

## **EXPLANATORY MEMORANDUM TO**

### **The Provision of Health Services to Persons Not Ordinarily Resident (Amendment) Regulations (Northern Ireland) 2023**

**S.R. 2023 No. 213**

#### **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 amend the Provision of Health Services to Persons Not Ordinarily Resident Regulations (Northern Ireland) 2015 ("the 2015 Regulations"), specifically the list of countries and territories in Schedule 2 to these Regulations with which the UK Government has entered into reciprocal agreements for the provision of health care.

#### **3. Background**

- 3.1. Article 42 of the Health and Personal Social Services (Northern Ireland) Order 1972 authorises the Department of Health to make regulations for the exemption of services and charges for persons not ordinarily resident in Northern Ireland for health care purposes.
- 3.2. Domestic legislation currently enables the charging for health services of short-term visitors and migrants who are not ordinarily resident in Northern Ireland. The Provision of Health Services to Persons Not Ordinarily Resident Regulations (Northern Ireland) 2015 came into force on 23 February 2015 and details who is exempt and which services are not chargeable.
- 3.3. The proposed changes do not undermine the principle that health care is, and will remain, free at the point of delivery for those who are ordinarily resident in Northern Ireland. Existing exemptions to protect the most vulnerable in society and for key services essential to public health are unchanged, ensuring that urgent or immediately necessary treatment will always be provided, regardless of an individual's ability or willingness to pay for that treatment.
- 3.4. The Statutory Rule will add Bailiwick of Guernsey, Iceland and Liechtenstein to the list of countries and territories in Schedule 2 to the 2015 Regulations with which the UK Government has entered into reciprocal agreements for the provision of health care.

#### **4. Consultation**

- 4.1. There has been no public consultation carried out in relation to this rule as Northern Ireland has an obligation to comply with international

agreements which are a reserved matter. This amendment will express this obligation legislatively.

## **5. Equality Impact**

- 5.1. A full assessment was not considered necessary as amendments are not making changes to the policy and such an assessment was not considered necessary at primary legislation stage.

## **6. Regulatory Impact**

- 6.1. A Regulatory Impact Assessment has been carried out and there is no impact on business, charities, social enterprise or voluntary bodies.

## **7. Financial Implications**

- 7.1. There may be financial implications to the budgets of HSC Trusts through increased payment/non-payment of charges. The amendment is 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. Consideration has been given to Article 2 of the Windsor Framework to the Withdrawal Agreement. We are content that neither the 'non-diminution' commitment nor the 'keep pace' commitment is engaged in this proposal.

## **10. Parity or Replicatory Measure**

- 10.1. The provisions in the regulations mirror similar legislation made in England and Wales and Scotland.

## **11. Additional Information**

- 11.1. Not applicable.