi nac adennill ffioedd mewn cysylltiad â gwasanaethau perthnasol a ddarperir i ymwelydd tramor pan fo darparu'r gwasanaethau hynny wedi ei gwmpasu gan y cytundeb cilyddol hwnnw.

**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 for relevant services provided under the National Health Service (Wales) Act 2006 (c. 42) to certain persons not ordinarily resident in the United Kingdom.

Regulation 3 inserts regulation 4E into the principal Regulations to provide that persons who are within the scope of the SSC Protocol provisions of the Trade and Cooperation Agreement are able to receive relevant services without charge where there is a right arising from the agreement.

Regulation 4 inserts Ireland and Norway into the list of countries in Schedule 2 to the principal Regulations, meaning that no charges may be made or recovered in respect of relevant services provided to an overseas visitor where the provision of those services is covered by that reciprocal agreement.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth: Yr Adran Iechyd a Gwasanaethau Cymdeithasol, Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Department of Health and Social Services, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

**2021 Rhif 221 (Cy. 55)**

**YMADAEL Â'R UNDEB  
EWROPEAIDD, CYMRU**

**Y GWASANAETH IECHYD  
GWLADOL, CYMRU**

**Rheoliadau'r Gwasanaeth Iechyd  
Gwladol (Ffioedd Ymwelwyr  
Tramor) (Diwygio) (Cymru)  
(Ymadael â'r UE) 2021**

*Gwnaed* 2 Mawrth 2021

*Gosodwyd gerbron Senedd  
Cymru* 3 Mawrth 2021

*Yn dod i rym* 26 Mawrth 2021

Mae Gweinidogion Cymru yn gwneud y Rheoliadau hyn drwy arfer y pwerau a roddir gan adrannau 124 a 203(9) a (10) o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006(1).

**Enwi a chychwyn**

**1.**—(1) Enw'r Rheoliadau hyn yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd Ymwelwyr Tramor) (Diwygio) (Cymru) (Ymadael â'r UE) 2021.

(2) Daw'r Rheoliadau hyn i rym ar 26 Mawrth 2021.

**Diwygio Rheoliadau'r Gwasanaeth Iechyd Gwladol  
(Ffioedd Ymwelwyr Tramor) 1989**

**2.** Mae Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd Ymwelwyr Tramor) 1989(2) wedi eu diwygio fel a ganlyn.

- (1) 2006 p. 42. *Gweler* adran 206(1) am y diffiniad o "prescribed" a "regulations".
- (2) O.S. 1989/306; yr offerynnau diwygio perthnasol yw O.S. 1991/438, 1994/1535, 2004/1433 (Cy. 146), 2009/1512 (Cy. 148) a 3005 (Cy. 264), 2010/927 (Cy. 94), 2011/2906 (Cy. 310) a 2020/1607 (Cy. 334).

**2021 No. 221 (W. 55)**

**EXITING THE EUROPEAN  
UNION, WALES**

**NATIONAL HEALTH  
SERVICE, WALES**

**The National Health Service  
(Charges to Overseas Visitors)  
(Amendment) (Wales) (EU Exit)  
Regulations 2021**

*Made* 2 March 2021

*Laid before Senedd Cymru* 3 March 2021

*Coming into force* 26 March 2021

The Welsh Ministers make these Regulations in exercise of the powers conferred by sections 124 and 203(9) and (10) of the National Health Service (Wales) Act 2006(1).

**Title and commencement**

**1.**—(1) The title of these Regulations is the National Health Service (Charges to Overseas Visitors) (Amendment) (Wales) (EU Exit) Regulations 2021.

(2) These Regulations come into force on 26 March 2021.

**Amendment of the National Health Service  
(Charges to Overseas Visitors) Regulations 1989**

**2.** The National Health Service (Charges to Overseas Visitors) Regulations 1989(2) are amended as follows.

- (1) 2006 c. 42. *See* section 206(1) for the definition of "prescribed" and "regulations".
- (2) S.I. 1989/306; relevant amending instruments are S.I. 1991/438, 1994/1535, 2004/1433 (W. 146), 2009/1512 (W. 148) and 3005 (W. 264), 2010/927 (W. 94), 2011/2906 (W. 310) and 2020/1607 (W. 334).

## Mewnosod rheoliad 4E

3. Ar ôl rheoliad 4D (personau sy'n gwneud ceisiadau hwyr o dan Atodiad EU i'r rheolau mewnfudo) mewnosoder—

### “Overseas visitors with Trade and Cooperation Agreement Rights

4E.—(1) No charge may be made or recovered in respect of any relevant services provided to an overseas visitor who has an entitlement to the provision of those services without charge by virtue of a right arising from the SSC Protocol provisions of the Trade and Cooperation Agreement.

(2) In paragraph (1), “the SSC Protocol” has the same meaning as in section 26(5) of the European Union (Future Relationship) Act 2020(1) (“the 2020 Act”) and “the Trade and Cooperation Agreement” has the same meaning as in section 37(1) of the 2020 Act.”

## Diwygio Atodlen 2

4. Yn Atodlen 2 (gwledydd neu diriogaethau y mae Llywodraeth y Deyrnas Unedig wedi ymrwymo i gytundeb cilyddol â hwy), yn y lleoedd priodol mewnosoder “Ireland” a “Norway”.

## Insertion of regulation 4E

3. After regulation 4D (persons who make late applications under Appendix EU to the immigration rules) insert—

### “Overseas visitors with Trade and Cooperation Agreement Rights

4E.—(1) No charge may be made or recovered in respect of any relevant services provided to an overseas visitor who has an entitlement to the provision of those services without charge by virtue of a right arising from the SSC Protocol provisions of the Trade and Cooperation Agreement.

(2) In paragraph (1), “the SSC Protocol” has the same meaning as in section 26(5) of the European Union (Future Relationship) Act 2020(1) (“the 2020 Act”) and “the Trade and Cooperation Agreement” has the same meaning as in section 37(1) of the 2020 Act.”

## Amendment of Schedule 2

4. In Schedule 2 (countries or territories in respect of which the United Kingdom Government has entered into a reciprocal arrangement), in the appropriate places insert “Ireland” and “Norway”.

*Vaughan Gething*

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol,  
un o Weinidogion Cymru  
2 Mawrth 2021

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Minister for Health and Social Services, one of the  
Welsh Ministers  
2 March 2021

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(1) 2020 p. 29.

(1) 2020 c. 29.

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