

---

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 1

Amendment of primary legislation

**The Health and Personal Social Services (Northern Ireland) Order 1972**

2.—(1) The Order of 1972 is amended as follows.

(2) In Article 2(2) (interpretation) omit the definitions of “EEA agreement”, “EEA state” and “Regulation (EC) No. 883/2004”<sup>M1</sup>.

(3) Omit Articles 14B to 14E (reimbursement of the cost of health care services secured in another EEA state)<sup>M2</sup>.

(4) In Article 45 (travelling expenses of patients, etc.)<sup>M3</sup> omit paragraph (1)(a)(ii) and (iii).

**Commencement Information**

**I1** Reg. 2 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** The definitions were inserted by S.R. [2012 No. 167](#)

**M2** Articles 14B and 14C were inserted by S.R. [2012 No. 167](#); Articles 14D and 14E were inserted by S.R. [2013 No. 299](#)

**M3** Article 45(1)(a) was substituted by S.R. [2012 No. 167](#) and amended by S.R. [2013 No. 299](#)

CHAPTER 2

Amendment of secondary legislation

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

3.—(1) The Health and Personal Social Services General Dental Services Regulations (Northern Ireland) 1993<sup>M4</sup> are amended as follows.

(2) In regulation 2 (interpretation) omit the definitions of—

*Status: This version of this part 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, PART 2. (See end of Document for details)

- (a) “the Directive”, and
- (b) “visiting patient”.
- (3) In Schedule 2 (terms of service for dentists)—
  - (a) in paragraph 3—
    - (i) in sub-paragraph (2)(b)(iv) omit “or”;
    - (ii) omit sub-paragraphs (2)(b)(v) and (3).
  - (b) omit paragraph 23A.

#### Commencement Information

**I2** Reg. 3 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

**M4** S.R. [1993 No. 326](#) amended by S.R. [2013 No. 300](#)

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

**4.—(1)** The Health and Personal Social Services (General Medical Services Contracts) Regulations (Northern Ireland) 2004 <sup>M5</sup> are amended as follows.

- (2) In regulation 2 (interpretation) omit the definitions of—
  - (a) “the Directive”, and
  - (b) “visiting patient”.
- (3) In regulation 15 (essential services)—
  - (a) in paragraph (3) for “registered patients, temporary residents and visiting patients”, substitute “registered patients and temporary residents”;
  - (b) in paragraph (5) for “registered patients, temporary residents and visiting patients”, substitute “registered patients and temporary patients”.
- (4) In Schedule 4 (fees and charges), in paragraph 1 omit sub-paragraphs (l) and (m).
- (5) In Schedule 5 (other contractual terms)—
  - (a) in paragraph 3 (attendance outside practice premises), in sub-paragraph (4) omit “or a visiting patient”;
  - (b) omit paragraph 15A (application to the contractor for regulation 15(3) and (5) services);
  - (c) omit paragraph 32A (assignment of a person to a contractor for regulation 15(3) and (5) services);
  - (d) omit paragraph 40(4);
  - (e) omit paragraphs 41(2)(e) and 41(4)(i);
  - (f) in paragraph 78, omit sub-paragraph (2).

#### Commencement Information

**I3** Reg. 4 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**

**M5** S.R. 2004 No. 140 as amended by S.R. 2013 No. 301

**The Health Care (Reimbursement of the Cost of EEA Services etc.) Regulations (Northern Ireland) 2012**

5. In the Health Care (Reimbursement of the Cost of EEA Services etc.) Regulations (Northern Ireland) 2012 <sup>M6</sup> omit regulation 4.

**Commencement Information**

**I4** Reg. 5 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**

**M6** S.R. 2012 No. 167

**The Health Services (Cross-Border Health Care) Regulations (Northern Ireland) 2013**

6. The 2013 Regulations are revoked.

**Commencement Information**

**I5** Reg. 6 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)

**General Dental Services (Amendment) Regulations (Northern Ireland) 2013**

7. In the General Dental Services (Amendment) Regulations (Northern Ireland) 2013 <sup>M7</sup> omit regulations 2, 3 and 4.

