
STATUTORY INSTRUMENTS

2019 No. 784

The Health Services (Cross-Border Health
Care and Miscellaneous Amendments)
(Northern Ireland) (EU Exit) Regulations 2019

PART 2

Cross-border health care

CHAPTER 3

Savings

Saving of Article 14B of the Order of 1972 for pre-[^{F1}IP completion day] cases

11.—(1) Despite the revocations made by regulations 2, 5, and 6, Article 14B of the Order of 1972 continues to have effect on and after [^{F1}IP completion day] in relation to any qualifying EEA expenditure which was incurred on or after 10 May 2012 and before 27 December 2013 and was not reimbursed under that Article before [^{F1}IP completion day].

(2) In Article 14B as saved by this regulation, paragraph (5) is to be read as if for the words “circumstances where Article 20 or 27(3) of Regulation (EC) No. 883/2004 applies” there were substituted “circumstances where, immediately before [^{F1}IP completion day], Article 20 or 27(3) of Regulation (EC) No. 883/2004 would have applied”.

(3) The definition of “Regulation (EC) No. 883/2004” in Article 2(2) of the Order of 1972 continues to have effect for the purposes of Article 14B as saved by this regulation, but as if in that definition there were inserted at the end “as that Regulation had effect immediately before [^{F1}IP completion day]”.

(4) In Article 14B as saved by this regulation “EEA state” has the meaning given by Schedule 1 to the Interpretation Act 1978 ^{M1}.

(5) In this regulation “qualifying EEA expenditure” has the same meaning as in Article 14B of the Order of 1972 as that Article had effect immediately before [^{F1}IP completion day].

F1 Words in reg. 11 substituted (31.12.2020 immediately before IP completion day) by [The Reciprocal and Cross-Border Healthcare \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1348\)](#), regs. 1, 14

Commencement Information

I1 Reg. 11 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1(1)

Marginal Citations

M1 1978 c. 30

Status: This version of this chapter contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the The Health Services (Cross-Border Health Care and Miscellaneous Amendments) (Northern Ireland) (EU Exit) Regulations 2019, CHAPTER 3. (See end of Document for details)

Saving of Articles 14D and 14E of the Order of 1972 for pre-[^{F2}IP completion day] cases

12.—(1) This regulation applies despite the revocations made by regulations 2, 5, and 6.

(2) Article 14D of the Order of 1972 continues to have effect on and after [^{F2}IP completion day] in relation to qualifying EEA expenditure which—

- (a) was incurred (and not reimbursed under that Article) before [^{F2}IP completion day],
- (b) was incurred on or after [^{F2}IP completion day] on the provision of a service which was provided, or began to be provided, before [^{F2}IP completion day], or
- (c) was incurred on or after [^{F2}IP completion day] on the provision of a service that was authorised under Article 14E of that Order—
 - (i) before [^{F2}IP completion day], or
 - (ii) on or after [^{F2}IP completion day] on an application under Article 14E made before [^{F2}IP completion day].

(3) But nothing in this regulation—

- (a) requires reimbursement of qualifying EEA expenditure incurred on the provision of a service which was provided after the later of—
 - (i) the end of one year beginning immediately after the day on which [^{F2}IP completion day] falls, or
 - (ii) where an authorisation for the provision of the service specified a period within which the service must be provided, the end of the specified period.

(4) In Article 14D as saved by this regulation, paragraph (9) is to be read as if for the words “circumstances where Article 20 or 27(3) of Regulation (EC) No. 883/2004 applies” there were substituted “circumstances where, immediately before [^{F2}IP completion day], Article 20 or 27(3) of Regulation (EC) No. 883/2004 would have applied”.

(5) Article 14E of the Order of 1972 continues to have effect on and after [^{F2}IP completion day] in relation to an application for authorisation under that Article which was made, but not determined, before [^{F2}IP completion day].

(6) The following definitions continue to have effect for the purposes of Articles 14D and 14E of the Order of 1972 as saved by this regulation—

- (a) the definitions in Article 14B of that Order which are applied by Article 14D(15) as saved by this regulation, and
- (b) the definitions in Article 2(2) of the Order of 1972 of “Regulation (EC) No. 883/2004”, but as if there were inserted at the end of that definition “as that Regulation had effect immediately before [^{F2}IP completion day]”.

