
STATUTORY RULES OF NORTHERN IRELAND

2015 No. 27

**Provision of Health Services to Persons Not Ordinarily
Resident Regulations (Northern Ireland) 2015**

PART 1

INTRODUCTION

Citation and commencement

1. These Regulations may be cited as the Provision of Health Services to Persons Not Ordinarily Resident Regulations (Northern Ireland) 2015 and shall come into operation on 23rd February 2015.

Interpretation

2.—(1) In these Regulations—

“authorised child” means a child who—

- (a) has been granted leave to enter the United Kingdom with a parent or legal guardian for the purpose of the parent or legal guardian receiving a course of treatment in respect of which no charge may be made or recovered under regulation 11; or
- (b) is a child of an authorised companion;

“authorised companion” means a person who has been granted leave to enter the United Kingdom to accompany a person who is obtaining a course of treatment in respect of which no charge may be made or recovered under regulation 11;

“Board” means the Regional Health and Social Care Board established under section 7 of the Health and Social Care (Reform) Act (Northern Ireland) 2009⁽¹⁾;

“child” means a person who is—

- (a) under the age of sixteen; or
- (b) a qualifying young person within the meaning of section 138 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992⁽²⁾ or section 142 of the Social Security Contributions and Benefits Act 1992⁽³⁾ (“Child” and “qualifying young person”);

“Continental Shelf” except in reference to a designated area of the Continental Shelf, means the sea bed and subsoil of the submarine area (other than in the Baltic or Mediterranean Seas, including the Adriatic and Aegean, or the Black Sea), adjacent to the coasts, lying north of the latitude of 25 degrees north and between the longitude of 30 degrees west and 35 degrees east, of the territory (including islands) of—

- (a) any country situated on the Continent of Europe; or

⁽¹⁾ 2009 c.1 (N.I.)

⁽²⁾ 1992 c. 7 section 138 was substituted by section 2(2) of the Child Benefit Act 2005 (c. 6)

⁽³⁾ 1992 c. 7 section 142 was substituted by section 1(2) of the Child Benefit Act 2005 (c. 6)

(b) the Republic of Ireland;

where the submarine area is outside the seaward limits of the territorial limits of those countries and the Republic of Ireland and is an area with respect to which the exercise by any of them of sovereign rights in accordance with international law is recognised by the Government of the United Kingdom;

“core hours” means the period beginning at 8am and ending at 6.30pm on any day from, and including, Monday to Friday except a public holiday and a local holiday agreed with the Board;

“designated area of the Continental Shelf” means any area which is for the time being designated by an Order in Council under section 1(7) of the Continental Shelf Act 1964(4) as an area within which the rights of the United Kingdom with respect to the sea bed and subsoil and their natural resources may be exercised;

“Directive 2011/24/EU” means Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients’ rights in cross-border healthcare(5);

“general health services” means Part VI services being primary medical services, general dental services, general ophthalmic services or pharmaceutical services, provided under the Order;

“GMS Contracts Regulations” means the Health and Personal Social Services (General Medical Services Contracts) Regulations (Northern Ireland) 2004(6);

“health professional” means a person other than a social worker who is a member of a profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002(7), (the Professional Standards Authority for Health and Social Care;

“HSC trust” means a Health and Social Care trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991(8);

“the Order” means the Health and Personal Social Services (Northern Ireland) Order 1972”;

“out of hours period” means—

- (a) the period beginning at 6.30pm on any day from, and including, Monday to Thursday and ending at 8am on the following day;
- (b) the period between 6.30pm on, and including Friday and 8am on the following Monday; and
- (c) any public holiday or local holiday agreed with the Board;

and “part” of an out of hours period means any part of any one or more of the periods described in paragraphs (a) to (c);

“out of hours provider” means a health professional providing out of hours services;

“out of hours services” means services required to be provided in all or part of the out of hours period which would be services available to visiting patients under regulation 15(3) and (5) of the GMS Contracts Regulations, if provided in core hours;

“Personal Dental Services” means dental services of a kind that may be provided by a general dental practitioner in accordance with Part VI of the Order;

“Primary Medical Services” means services of a kind that may be provided by a general medical practitioner in accordance with arrangements under Article 57A of the Order;

(4) 1964 c. 29

(5) OJNo. L88, 4.4.2011, p45.

(6) S.R. 2004 No. 140 as amended by S.R. 2004 No. 477, S.R. 2005 Nos.230 and 368, S.R. 2006 No. 319, S.R. 2013 Nos. 59 and 301.

(7) 2002 c.17. Section 25 has been amended by the Health and Social Care Act 2008 (c.14), section 113, Schedule 10, paragraph 17 and Schedule 15, Part 2; and by S.I. 2010/231 and the Health and Social Care Act 2012 (c.7), sections 220 and 224.

(8) S.I. 1991/194 (N.I. 1)

“reciprocal agreement” means arrangements mutually agreed between the Government of the United Kingdom and the Government of a country or territory outside the United Kingdom for the provision of health care;

“refugee” means a person who is a refugee within the meaning of Article 1 of the Convention relating to the Status of Refugees 1951⁽⁹⁾ and Article 1 of the Protocol relating to the Status of Refugees 1967⁽¹⁰⁾ and any other person taking refuge in the territory of a member State with leave of the Government of that State;

“regulation (EC) 883/2004” means Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29th April 2004 on the coordination of social security systems⁽¹¹⁾

“services forming part of health services” means accommodation, services and other facilities provided under Article 5 of the Order (the Department’s duty to provide accommodation and medical services, etc) and includes accommodation, services and other facilities provided by a HSC trust, but does not include any accommodation, service or facility made available or provided under—

- (a) Article 31 of the Order (accommodation and services for private patients);
- (b) Article 3(2) of the Health and Medicines (Northern Ireland) Order 1988⁽¹²⁾ (powers to make more income available for improving health services); or
- (c) paragraph 14 of Schedule 3 to the Health and Personal Social Services (Northern Ireland) Order 1991⁽¹³⁾ (accommodation and services for private patients of HSC trusts);

“ship or vessel” includes hovercraft;

“treatment the need for which arose during the visit” means—

- (a) diagnosis of symptoms or signs occurring for the first time after the visitor’s arrival in the United Kingdom; or
- (b) treatment which, in the opinion of a medical practitioner or dental practitioner employed by, or under contract with, a Board or a HSC trust, is required promptly for a condition which—
 - (i) arose after the visitor’s arrival in the United Kingdom;
 - (ii) became acutely exacerbated after the visitor’s arrival; or
 - (iii) but for the treatment would be likely to become acutely exacerbated after the visitor’s arrival;

“visiting patient” means an individual for whom a member State other than the United Kingdom is the member State of Affiliation within the meaning of Article 3(c) of the Directive 2011/24/EU;

“visitor” means a person not ordinarily resident in Northern Ireland.

(2) In calculating a period of residence in Northern Ireland for the purposes of these Regulations, any interruption by reason of temporary absence of not more than 182 days shall be disregarded. The temporary absence cannot include an absence where the visitor was not lawfully entitled to enter or remain in the United Kingdom.

⁽⁹⁾ Cmd. 9171 of 1954

⁽¹⁰⁾ Cmd. 3906 of 1968

⁽¹¹⁾ OJ No. L166. 30.04.2004. p1

⁽¹²⁾ S.I. 1988/2249 (N.I. 24)

⁽¹³⁾ S.I. 1991/194 (N.I. 1)