
DRAFT STATUTORY INSTRUMENTS

2019 No.

**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 Articles 14D and 14E of the Order of 1972 for pre-exit 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 exit day in relation to qualifying EEA expenditure which—

- (a) was incurred (and not reimbursed under that Article) before exit day,
- (b) was incurred on or after exit day on the provision of a service which was provided, or began to be provided, before exit day, or
- (c) was incurred on or after exit day on the provision of a service that was authorised under Article 14E of that Order—
 - (i) before exit day, or
 - (ii) on or after exit day on an application under Article 14E made before exit 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 exit 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 exit 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 exit day in relation to an application for authorisation under that Article which was made, but not determined, before exit 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 exit 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 exit 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 exit 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 exit day, as references to an EEA state).