
STATUTORY RULES OF NORTHERN IRELAND

2013 No. 299

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

PART 4

VISITING PATIENTS

Health care charges

11.—(1) Where a visiting patient is provided with a cross-border health care service in Northern Ireland in respect of which a charge may be recovered pursuant to Article 42 of the Order of 1972 (provision of services to persons not ordinarily resident in Northern Ireland), the amount of the charge to the visiting patient for that service must not exceed the amount that the person or body responsible for providing the service, as mentioned in paragraph (2)(b), would assess as the cost of that service if it had been provided to a resident patient.

- (2) In this regulation and regulation 12 “a cross-border health care service” means health care—
- (a) provided to or prescribed for a visiting patient as a consequence of that patient exercising their rights in relation to access to health care under the Directive; and
 - (b) provided by the Department under the Order of 1972 or the 2009 Act.

Exemption from Health care charges for certain persons who reside in another member State

12.—(1) Where a person (P) is provided with a cross-border health care service in respect of which a charge may be recovered pursuant to Article 42 of the Order of 1972, P is exempt from a charge if P falls within paragraph (2) and the cross-border health care service falls within paragraph (3).

(2) P falls within this paragraph if P is an insured person or a member of a family of an insured person—

- (a) who is resident in a member State other than the United Kingdom; and
- (b) for whom the United Kingdom is the competent member State under Regulation (EC) No. 883/2004.

(3) The cross-border health care service falls within this paragraph if—

- (a) it is not a service that falls within Article 14D(6) of the Order of 1972 as a service subject to prior authorisation; and
- (b) it is not provided in accordance with Chapter 1 of Title III of Regulation (EC) No 883/2004 (sickness, maternity and equivalent paternity benefits).

(4) In this regulation—

- (a) the expressions “competent member State”, “insured person” and “member of the family” have the same meaning as they have for the purposes of Regulation (EC) No 883/2004;

- (b) “Regulation (EC) No 883/2004” means Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29th April 2004 on the coordination of social security systems⁽¹⁾.

(1) OJNo. L166, 30.4.2004 p. 1-123; corrigenda to the Regulation published in OJ No. L 200,7.6.2004 p. 1-49 and OJ No. L 204, 4.8.2007, p 30.