(7) Any reference to an EEA state other than the United Kingdom—

- (a) in Article 14D as saved by this regulation, or
- (b) in a definition applied by Article 14D(15) as so saved,

is to be read in relation to times after [^{F2}IP completion day] as a reference to an EEA state.

(8) In that Article and in any such definition, “EEA state” has the meaning given by Schedule 1 to the Interpretation Act 1978.

(9) In this regulation “qualifying EEA expenditure”, and “service” have the same meaning as in Article 14D of the Order of 1972 as that Article had effect immediately before [^{F2}IP completion day] (except that, for the purposes of this paragraph, references in that Article or in any definition

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applied by paragraph (15) of that Article to an EEA state other than the United Kingdom are to be read, in relation to times after [^{F2}IP completion day], as references to an EEA state).

F2	Words in reg. 12 substituted (31.12.2020 immediately before IP completion day) by The Reciprocal and Cross-Border Healthcare (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1348) , regs. 1, 14
Commencement Information	
I2	Reg. 12 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(1)

PROSPECTIVE

Further saving of Articles 14D and 14E of the Order of 1972: cross-border arrangements

^{F3}13.

F3	Regs. 13-15 omitted (31.12.2020 immediately before IP completion day) by virtue of The Reciprocal and Cross-Border Healthcare (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1348) , regs. 1, 16
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PROSPECTIVE

Health and Personal Social Services General Dental Services Regulations (Northern Ireland) 1993

^{F3}14.

F3	Regs. 13-15 omitted (31.12.2020 immediately before IP completion day) by virtue of The Reciprocal and Cross-Border Healthcare (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1348) , regs. 1, 16
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PROSPECTIVE

The Health and Personal Social Services (General Medical Services Contracts) Regulations (Northern Ireland) 2004

^{F3}15.

F3	Regs. 13-15 omitted (31.12.2020 immediately before IP completion day) by virtue of The Reciprocal and Cross-Border Healthcare (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1348) , regs. 1, 16
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Saving of the 2013 Regulations for pre-[^{F4}IP completion day] cases

16.—(1) In relation to a case where paragraph (2) or (3) applies, the 2013 Regulations continue to have effect on and after [^{F4}IP completion day] in so far as they relate to the National Contact Point and visiting patients as if the revocations made by regulations 6 and 10 of these Regulations had not been made, but with the modifications set out in Schedule 1.

(2) This paragraph applies where—

- (a) a service within Article 14B(3) or Article 14D(4) of the Order of 1972 was provided or began to be provided, or was authorised to be provided, before [^{F4}IP completion day], or
- (b) an application for authorisation under Article 14E of that Order was made before [^{F4}IP completion day].

(3) This paragraph applies where a cross-border healthcare service was provided or began to be provided to a visiting patient before [^{F4}IP completion day] in the circumstances referred to in Regulation 11 (health care charges) or regulation 12 (exemption from health care charges for certain persons who reside in another member State) of the 2013 Regulations.

(4) But nothing in this regulation imposes an obligation in relation to a charge to a visiting patient for a service which was provided after the end of one year beginning immediately after the day on which [^{F4}IP completion day] falls.

(5) In this regulation “charge”, “cross-border healthcare service” and “visiting patient” have the same meaning as they had in the 2013 Regulations immediately before [^{F4}IP completion day].

F4 Words in reg. 16 substituted (31.12.2020 immediately before IP completion day) by [The Reciprocal and Cross-Border Healthcare \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1348\)](#), regs. 1, 14

Commencement Information

I3 Reg. 16 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)](#)

PROSPECTIVE

Further saving of the 2013 Regulations: cross-border arrangements

^{F5}**17.**

F5 Reg. 17 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Reciprocal and Cross-Border Healthcare \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1348\)](#), regs. 1, 16

PROSPECTIVE

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

^{F6}**18.**

Status: *This version of this chapter contains provisions that are prospective.*

Changes to legislation: *There are currently no known outstanding effects for the The Health Services (Cross-Border Health Care and Miscellaneous Amendments) (Northern Ireland) (EU Exit) Regulations 2019, CHAPTER 3. (See end of Document for details)*

F6 [Reg. 18](#) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Reciprocal and Cross-Border Healthcare \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1348\)](#), regs. 1, **16**

Status:

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Changes to legislation:

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