EXPLANATORY MEMORANDUM TO

The Provision of Health Services to Persons Not Ordinarily Resident (Amendment) Regulations (Northern Ireland) 2026

S.R. 2026 No. 122

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 42, 106(b) and 107(6) of 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 Provision of Health Services to Persons Not Ordinarily Resident Regulations (Northern Ireland) 2015 ("the 2015 Regulations") to include hantavirus diseases, including hantavirus pulmonary or cardiopulmonary syndrome ("HPCS") and haemorrhagic fever with renal syndrome (“HFRC”) in the list of diseases in Schedule 1 to these Regulations which are exempt from charge.

3. Background

3.1. Entitlement to free healthcare in Northern Ireland requires someone to be "ordinarily resident" here, in other words you must be living here lawfully, voluntarily and on a continuous and settled basis with an identifiable purpose for your residency.

3.2. A visitor is someone who is not ordinarily resident in Northern Ireland.

3.3. The 2015 Regulations make certain health services available to visitors in Northern Ireland at a charge determined by the Department of Health. The Regulations also provide various exemptions from charge: some services are are always exempt from charge while some categories of visitor are exempt from charge.

3.4. Regulation 4(1)(d) of the 2015 Regulations exempts HSC hospital treatment for certain diseases listed in Schedule 1 to these Regulations from charge.

3.5. The proposed amendment to Schedule 1 to the 2015 Regulations will ensure that hospital treatment for hantavirus diseases is provided to any visitor to Northern Ireland without charge, unless it appears that visitor has travelled to Northern Ireland specifically to receive that treatment.

4. Consultation

4.1. There has been no public consultation in relation to this Statutory Rule. There is no change to the policy underpinning access to healthcare in Northern Ireland. The legislative change is urgently required to ensure that there is no financial barrier to visitors to Northern Ireland being given

HSC hospital treatment for hantavirus diseases, thus ensuring that the risk to public health from symptomatic visitors is minimised. .

5. Equality Impact

5.1. In accordance with guidance produced by the Equality Commission for Northern Ireland and in keeping with Regulation 75 of the Northern Ireland Act 1998, the proposal for these Regulations was screened for equality impact and it is concluded that a full Equality Impact Assessment is not required.

6. Regulatory Impact

6.1. A Regulatory Impact Assessment (RIA) screening was carried out and concluded that these Regulations would have negligible impact on businesses, charities, social economy enterprises or the voluntary sector in Northern Ireland and will not otherwise adversely affect these groups. The Department considered that a full RIA is not required.

7. Financial Implications

7.1. The amendment to the 2015 Regulations will ensure that HSC hospital treatment for hantavirus diseases is provided to any visitor to Northern Ireland without charge, unless it appears that the visitor has travelled to Northern Ireland specifically to receive that treatment.

7.2. As the future spread of the disease is not predictable, it is not possible to estimate the financial implications of this change however any additional costs that emerge will be an additional pressure. It is not expected that the number of cases requiring hospital treatment would be high.

7.3. The Regulations have been 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 reflect similar legislation made in England.

11. Additional Information

11.1. This legislative change is required so that the health service in Northern Ireland can take steps to ensure that there is no financial barrier to visitors to Northern Ireland being given HSC hospital treatment for hantavirus diseases, thus ensuring that the risk to public health from symptomatic

visitors is minimised. Therefore, the Department requires to make and bring into operation the amending legislation at this time.