1970. No. 56 [C]

HEALTH SERVICES

Persons not ordinarily resident in Northern Ireland

REGULATIONS, DATED 20TH MARCH 1970, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER THE HEALTH SERVICES ACT (NORTHERN IRELAND) 1948.

The Ministry of Health and Social Services in exercise of the powers conferred by sections 75, 80 and 81 of the Health Services Act (Northern Ireland) 1948(a) (hereinafter referred to as "the Act") and in conjunction with the Ministry of Finance hereby makes the following Regulations:

Citation

1. These Regulations may be cited as the Health Services (Persons not Ordinarily Resident in Northern Ireland) Regulations (Northern Ireland) 1970.

Revocation

2. The Health Services (Availability of Services) Regulations (Northern Ireland) 1950(b), the Health Services (Availability of Services) (Amendment) Regulations (Northern Ireland) 1951(c) and the Health Services (Availability of Services) (Amendment) Regulations (Northern Ireland) 1957(d) are hereby revoked.

PART I

Conventions

3. General medical, general dental, general eye and pharmaceutical services and hospital, specialist and ancillary services shall be available to persons to whom and to the extent to which Conventions and Agreements and the Protocols thereto apply, which have been entered into by the Government of the United Kingdom.

PART II

General

4.—(1) Save as otherwise provided no authority providing services under the Act shall by virtue of any regulation in Part II make such services available to persons who are not ordinarily resident in Northern Ireland so as to prejudice their availability to persons ordinarily resident therein.

(2) Any such authority shall, to the extent permitted in the regulations under this Part, make such services available to persons who are not ordinarily resident in Northern Ireland only while they are in Northern Ireland.

(3) Such services shall be made available on the same conditions as they are available to persons ordinarily resident in Northern Ireland.

5.—(1) Absences specified in paragraph (2) shall be disregarded in determining whether any person is or is not ordinarily resident in Northern Ireland, Great Britain, the Channel Islands or the Isle of Man.

(a) 1948. c. 3.
(b) S.R. & O. (N.I.) 1950, No. 66.
(c) S.R. & O. (N.I.) 1951, No. 4.
(d) S.R. & O. (N.I.) 1957, No. 24.

(2) Absences to which paragraph (1) refers are

(*a*) absence of any person from the United Kingdom in the service of the Crown or in employment to which any person has been recruited by or on behalf of a department of the Crown;

(*b*) absence of the spouse or dependant of any such person occasioned by the absence of that person.

Persons to whom services shall be available

6. General medical, general dental, general eye and pharmaceutical services shall be available to persons not ordinarily resident in Northern Ireland who:—

(1) are ordinarily resident in Great Britain or the Channel Islands; or

(2) are New Zealand Nationals; or

(3) have ceased to be ordinarily resident in the United Kingdom and have become temporarily resident in Northern Ireland and either:—

(*a*) have a yearly average of not less than 45 contributions paid or credited under the National Insurance Act (Northern Ireland) 1966(e) for the period ending with the end of the last complete contribution year before the date of last arriving in Northern Ireland; provided that the contributions paid whilst resident outside the United Kingdom shall be in accordance with the provisions of the National Insurance (Residence and Persons Abroad) Regulations (Northern Ireland) 1948(f) or reciprocal arrangements made under the National Insurance Act (Northern Ireland) 1966; or

(*b*) are entitled to receive retirement pension or widow's benefit under the National Insurance Act (Northern Ireland) 1966; or

(4) have become temporarily resident in Northern Ireland and are the spouses or dependants of the class of persons to whom paragraph (3) applies, whether or not such persons have themselves become so resident in Northern Ireland; for the purposes of this paragraph the date on which the spouses or dependants arrive in Northern Ireland shall be the date used for the calculation which would be made under paragraph 3(*a*) were they accompanied by persons referred to in that paragraph;

(5) have become temporarily resident in Northern Ireland for the sole purpose of:—

(*a*) receiving instruction at a recognised educational establishment; or

(*b*) receiving full-time training under arrangements made by the Ministry of Overseas Development or any other Body recognised by the Ministry for the purpose of this regulation; or

(*c*) giving full-time instruction at an educational establishment under arrangements made by or with the approval of the Ministry of Education; or

(*d*) giving instruction at a University or College of Further Education under arrangements made by the Ministry of Overseas Development;

(6) are the spouse or dependants of persons to whom paragraph (5) applies.

(e) 1966. c. 6 (N.I.). (f) S.R. & O. (N.I.) 1948, No. 210.

7. General medical services, pharmaceutical services and, for conditions which require urgent treatment including the relief of pain, general dental services shall be available to persons who

(1) are ordinarily resident in the Isle of Man; or

(2) are employed on board or in the services of any sea-going vessel, other than a ship of war, and to the spouses and dependants of such persons: or

(3) have become temporarily resident in Northern Ireland, and who

(*a*) are liable or, but for the provisions of regulation 2(*b*) of the National Insurance (Residence and Persons Abroad) Regulations (Northern Ireland) 1948, would be liable to pay contributions under the National Insurance Act (Northern Ireland) 1966; or

(*b*) are the spouses or dependants of persons referred to in sub-paragraph (*a*); or

(*c*) are persons to whom reciprocal arrangements made under the National Insurance Act (Northern Ireland) 1966 apply.

8. Hospital, specialist and ancillary services shall be available to any person not ordinarily resident in Northern Ireland, who becomes ill when in Northern Ireland, to the extent deemed necessary by the medical practitioner concerned with the treatment of such person to enable that person to return to his country of residence.

PART III

Exemption from Charges

9. The classes of persons referred to in regulations 3, 6, 7(1), 7(2) and 8 shall be exempt from any charges (other than the charges referred to in sections 21(8), 29(2) and 76(1) of the Act) by the Northern Ireland Hospitals Authority or a health authority under section 75(1) of the Act.

Sealed with the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 20th day of March 1970.

(L.S.) *S. H. O'Fee,*
Assistant Secretary.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 20th day of March 1970.

(L.S.) *C. F. Darling,*
Assistant Secretary.

EXPLANATORY NOTE

(This note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations revoke earlier regulations on the health services available to persons not ordinarily resident in Northern Ireland. The substance of the earlier regulations is incorporated in these new Regulations together with some additional provisions. The rights to health services conferred by international Conventions and Agreements entered into by the Government at Westminster for the United Kingdom as a whole and by a reciprocal agreement with New Zealand are recognised. Certain services are made available to a limited class of persons while at educational and training establishments in Northern Ireland. And any person taken ill in Northern Ireland will be given hospital treatment sufficient to enable him to return to his own country.