
STATUTORY RULES OF NORTHERN IRELAND

2008 No. 377

Provision of Health Services to Persons not Ordinarily Resident (Amendment) Regulations (Northern Ireland) 2008

PART 1

GENERAL

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) 2008 and shall come into operation on 6th October 2008.

(2) In these regulations, “the principal Regulations” means the Provision of Health Services to Persons not Ordinarily Resident Regulations (Northern Ireland) 2005(1).

Amendment of regulation 2 of the principal Regulations

2. In regulation 2 (Interpretation) of the principal Regulations insert the following definition at the appropriate place in the alphabetical order —

““authorised child” means a child who has either been granted leave to enter the United Kingdom with his parent for the purpose of the parent obtaining a course of treatment in respect of which no charges are payable under regulation 8A or is the child of an authorised companion;”

““authorised companion” means a person who has been granted leave to enter the United Kingdom to accompany a person who is obtaining a course of treatment in respect of which no charges are payable under regulation 8A;”

Amendment of regulation 3 of the principal Regulations

3. In regulation 3 of the principal Regulations (Visitors to whom services forming part of health services shall be available) —

(a) in paragraph (c) after the word “treatment” insert “, or a determination under regulation 8A”;

(b) after paragraph (q) add —

“; or

(r) who is working outside the United Kingdom as a missionary for an organisation that is established in the United Kingdom, regardless of whether he —

(i) derives a salary or wage from the organisation, or

- (ii) receives any type of funding or assistance from the organisation for the purposes of working overseas for the organisation; or
- (s) who the competent authorities of the United Kingdom for the purposes of the Council of Europe Convention on Action against Trafficking in Human Beings⁽²⁾ (in this regulation “the Convention”) —
 - (i) consider that there are reasonable grounds to believe is a victim within the meaning of Article 4 of the Convention, and the recovery and reflection period in relation to him under Article 13 of the Convention has not yet expired; or
 - (ii) have identified as a victim within the meaning of Article 4 of the Convention.”

Amendment of regulation 4 of the principal Regulations

4. In regulation 4 of the principal Regulations (Services exempted from charges) for paragraph (4) substitute —

“(4) No charge shall be made in respect of any services forming part of health services provided for —

- (a) in the case where paragraph (h), (i), (j), (k), (r) or (s) of regulation 3 applies to a visitor, the spouse, civil partner or child of the visitor; or
- (b) spouse, civil partner or child of the visitor, if the spouse, civil partner or child lives on a permanent basis with the visitor in the United Kingdom.”

Amendment of regulation 6 of the principal Regulations

5. In regulation 6 of the principal Regulations (Exemption from charges the need for which arose during the visit) after paragraph (e) add —

“; or

- (f) an authorised child or an authorised companion.”

Insertion of Regulation 8A

6. After regulation 8 insert the following regulation —

“Exemption from charges for exceptional humanitarian reasons

8A.—(1) Where a visitor who has been granted leave to enter the United Kingdom for a course of treatment applies, or someone on his behalf applies, for exemption from charges for services forming part of the health service, the Department may determine, where it considers the exceptional humanitarian reasons justify it, that no charge shall be made or recovered in respect of that person and that course of treatment.

(2) Such a determination may be made by the Department only if it is satisfied in the case of that person that —

- (a) the treatment specified is not available in that person’s home country;
- (b) the necessary arrangements have been made for temporary accommodation for that person, the authorised companion (if any) and any authorised child for the duration of the course of treatment; and

(2) The Council of Europe Convention on Action against Trafficking in Human Beings 2005 (CETS No. 197). See www.coe.int/trafficking

- (c) the necessary arrangements have been made for the return of that person, the authorised companion (if any) and any authorised child to their home country when the course of treatment is completed.”

Amendment of Schedule 2 to the principal Regulations

7. In Schedule 2 (Countries or territories in respect of which the United Kingdom Government has entered into a reciprocal agreement), omit “Bulgaria” and “Romania”.