

EXPLANATORY MEMORANDUM TO

The Provision of Health Services to Persons Not Ordinarily Resident (Amendment No.2) Regulations (Northern Ireland) 2022

SR 2022 no. 195

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 (para 11.1 refers).
- 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 amend the Provision Of Health Services To Persons Not Ordinarily Resident Regulations (Northern Ireland) 2015 ("the 2015 Regulations") to include Monkeypox in the list of conditions which are exempt from charge.

3. Background

- 3.1. Entitlement to free healthcare in Northern Ireland requires someone to be "ordinarily resident" here, in other words you must be living here lawfully, voluntarily and on a continuous and settled basis with an identifiable purpose for your residency.
- 3.2. A visitor is someone who is not ordinarily resident in Northern Ireland.
- 3.3. The 2015 Regulations make certain health services available to visitors in Northern Ireland at a charge determined by the Department of Health. The Regulations also provide various exemptions from charge: some services are always exempt from charge whilst some categories of visitor are exempt from charge.
- 3.4. Regulation 4(1)(d) of the 2015 Regulations exempts hospital treatment for certain diseases listed in Schedule 1 to the 2015 Regulations from charge.
- 3.5. The proposed amendment to Schedule 1 to the 2015 Regulations will ensure that hospital treatment for Monkeypox is provided to any visitor to Northern Ireland without charge.

4. Consultation

- 4.1. There has been no public consultation in relation to this Statutory Rule. There is no change to the policy underpinning access to healthcare in Northern Ireland. The legislative change is urgently required as a contingency to ensure that the health service in Northern Ireland can take steps in preparation and in the knowledge they are not breaking the law and to ensure that there is no financial barrier to visitors to Northern Ireland being given NHS hospital treatment for Monkeypox thus ensuring

that the risk to public health from symptomatic visitors is minimised.

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 proposal for these Regulations 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 these Regulations would have negligible 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. The amendment to the 2015 Regulations will ensure that hospital treatment for Monkeypox is provided to any visitor to Northern Ireland without charge.
- 7.2. As the future spread of the disease is not predictable, it is not possible to estimate the financial implications of this change however any additional costs that emerge will be an additional pressure. On the current trajectory, it is not expected that the number of cases requiring hospital treatment would be high.
- 7.3. The Regulations have been made in conjunction with the Department of Finance.

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. Not applicable.

10. Parity or Replicatory Measure

- 10.1. The Provision of Health Services to Persons Not Ordinarily Resident (Amendment No.2) Regulations (Northern Ireland) 2022 mirror similar legislation that has been made in England.

11. Additional Information

- 11.1. This legislative change is urgently required as a contingency to ensure that the health service in Northern Ireland can take steps in preparation and in the knowledge they are not breaking the law and to ensure that there is no financial barrier to visitors to Northern Ireland being given NHS hospital treatment for Monkeypox thus ensuring that the risk to public health from symptomatic visitors is minimised. Therefore the Department requires to make and bring into operation the amending legislation at this time. The

laying of the amending legislation will take place as soon as possible after the first sitting of the new Assembly.