**Commencement Information**

**I6** Reg. 7 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**

**M7** S.R. 2013 No. 300

**The Health and Personal Social Services (General Medical Services Contracts) (Amendment No. 2) Regulations (Northern Ireland) 2013**

8. In the Health and Personal Social Services (General Medical Services Contracts) (Amendment No. 2) Regulations (Northern Ireland) 2013 <sup>M8</sup> omit regulations 2, 3, 4 and 5(3) to (6).

**Commencement Information**

**I7** Reg. 8 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)

*Status: This version of this part 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, PART 2. (See end of Document for details)

#### Marginal Citations

**M8** S.R. 2013 No. 301

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

**9.**—(1) The Provision of Health Services to Persons Not Ordinarily Resident Regulations (Northern Ireland) 2015 <sup>M9</sup> are amended as follows.

(2) In regulation 2(1) (interpretation) omit the definitions of—

- (a) “Directive 2011/24/EU”,
- (b) “out of hours period”,
- (c) “out of hours provider”,
- (d) “out of hours services”, and
- (e) “visiting patient”.

(3) Omit regulation 25(visiting patients under Directive 2011/24/EU).

#### Commencement Information

**I8** Reg. 9 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

**M9** S.R. 2015 No. 27

### The Health Services (Cross-Border Health Care) (Amendment) Regulations (Northern Ireland) 2015

**10.** The Health Services (Cross-Border Health Care) (Amendment) Regulations (Northern Ireland) 2015 <sup>M10</sup> are revoked.

#### Commencement Information

**I9** Reg. 10 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

**M10** S.R. 2015 No. 130

## CHAPTER 3

### Savings

#### Saving of Article 14B of the Order of 1972 for pre-[<sup>F1</sup>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 [<sup>F1</sup>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 [<sup>F1</sup>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 [F1IP 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 [F1IP 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 <sup>M11</sup>.

(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 [F1IP 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**

**I10** 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**

**M11** [1978 c. 30](#)

**Saving of Articles 14D and 14E of the Order of 1972 for pre-[F2IP 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 [F2IP completion day] in relation to qualifying EEA expenditure which—

- (a) was incurred (and not reimbursed under that Article) before [F2IP completion day],
- (b) was incurred on or after [F2IP completion day] on the provision of a service which was provided, or began to be provided, before [F2IP completion day], or
- (c) was incurred on or after [F2IP completion day] on the provision of a service that was authorised under Article 14E of that Order—
  - (i) before [F2IP completion day], or
  - (ii) on or after [F2IP completion day] on an application under Article 14E made before [F2IP 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 [F2IP 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.

*Status: This version of this part 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, PART 2. (See end of Document for details)

(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 [F2IP 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 [F2IP completion day] in relation to an application for authorisation under that Article which was made, but not determined, before [F2IP 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 [F2IP 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 [F2IP 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 [F2IP completion day] (except that, for the purposes of this paragraph, references in that Article or in any definition 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 [F2IP 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**

**I11** 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

PROSPECTIVE

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

<sup>F3</sup>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

PROSPECTIVE

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

<sup>F3</sup>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

#### Saving of the 2013 Regulations for pre-<sup>F4</sup>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 <sup>F4</sup>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 <sup>F4</sup>IP completion day], or
- (b) an application for authorisation under Article 14E of that Order was made before <sup>F4</sup>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 <sup>F4</sup>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 <sup>F4</sup>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 <sup>F4</sup>IP completion day].

*Status: This version of this part 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, PART 2. (See end of Document for details)

**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**

**I12** 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**

<sup>F5</sup>**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**

<sup>F6</sup>**18.** .....

**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:**

This version of this part 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, PART 2.