

EXPLANATORY MEMORANDUM TO

The Provision of Health Services to Persons Not Ordinarily Resident (Amendment) (Revocation) Regulations (Northern Ireland) 2020

SR 2020 No. 19

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Health to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under powers conferred by Articles 42, 106(b), and 107(6) of the Health and Personal Social Services (Northern Ireland) Order 1972 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. To revoke the Provision of Health Services to Persons Not Ordinarily Resident (Amendment) Regulations (Northern Ireland) 2019 (SR 2019 42)

3. Background

- 3.1. The Provision of Health Services to Persons Not Ordinarily Resident (Amendment) Regulations (Northern Ireland) 2019 (SR 2019 42) was made on 8 March 2019 as a contingency in the event of the United Kingdom leaving the European Union without a deal on 29 March 2019. The intention was to commence SR 2019 42 on Exit Day in the event of a no deal.
- 3.2. In light of the United Kingdom having left the European Union on 31 January 2020 with a deal and the subsequent deferral of SR 2019 42 until the end of transition, which is currently 31 December 2020, the Minister has decided to revoke SR 2019 42. The attached instrument does this.

4. Consultation

- 4.1. There had been no public consultation carried out in relation to SR 2019 42 as the legislative change was urgently required as a contingency in the event of a no deal exit from the European Union and no further consultation has taken place as SR 2019 42 is no longer fit for purpose.

5. Equality Impact

- 5.1. In accordance with guidance produced by the Equality Commission for Northern Ireland and in keeping with Regulation 75 of the Northern Ireland Act 1998, the proposals for SR 2019 42 was screened for equality impact and it is concluded that a full Equality Impact Assessment is not required.

6. Regulatory Impact

- 6.1. A Regulatory Impact Assessment (RIA) screening was carried out and concluded that SR 2019 42 would have negligible cost impact on businesses, charities, social economy enterprises or the voluntary sector in

Northern Ireland and will not otherwise adversely affect these groups. The Department considered that a full RIA is not required.

7. Financial Implications

- 7.1. Revoking SR 2019 42 will have no financial implications as they are currently not commenced.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. Consideration has been given to the human rights implications of these regulations. They are considered compatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1. Revoking SR 2019 42 will have no impact on the continued application of European Union law until the end of transition.
- 9.2. Technical amendments will be required by the end of transition to correct references to European Union rights and regulations which will no longer be applicable to the United Kingdom.

10. Parity or Replicatory Measure

- 10.1. SR 2019 42 mirrors similar legislation that has been made and deferred until the end of transition in England, Wales and Scotland.

11. Additional Information

- 11.1. Not applicable.