

2022 No. 174

HEALTH AND PERSONAL SOCIAL SERVICES

The Provision of Health Services to Persons Not Ordinarily Resident (Amendment) Regulations (Northern Ireland) 2022

Made - - - - *11th May 2022*

Coming into operation - *12th May 2022*

The Department of Health(a) in exercise of the powers conferred by Articles 42, 106(b) and 107(6) of the Health and Personal Social Services (Northern Ireland) Order 1972(b), in conjunction with the Department of Finance(c), makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Provision of Health Services to Persons Not Ordinarily Resident (Amendment) Regulations (Northern Ireland) 2022 and shall come into operation on 12th May 2022.

(2) In these Regulations, “the principal Regulations” means the Provision of Health Services to Persons Not Ordinarily Resident Regulations (Northern Ireland) 2015(d).

Amendment to regulation 2 of the principal Regulations

2. In regulation 2 (interpretation) of the principal Regulations, in the definition of “authorised companion”—

- (a) the words from “obtaining a course of treatment” to the end shall become paragraph (a) of that definition, and
- (b) after that paragraph insert—
 - “or
 - (b) ordinarily resident in Ukraine and is obtaining a course of treatment;”.

Insertion of regulation 15A to the principal Regulations

3. After regulation 15 (visitors exempt from charges – war pensioners and armed forces compensation scheme payment recipients) of the principal Regulations insert the following regulation—

(a) see 2016 c. 5 (N.I.), s1(5)

(b) S.I. 1972/1265 (N.I. 14)

(c) see 2016 c. 5 (N.I.), s1(4)

(d) S.R. 2015 No. 27 as amended by S.I. 2019/784, S.R. 2020 No.25 and S.R. 2021 No. 286

“Visitors exempt from charges – visitors from Ukraine

15A.—(1) No charge may be made or recovered in respect of any services forming part of health services provided to a visitor who—

- (a) is lawfully present in the United Kingdom, and
- (b) is ordinarily resident in Ukraine.

(2) This paragraph applies to a visitor who, during the relevant period—

- (a) received services forming part of health services and who is exempt from charge by virtue of—
 - (i) paragraph (1); or
 - (ii) regulation 22(1)(ba) (family members of visitors); or
- (b) received services forming part of health services the need for which arose during the visit and is exempt from charge by virtue of being—
 - (i) an authorised companion; or
 - (ii) authorised child

who has been granted leave to enter the United Kingdom to accompany a person who is exempt from charge under paragraph (1).

(3) A visitor to whom paragraph (2) applies is to be treated for the purposes of these Regulations as if, at the time the services forming part of health services were provided, the visitor was a visitor in respect of whom no charge may be made or recovered for those services forming part of health services.

(4) Where, in respect of a visitor to whom paragraph (2) applies, a charge determined by the Department in respect of services forming part of health services—

- (a) is yet to be made, no charge shall be made;
- (b) is yet to be recovered, no charge shall be recovered; or
- (c) has been made and payment received in respect of the charge, the sum paid in respect of the charge shall be repaid.

(5) In this regulation, the “relevant period” means the period from and including 24th February 2022 until the coming into operation of these Regulations.”.

Amendment to regulation 22 of the principal Regulations

4. In regulation 22 (family members of visitors) of the principal Regulations in paragraph (1) after sub-paragraph (b) insert—

“(ba) regulation 15A(1) (visitors from Ukraine);”.

Amendment to regulation 24 of the principal Regulations

5. In regulation 24 (visitors to whom general health services shall be available) of the principal Regulations in paragraph (1) after sub-paragraph (j) insert—

“(ja) regulation 15A(1) (visitors from Ukraine);”.

Review

6. Before 12th November 2022 the Department must carry out a review of the amendments made by these Regulations.

Sealed with the Official Seal of the Department of Health on 11th May 2022



Gearoid Cassidy
A senior officer of the Department of Health

Sealed with the Official Seal of the Department of Finance on 11th May 2022



Barry Armstrong
A senior officer of the Department of Finance

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Provision of Health Services to Persons Not Ordinarily Resident Regulations (Northern Ireland) 2015 (“the 2015 Regulations”) which make provision as to the entitlement of, and exemption from charges for, certain health services to visitors in Northern Ireland.

Regulations 2, 3 and 4 of these Regulations amend the 2015 Regulations to provide exemptions from charging in respect of services forming part of health services for those visitors who are lawfully present in the United Kingdom but are ordinarily resident in Ukraine, as well as exemptions for their family members, authorised companions (the definition for which is amended by regulation 2 to include persons accompanying visitors from Ukraine who are receiving a course of treatment) and authorised children.

Regulation 3 of these Regulations also provides in regulation 15A(4) of the 2015 Regulations that, in respect of such visitors, a charge determined by the Department in respect of services forming part of health services since 24th February 2022 shall not be charged or recovered, or shall be repaid.

Regulation 5 provides that general health services shall be made available to visitors who are lawfully present in the United Kingdom, but are ordinarily resident in Ukraine.

Regulation 6 provides for the Department to carry out a review of the amendments before 12th November 2022.

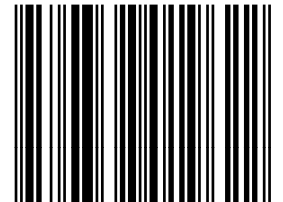
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