STATUTORY RULES OF NORTHERN IRELAND

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(**1**) 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(**2**), 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(**3**);

(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(**4**).

(**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

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**).".

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

3. In Schedule 1 (Diseases for the treatment of which no charge is to be made) to the Provision of Health Services to Persons not Ordinarily Resident Regulations, after "mumps" insert the following entry—

"Pandemic influenza (influenza caused by a new virus subtype that has an increased and sustained transmission during a global outbreak of influenza).".

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

L.S.

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

(**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