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STATUTORY RULES OF NORTHERN IRELAND

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**2009 No. 186**

**HEALTH AND PERSONAL SOCIAL SERVICES**

**The Charges for Drugs and Appliances and Provision  
of Health Services to Persons not Ordinarily Resident  
(Amendment) Regulations (Northern Ireland) 2009**

*Made* - - - - *8th May 2009*  
*Coming into operation* *9th May 2009*

The Department of Health, Social Services and Public Safety<sup>(1)</sup> makes the following Regulations in exercise of the powers conferred by Articles 42, 98, 106 and 107(6) of, and Schedule 15 to, the Health and Personal Social Services (Northern Ireland) Order 1972<sup>(2)</sup>, in conjunction with the Department of Finance and Personnel insofar as they relate to the Provision of Health Services to Persons not Ordinarily Resident and with the approval of the Department of Finance and Personnel insofar as they relate to Charges for Drugs and Appliances.

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Charges for Drugs and Appliances and Provision of Health Services to Persons not Ordinarily Resident (Amendment) Regulations (Northern Ireland) 2009 and shall come into operation on 9th May 2009.

(2) In these Regulations—

- (a) “the Charges for Drugs and Appliances Regulations” means the Charges for Drugs and Appliances Regulations (Northern Ireland) 1997<sup>(3)</sup>;
- (b) “the Provision of Health Services to Persons not Ordinarily Resident Regulations” means the Provision of Health Services to Persons not Ordinarily Resident Regulations (Northern Ireland) 2005<sup>(4)</sup>.

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(1) See S.I. 1999/283 (N.I. 1) Article 3(6)  
(2) S.I. 1972/1265 (N.I. 14) relevant amending instruments are S.I. 1978/1907 (N.I. 26) Article 14; S.I. 1986/2023 (N.I. 20) Articles 5(1) and (2); S.I. 1986/2229 (N.I. 24); S.I. 1988/2249 (N.I. 24) Article 7; S.I. 1991/194 (N.I. 1) Articles 31(1) and (2), 34 and Part II of Schedule 5; S.I. 1992/2671 (N.I. 18) Article 3; S.I. 1997/1177 (N.I. 7) Article 29; 2001 c. 3 (N.I.) section 48 and 2008 c. 2 (N.I.)  
(3) S.R. 1997 No. 382 relevant amending instruments are S.R. 1998 Nos. 94 and 135, S.R. 1999 No. 166; S.R. 2000 No. 57; S.R. 2001 No. 123, S.R. 2002 No. 91; S.R. 2003 No. 153, S.R. 2004 No. 94, S.R. 2005 No. 97, S.R. 2006 No. 145, S.R. 2007 No. 140 and S.R. 2008 No. 488  
(4) S.R. 2005 No. 551

**Changes to legislation:** *The Charges for Drugs and Appliances and Provision of Health Services to Persons not Ordinarily Resident (Amendment) Regulations (Northern Ireland) 2009 is up to date with all changes known to be in force on or before 09 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**Commencement Information**

**I1** Reg. 1 in operation at 9.5.2009, see [reg. 1\(1\)](#)

**Amendment of the Charges for Drugs and Appliances Regulations (Northern Ireland) 1997**

- 2.—(1) The Charges for Drugs and Appliances Regulations are amended as follows.
- (2) In regulation 5 (supply of drugs and appliances by the Regional Board or an HSC trust)—
  - (a) in paragraph (1), for “subject to paragraphs (2) and (2A)” substitute “subject to paragraphs (2), (2A) and (2B)”, and
  - (b) after paragraph (2A) insert the following paragraph—
    - “(2B) No charge shall be made and recovered under this regulation in respect of a supply which is—
      - (a) made—
        - (i) while a disease is, or
        - (ii) in anticipation of a disease being imminently, pandemic and a serious risk, or potentially a serious risk, to human health; and
      - (b) in accordance with a protocol relating to that disease as provided for in Article 12F of the Prescription Only Medicines (Human Use) Order 1997(5) or Article 8 of the Medicines (Pharmacy and General Sale—Exemption) Order 1980(6).”.

