STATUTORY RULES OF NORTHERN IRELAND

2008 No. 377

HEALTH AND PERSONAL SOCIAL SERVICES

Provision of Health Services to Persons not Ordinarily Resident (Amendment) Regulations (Northern Ireland) 2008

Made - - - -	*11th September 2008*
Coming into operation	*6th October 2008*

The Department of Health, Social Services and Public Safety(**1**), makes the following Regulations in exercise of the powers conferred upon it by Articles 42 (1) to (3), 106(b) and 107(b) of the Health and Personal Social Services (Northern Ireland) Order 1972(**2**), in conjunction with the Department of Finance and Personnel:

PART 1

GENERAL

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Provision of Health Services to Persons not Ordinarily Resident (Amendment) Regulations (Northern Ireland) 2008 and shall come into operation on 6th October 2008.

(2) In these regulations, "the principal Regulations" means the Provision of Health Services to Persons not Ordinarily Resident Regulations (Northern Ireland) 2005(**3**).

Amendment of regulation 2 of the principal Regulations

2. In regulation 2 (Interpretation) of the principal Regulations insert the following definition at the appropriate place in the alphabetical order —

> ""authorised child" means a child who has either been granted leave to enter the United Kingdom with his parent for the purpose of the parent obtaining a course of treatment in respect of which no charges are payable under regulation 8A or is the child of an authorised companion;"

(**1**) *See*S.I. 1999/283 (N.I. 1) Article 3(6)
(**2**) S.I. 1972/1265 (N.I. 14) Article 42(3) was inserted by C.2 (NI) section 12(b)
(**3**) S.R. 2005/551

""authorised companion" means a person who has been granted leave to enter the United Kingdom to accompany a person who is obtaining a course of treatment in respect of which no charges are payable under regulation 8A;"

Amendment of regulation 3 of the principal Regulations

3. In regulation 3 of the principal Regulations (Visitors to whom services forming part of health services shall be available) —

(a) in paragraph (c) after the word "treatment" insert ", or a determination under regulation 8A";

(b) after paragraph (q) add —

"; or

(r) who is working outside the United Kingdom as a missionary for an organisation that is established in the United Kingdom, regardless of whether he —

(i) derives a salary or wage from the organisation, or

(ii) receives any type of funding or assistance from the organisation for the purposes of working overseas for the organisation; or

(s) who the competent authorities of the United Kingdom for the purposes of the Council of Europe Convention on Action against Trafficking in Human Beings(**4**) (in this regulation "the Convention") —

(i) consider that there are reasonable grounds to believe is a victim within the meaning of Article 4 of the Convention, and the recovery and reflection period in relation to him under Article 13 of the Convention has not yet expired; or

(ii) have identified as a victim within the meaning of Article 4 of the Convention."

Amendment of regulation 4 of the principal Regulations

4. In regulation 4 of the principal Regulations (Services exempted from charges) for paragraph (4) substitute —

"(4) No charge shall be made in respect of any services forming part of health services provided for —

(a) in the case where paragraph (h), (i), (j), (k), (r) or (s) of regulation 3 applies to a visitor, the spouse, civil partner or child of the visitor; or

(b) spouse, civil partner or child of the visitor, if the spouse, civil partner or child lives on a permanent basis with the visitor in the United Kingdom."

Amendment of regulation 6 of the principal Regulations

5. In regulation 6 of the principal Regulations (Exemption from charges the need for which arose during the visit) after paragraph (e) add —

"; or

(f) an authorised child or an authorised companion."

(**4**) The Council of Europe Convention on Action against Trafficking in Human Beings 2005 (CETS No. 197). *See* /www.coe.int/trafficking