

Jersey R & O 8189

**ACT 1991 REGARDING HEALTH CARE AGREEMENT WITH
NORWAY**

**Act, dated 26th March 1991, with regard to a Reciprocal Agreement
between the Government of the United Kingdom of Great Britain
and Northern Ireland and the Government of the Kingdom of
Norway concerning medical treatment**

(Promulgated on the 27th day of March 1991)

STATES OF JERSEY

The 26th day of March 1991

WHEREAS –

A. a Convention on Social Security between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of Norway (hereinafter referred to as “the Convention”) and a Protocol supplementing the Convention and concerning medical treatment (hereinafter referred to as “the Protocol”) were signed on behalf of those Governments at Oslo on the nineteenth day of June 1990;

B. by Article 38 of the Convention it is provided that the Convention shall enter into force on the first day of the third month following the month in which the instruments of ratification are exchanged;

C. by Article 11 of the Protocol it is provided that the Protocol shall form an integral part of, and shall enter into force at the same time as, the Convention;

D. the Convention has been ratified by the said Governments and the instruments of ratification were exchanged on the

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thirty-first day of January 1991 and accordingly the Convention and the Protocol enter into force on the first day of April 1991;

E. the States have given effect to the Convention by making the Family Allowances, Attendance Allowances and Social Security (Reciprocal Agreement with Norway) (Jersey) Act 1991;

F. it is desirable to give effect to the Protocol:

NOW, THEREFORE, THE STATES have resolved as follows –

1. The provisions of the Protocol concerning medical treatment set out in the Schedule to this Act shall have effect with respect to the provision of medical treatment to residents of the Kingdom of Norway who are temporarily in the Bailiwick.

2. This Act shall come into force on the first day of April 1991.

R.S. GRAY

Greffier of the States.

SCHEDULE

[The text of the Protocol will be set out in full in the final version of the Act of the States and a copy of the text is available at the States' Greffe].

PROTOCOL CONCERNING MEDICAL TREATMENT

Supplementary to the Convention on Social Security between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of Norway signed this day.

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of Norway;

Desiring to provide a national of either of the two Parties during a temporary stay in the territory of the other Party with immediate medical treatment;

Have agreed as follows:

ARTICLE 1

- (1) For the purpose of this Protocol:
 - (a) "medical treatment" means:
 - (i) in relation to Great Britain and Northern Ireland and to the Isle of Man, treatment by services provided under national health legislation in force in Great Britain and Northern Ireland and the Isle of Man and administered by health authorities or by the Isle of Man Department of Health and Social Security respectively;
 - (ii) in relation to the Island of Jersey, hospital medical and nursing services, including dental, ophthalmic and pharmaceutical services provided by or through the Public Health Committee of the States of Jersey;

- (iii) in relation to Norway, benefits provided under Chapter 2 of the National Insurance Act of 17th June 1966;
- (b) “nationals” means:
 - (i) in relation to the United Kingdom, all persons who are recognised by the Government of the United Kingdom as their nationals, provided they are ordinarily resident in the territory of the United Kingdom as defined in the Convention;
 - (ii) in relation to Norway, Norwegian nationals as defined in the relevant Norwegian legislation;
- (c) “competent authority” means:
 - (i) in relation to Great Britain and Northern Ireland, the Department of Health;
 - (ii) in relation to the Isle of Man, the Isle of Man Department of Health and Social Security;
 - (iii) in relation to Jersey, the Public Health Committee of the States of Jersey;
 - (iv) in relation to Norway, the Ministry of Social Affairs.

(2) All other terms and expressions have the meaning assigned to them in the Convention.

ARTICLE 2

(1) United Kingdom or Norwegian nationals ordinarily resident in the United Kingdom who are temporarily in the territory of Norway and whose condition necessitates immediate medical treatment shall be provided, on the production of a valid passport, with the medical treatment which is required by their condition.

(2) Norwegian or United Kingdom nationals resident in Norway or insured for medical treatment under the Norwegian National Insurance Act who are temporarily in the territory of the United Kingdom and whose condition necessitates immediate medical treatment shall be provided, on production of a valid passport, with treatment which, in the opinion of a member of the medical or dental profession employed in the National Health Service, or under contract to it, is required by their condition.

ARTICLE 3

The provisions of Article 2 shall not apply in cases where nationals of one Party go to the territory of the other Party for the purpose of obtaining medical treatment under this Protocol unless the person seeking treatment:

(1) is employed on a ship or vessel registered in the United Kingdom or in the Isle of Man or in the Island of Jersey or in Norway; or

(2) is a passenger on a ship or vessel; and

(3) is employed on the United Kingdom or the Norwegian Continental Shelf Area,

and is taken to the territory of the other Party for the purpose of obtaining necessary medical treatment.

ARTICLE 4

Persons covered by Article 3 of the Convention who move from the territory of one Party to become resident in the territory of the other Party shall be entitled to medical treatment under the legislation of the Party in whose territory they have become resident, even in respect of an illness which had occurred during periods when they were subject to the legislation of the other Party. This provision shall not apply in cases where a person moves to the territory of either Party for the purpose of obtaining medical treatment.

ARTICLE 5

Detached workers covered by Article 6 of the Convention, including accompanying family members, shall be provided with medical treatment during the period of detachment by the Party in whose territory they have been sent to work. Such persons shall produce documentation as required under that Article.

ARTICLE 6

Medical treatment provided under this Protocol shall be available on terms no less favourable, including payment of appropriate charges, than those which apply:

- (1) in the case of the United Kingdom, to a person resident in the territory of the United Kingdom; or
- (2) in the case of Norway, to a person insured for medical treatment under the National Insurance Act.

ARTICLE 7

Apart from charges normally met by nationals of either Party, the costs of medical treatment under this Protocol shall be borne by the competent authorities of each Party, except for those costs which are the responsibility of employers in accordance with the relevant legislation of the Parties.

ARTICLE 8

The costs of the transport of persons from the Continental Shelf Areas, ships or vessels to the territory of either Party shall not be borne by the competent authorities of either Party.

ARTICLE 9

The competent authorities shall send to each other as soon as possible details of any changes in laws or regulations operating in their

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respective territories which may significantly affect the nature and scope of services provided under this Protocol.

ARTICLE 10

Any disagreement relating to this Protocol shall be resolved by consultation between the competent authorities.

ARTICLE 11

This Protocol, which shall enter into force at the same time as the Convention shall form an integral part of the Convention.

In witness whereof the undersigned, duly authorised thereto by their respective governments, have signed this Protocol.

Done in duplicate at Oslo this 19th day of June 1990 in the English and Norwegian languages, both texts being equally authoritative.

For the Government of the United
Kingdom of Great Britain and
Northern Ireland:

For the Government of the
Kingdom of Norway:

D.J.E. RATFORD

WENCHE FROGN SELLAEG