EXPLANATORY MEMORANDUM TO

The Health and Social Care (Exemptions from Charges, Payments and Remission of Charges) (Amendment and Transitional Provision) Regulations (Northern Ireland) 2025

S.R. 2025 No. 172

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of Health to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under powers conferred by Articles 45, 62, 98, 106 and 107(6) of, and Schedule 15 to, the Health and Personal Social Services (Northern Ireland) Order 1972 and is subject to the negative resolution procedure.

2. Purpose

2.1. To amend the eligibility criteria for Help with Health Costs to include Universal Credit through The Health and Social Care (Exemptions from Charges, Payments and Remission of Charges (Amendment and Transitional Provision) Regulations (Northern Ireland) 2025. These Regulations amend the Optical Charges and Payments Regulations (Northern Ireland) 1997 ("the Optical Charges Regulations"), the Travelling Expenses and Remission of Charges Regulations (Northern Ireland) 2004 ("the Travelling Expenses Regulations") and the General Ophthalmic Services Regulations (Northern Ireland) 2007 ("the Ophthalmic Regulations").

3. Background

3.1. The Help with Health Costs scheme provides individuals, primarily on low incomes, with help towards the cost of dental treatment, eyesight tests, glasses or contact lenses, and travel costs for hospital treatment, on referral by a doctor or dentist. The eligibility criteria are set out in the Travelling Expenses and Remission of Charge Regulations (Northern Ireland) 2004. Exemption from these costs is generically termed Help with Health Costs.

3.2. These regulations are broadly based on the Income Support assessment arrangements and persons in receipt of certain legacy benefits are entitled to help from the scheme without having to make an application, that is they are 'automatically passported'.The Department currently uses the receipt of various income related welfare benefits as a proxy measure for low-income when assessing eligibility for its passported benefits.

3.3. Legislative changes are being made as a consequence of the introudction of Universal Credit in Northern Ireland which is replacing many working age legacy benefits (including Income Support, income-based Jobseekers Allowance, Income-Related Employment and Support Allowance and housing benefit). The legislation requires amendment to provide automatic

passporting to the Help with Health Costs scheme for eligible Universal Credit recipients.

3.4. Universal Credit is a single system of means tested support for working-age people in and out of work. Support for housing costs, children and childcare costs is integrated with additions for disabled people and carers. Consequently, as legacy benefit and tax credit claimants are migrated to Universal Credit in Northern Ireland it will be received by a greater number of people to those in receipt of current legacy benefits.

3.5. In order to avoid the additional costs which would arise from providing enitlement to Help with Health Costs for all Universal Credit recipients, and to target entitlement to those most in need of support, this Statutory Rule introduces earnings thresholds which will restrict entitlement to Help with Health Costs to those who fall within the thresholds. Implementing the existing earnings thresholds as Great Britain, preserves parity with the rest of the UK, is most affordable to the Health Budget, and ensures continuity of eligiblity for the most vulnerable.

4. Consultation

4.1. A public consultation took place from 27 January 2025 to 10 March 2025. A consultation Summary Report providing an overview and analysis of the responses was published on the Departmental website.

5. Equality Impact

5.1. An Equality Screening exercise has been completed and published with the consultation document. The policy will be applied on a means tested income related basis and there is no evidence to suggest that any Section 75 categories will have any different needs, experiences, priorities or issues in relation to the policy.

6. Regulatory Impact

6.1. A Regulatory Impact Assessment has been carried out and there is no impact on business, charities, social enterprise or voluntary bodies.

7. Financial Implications

7.1. The amendment is made in conjunction with the Department of Finance.

8. Section 24 of the Northern Ireland Act 1998

8.1. Consideration has been given to the human rights implications of these regulations. The Department is satisfied that this legislation is compatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. Consideration has been given to Article 2 of the Windsor Framework to the Withdrawal Agreement. The Department is content that neither the 'non-diminution' commitment nor the 'keep pace' commitment is engaged in this proposal.

10. Parity or Replicatory Measure

10.1. The provisions in the regulations mirror similar legislation made in England and Wales and Scotland.

11. Additional Information

11.1. Not applicable.