

## SCHEDULE 1

Regulation 16

### Modifications to the 2013 Regulations for pre-exit day cases

1. The modifications of the 2013 Regulations referred to in regulation 16 are that those Regulations are to be read as if—

- (a) in regulation 2 (interpretation)—
  - (i) in the definition of “resident patient”, for “the United Kingdom is” there were substituted “immediately before exit day the United Kingdom was”;
  - (ii) in the definition of “visiting patient”, for “a member State other than the United Kingdom is” there were substituted “immediately before exit day a member State other than the United Kingdom was”;
- (b) in the heading to regulation 5 (national contact point: information about treatment in another member State), for “another member State” there were substituted “a member State”;
- (c) in regulation 5—
  - (i) for references to “other member States” there were substituted “member States”;
  - (ii) for the reference to “another member State” there were substituted “a member State”;
- (d) regulation 5A (National Contact Point: information about prescriptions intended to be used in another member State) were omitted;
- (e) for regulation 6(1) (National Contact Point: cross-border co-operation) there were substituted—

“(1) In so far as it considers it appropriate for the purposes of giving effect to regulation 16 of the National Health Service (Cross-Border Healthcare and Miscellaneous Amendments etc) (EU Exit) Regulations 2019, the NCP must co-operate with the national contact points in member States and any other national contact points established in the United Kingdom.”;
- (f) regulation 7 (National Contact Point: duty to consult) were omitted;
- (g) in regulation 12—
  - (i) in paragraph (2) for “P is” there were substituted “immediately before exit day P was”;
  - (ii) in paragraph (2)(a), for “is resident” there were substituted “was resident”;
  - (iii) in paragraph (2)(b), for “is the competent member State” there were substituted “was the competent member State”;
  - (iv) in paragraph (4)(b) at the end there were inserted “as it had effect immediately before exit day”;
- (h) the schedule (elements that must be included in prescriptions intended to be used in another member State) were omitted.

## SCHEDULE 2

Regulation 17

### Modifications to the 2013 Regulations for cross-border arrangements

1. The modifications of the 2013 Regulations referred to in regulation 17 are that those Regulations are to be read as if—

- (a) in regulation 2 (interpretation)—

- (i) after the definition of “the Board” there were inserted—
  - ““cross-border arrangements” has the same meaning as in regulation 16 of the National Health Service (Cross-Border Healthcare and Miscellaneous Amendments etc) (EU Exit) Regulations 2019;”;
- (ii) the definition of “the Directive” were omitted;
- (iii) in the definition of “health care provider” for “member State” there were substituted “relevant member State”;
- (iv) for the definition of “prescription”, there were substituted—
  - ““prescription” means a prescription for a medicinal product issued by a person who is practising in a profession included in the list published under regulation 214(6A)(1) of the Human Medicines Regulations(2) in a member State that is included in that list in relation to that profession;”
- (v) after the definition of “prescription” there were inserted—
  - ““relevant member State” means a member State which is included in the list maintained under regulation 16 of the National Health Service (Cross-Border Healthcare and Miscellaneous Amendments etc) (EU Exit) Regulations 2019;
  - “relevant period” in relation to an EEA state, means the period during which cross-border arrangements between the United Kingdom and that state have an effect;”;
- (vi) for the definition of “resident patient”, there were substituted—
  - ““resident patient” means an individual to whom the United Kingdom is responsible for granting authorisation for the provision of healthcare in a relevant member State under cross-border arrangements;”;
- (vii) for the definition of “visiting patient”, there were substituted—
  - ““visiting patient” means an individual to whom a relevant member State is responsible for granting authorisation for the provision of healthcare in the United Kingdom under cross-border arrangements;”;
- (b) in regulation 3 (national contact point: designation), for the references to “the Directive” there were substituted “cross-border arrangements”;
- (c) in the heading to regulation 5 (national contact point: information about treatment in another member State), for “another member State” there were substituted “a relevant member State”;
- (d) in regulation 5—
  - (i) for “other member States” there were substituted references to relevant member States”;
  - (ii) for “another member State” there were substituted “a relevant member State”;
- (e) in the heading to regulation 5A (national contact point: information about prescriptions intended to be used in another member State), for “another member State” there were substituted “the United Kingdom”;
- (f) for regulation 5A there were substituted—
  - “**5A.** The NCP must make available to patients information about the elements, specified in the Schedule, to be included in a prescription which is—

(1) Paragraph (6A) is inserted into the Human Medicines Regulations 2012 by the Human Medicines (Amendment etc.) (EU Exit) Regulations 2019

(2) [S.I. 2012/1916](#)

- (1) issued in a member State included in the list published under regulation 214(6A) of the Human Medicines Regulations 2012, and
- (2) intended to be used in the United Kingdom.”;
- (g) for regulation 6(1) (national contact point: cross-border co-operation) there were substituted—
  - “(1) In so far as it considers it is appropriate for the purposes of giving effect to cross-border arrangements, the NCP must co-operate with the national contact points in relevant member States and any other NCPs established in the United Kingdom.”;
- (h) in regulation 7 (national contact point: duty to consult) for the words from “the Directive” to “in these Regulations,” there were substituted “cross-border arrangements”;
- (i) in regulation 10(1) (information on rights and entitlements) for “mentioned in Article 5(b) of the Directive” there were substituted “under cross-border arrangements”;
- (j) in regulation 11 (health care charges) in paragraph (2), in sub-paragraph (a) of the definition of “cross-border healthcare service”, for “under the Directive” there were substituted “under cross-border arrangements”;
- (k) in the heading to regulation 12 (exemption from healthcare charges for certain persons who reside in another member State), for “another member State” there were substituted “a relevant member State”;
- (l) in regulation 12—
  - (i) in paragraph (2)(a), for “a member State other than the United Kingdom” there were substituted “a relevant member State”;
  - (ii) in paragraph (4)(b) at the end there were inserted “as continued by regulation 17 of, and Schedule 5 to, the Social Security Coordination (Reciprocal Healthcare) (Amendment etc) (EU Exit) Regulations 2019”;
- (m) in the heading to the Schedule (elements that must be included in prescriptions intended to be used in another member State)(3) for the reference to “another member State” there were substituted “the United Kingdom”;
- (n) in the Schedule—
  - (i) in paragraph 4(a), for “Article 1” to the end there were substituted “regulation 8(1) of the Human Medicines Regulations 2012”;
  - (ii) in paragraph 4(b)(i) at the end there were inserted “as modified by Schedule 8B to the Human Medicines Regulations 2012”;
  - (iii) in paragraph 4(e), “as defined in Article 1 of [Directive 2001/83/EC](#)” were omitted.

---

(3) the Schedule was inserted by [S.R. 2015 No. 130](#)