

The NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) (Immigration Health Surcharge Reimbursement Scheme) Directions 2020

The Secretary of State for Health and Social Care, in exercise of the powers conferred by sections 7, 8 272(7) and (8) of the National Health Service Act 2006(a), makes the following directions:

Citation, application, commencement and interpretation

1.—(1) These Directions apply to the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG).

(2) These Directions shall come into force immediately after they are signed.

(3) In these Directions—

“DHSC” means the Department of Health and Social Care;

“External Review” means a review by DHSC of a reimbursement decision made by the Authority and confirmed on an Internal Review;

“Internal Review” means a review by the Authority of a Reimbursement Decision made by the Authority

“Reimbursement Decision” means a decision made by the Authority in respect of an applicant’s eligibility for a reimbursement, or the amount of any such reimbursement;

“the Guidance” means the Immigration Health Surcharge: Guidance for Reimbursement 2020(b);

“the Authority” means the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG)(c);

“the Scheme” means the Immigration Health Surcharge Reimbursement Scheme established by the Secretary of State pursuant to section 38 of the Immigration Act 2014(d);

“UKVI” means UK Visas and Immigration part of the Home Office.

Functions of the Authority in relation to the Immigration Health Surcharge Reimbursement Scheme

2. The Authority is directed to exercise the functions in relation to the Scheme specified in the Schedule to these Directions.

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



Date 30th September 2020

Member of the Senior Civil Service
Department of Health and Social Care

(a) 2006 c.41

(b) INSERT LINK HERE TO THE GUIDANCE. Also need to provide here an address to which people can write and request a hard copy of the guidance.

(c) Established by S.I. 2005/2414, as amended by S.I. 2006/632 and 2007/1201.

(d) 2014 c.22

SCHEDULE 1

Direction 2

1.(1) Subject to paragraph (2), the Authority must exercise the functions of the Secretary of State in relation to the administration of the Scheme, and in particular—

- (a) accept, consider and decide applications for a reimbursement made by individuals under the Scheme;
- (b) inform UKVI of all approved applications under the Scheme;
- (c) inform applicants to the Scheme of the Authority's decisions under the Scheme; and
- (d) consider and decide Internal Reviews made under the Scheme and inform applicants of the outcome;
- (e) Provide to DHSC such information as is required to enable DHSC to carry out External Reviews.

(2) The Authority shall not—

- (a) determine the arrangements for making payments to an applicant who is entitled to receive a reimbursement under the Scheme;
- (b) pay such sums as are due to an applicant;
- (c) determine the scope or rules of the Scheme or change the Guidance underpinning the Scheme.

2. In exercising the functions in paragraph 1(1) in relation to the Scheme the Authority must seek such appropriate and timely legal advice as it considers necessary in connection with—

- (a) the interpretation of the legislation and procedures relating to the administration of the Scheme;
- (b) the conduct of litigation whether actual or threatened.

3. The Authority must notify the Secretary of State forthwith of any matters (including actual or threatened litigation) which may in the Authority's opinion—

- (a) challenge or cast doubt upon the existing legislation or powers under which the Scheme is operating, their interpretation or application; or
- (b) raise issues of financial or public policy in relation to the Scheme.

4. Where the Authority notifies the Secretary of State of a matter in accordance with paragraph 3 it must—

- (a) consult with the Secretary of State about the conduct of the matter; and
- (b) ensure that the Secretary of State is kept informed of developments in and the progress of the matter.

5. The Authority must provide advice to the Secretary of State in relation to matters concerning the Scheme including in particular actual or threatened litigation where issues of public policy or finance may arise.

6. The Authority must keep and maintain records of—

(a) all applications for reimbursements under the Scheme and decisions made on those applications;

(b) all applications for internal reviews under the Scheme and decisions made on those applications; and

(c) all other information necessary to perform its functions.

(7) The Authority must work and liaise with DHSC and the UKVI as appropriate.