
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Provision of Health Services to Persons not Ordinarily Resident Regulations (Northern Ireland) 2005. The Regulations make available, to visitors in Northern Ireland, certain health services under the Health and Personal Social Services (Northern Ireland) Order 1972, at a charge determined by the Department of Health, Social Services and Public Safety, “the Department”. The Regulations go on to provide for various exemptions from charges: some services are always exempt from charge, some categories of visitor are exempt from charge.

Regulation 3 provides that services forming part of health services (mainly secondary care services) shall be made available to any visitor, at a charge determined by the Department.

Regulation 4 sets out specific services forming part of health services provided to visitors which are exempt from charges, including accident and emergency services, family planning services and treatment for diseases listed in Schedule 1 to these Regulations. It also provides that services forming part of health services which are exempt from charge under these Regulations shall be available to a visitor unless that person has travelled to Northern Ireland specifically to receive those services.

Regulations 5 to 22 set out the circumstances in which a visitor is exempt from charges for any services forming part of health services, in the event the service is not one specified in regulation 4.

Regulation 5 provides an exemption for a visitor who has lawfully resided in the United Kingdom for at least twelve months. Regulation 6 exempts a visitor who is present in the United Kingdom (or designated areas) for a specified purpose, such as employment. Regulation 7 provides exemption for a visitor who is entitled to the services at no charge by virtue of an enforceable European Union right. Regulation 8 provides an exemption for services provided to a visitor where those services are covered by the terms of a reciprocal agreement made between the United Kingdom and a country listed in Schedule 2 to these Regulations.

Regulations 9 to 13 provide exemptions in certain circumstances for refugees, asylum seekers and children in care, for cases involving human trafficking, for exceptional humanitarian reasons, for diplomats and NATO forces. Regulations 14 and 15 provide exemptions from charges for United Kingdom pensioners who reside in another EEA State or Switzerland for a period not exceeding six months each year, and for those receiving any pension or benefit paid under certain war or armed forces compensation schemes. Regulation 16 provides an exemption for members of the United Kingdom forces, other Crown servants and others employed by certain public bodies. Regulations 17 to 20 provide exemptions in certain circumstances for former United Kingdom residents working overseas, missionaries, persons imprisoned or detained under specified enactments and employees on ships.

Regulation 21 sets out the circumstances in which a visitor will be exempt from charges for services forming part of health services, the need for which arose during the visitor’s visit to Northern Ireland. Regulation 22 sets out the conditions for which a family member of a visitor may also be exempt from charges for services forming part of health services.

Regulation 23 provides that a visitor shall only be exempt from charges to the extent that charges would not be payable by a person ordinarily resident in Northern Ireland.

Regulation 24 makes available general health services, (in accordance with Part VI of the Health and Personal Social Services (Northern Ireland) Order 1972 (mainly primary care services)), to various classes of persons eligible to avail of services forming part of health services at no charge, unless

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charges would be payable by a person ordinarily resident in Northern Ireland. The policy intention is to ensure access to health care at the most appropriate setting.

Regulation 25 prescribes certain general health services which may be made available to visiting patients exercising rights under Directive 2011/24/EU on the application of patients' rights in cross border healthcare. Where these services are provided to a visiting patient, the charge is such as may be determined by the Department.

Regulation 26 introduces transitional arrangements in respect of visitors who are in Northern Ireland on the date on which the revocation takes place, and who have an entitlement to services under the terms of the revoked Regulations, to enable them to retain entitlement for the duration of that visit.

Regulation 27 provides for the revocation of the Provision of Health Services to Persons not Ordinarily Resident Regulations (Northern Ireland) 2005 and subsequent amendments thereto.