**Commencement Information**

**I2** Reg. 2 in operation at 9.5.2009, see [reg. 1\(1\)](#)

**Amendment of the Provision of Health Services to Persons not Ordinarily Resident Regulations (Northern Ireland) 2005**

<sup>F13</sup> . . . . .

**F1** Reg. 3 revoked (23.2.2015) by [Provision of Health Services to Persons Not Ordinarily Resident Regulations \(Northern Ireland\) 2015 \(S.R. 2015/27\)](#), regs. 1, [27\(c\)](#)

**Commencement Information**

**I3** Reg. 3 in operation at 9.5.2009, see [reg. 1\(1\)](#)

(5) S.I. 1997/1830; relevant amending instrument is S.I. 2009/1165  
(6) S.I. 1980/1924; relevant amending instrument is S.I. 2009/1165

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**Changes to legislation:** *The Charges for Drugs and Appliances and Provision of Health Services to Persons not Ordinarily Resident (Amendment) Regulations (Northern Ireland) 2009 is up to date with all changes known to be in force on or before 09 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 8th May 2009.



*Christine Jendoubi*  
A senior officer of the  
Department of Health, Social Services and  
Public Safety

Sealed with the Official Seal of the Department of Finance and Personnel insofar as the foregoing Regulations relate to the Provision of Health Services to Persons not Ordinarily Resident on 8th May 2009.



*Mary McIvor*  
A senior officer of the  
Department of Finance and Personnel

The Department of Finance and Personnel hereby approves the foregoing Regulations insofar as they relate to Charges for Drugs and Appliances.  
Sealed with the Official Seal of the Department of Finance and Personnel on 8th May 2009.



*Mary McIvor*  
A senior officer of the  
Department of Finance and Personnel

**Changes to legislation:** *The Charges for Drugs and Appliances and Provision of Health Services to Persons not Ordinarily Resident (Amendment) Regulations (Northern Ireland) 2009 is up to date with all changes known to be in force on or before 09 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend Regulations relating to the making and recovery of charges in relation to the supply of drugs and the provision of treatment as part of the health service in Northern Ireland, so as to enable the provision of treatment in relation to pandemic influenza without charge.

Regulation 2 amends the Charges for Drugs and Appliances Regulations (Northern Ireland) 1997 which make provision for charges for the supply of drugs and appliances under the Health and Personal Social Services (Northern Ireland) Order 1972. The amendment provides that no charge shall be made by the Regional Board or an HSC trust when there is a pandemic disease (such as pandemic influenza) which poses a serious risk, or potentially poses a serious risk, to human health (or such a disease is anticipated imminently) and the supply of the drug is in accordance with a protocol relating to that disease as provided for in Article 12F of the Prescription Only Medicines (Human Use) Order 1997 or Article 8 of the Medicines (Pharmacy and General Sale—Exemption) Order 1980.

Regulation 3 amends the Provision of Health Services to Persons not Ordinarily Resident Regulations (Northern Ireland) 2005 (“the 2005 Regulations”) which make provision as to the entitlement of, and exemption from charges for, services forming part of health services which may be provided to visitors to Northern Ireland. Regulation 4(5)(d) of the 2005 Regulations provides that no charge shall be made in respect of services forming part of the health service that are provided for a visitor for treatment in respect of a disease listed in Schedule 1 to the 2005 Regulations. Regulation 3 of these Regulations amends that Schedule to insert an entry for pandemic influenza. The effect is that a visitor who is being treated in a hospital for pandemic influenza will be exempt from charges for any Health Service treatment in respect of that condition.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the private and voluntary sectors.

**Changes to legislation:**

The Charges for Drugs and Appliances and Provision of Health Services to Persons not Ordinarily Resident (Amendment) Regulations (Northern Ireland) 2009 is up to date with all changes known to be in force on or before 09 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to :**

- reg. 2 revoked by [S.R. 2010/71 Sch.](#)