

Version  
as at 28 October 2021



## Health Benefits (Reciprocity with the United Kingdom) Act 1982

Public Act      1982 No 176  
Date of assent    17 December 1982  
Commencement    see section 1(2)

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### Agreement on Health Services Between the Government of New Zealand and the Government of the United Kingdom of Great Britain and Northern Ireland

**An Act to provide for reciprocity with the United Kingdom in relation to medical, hospital, and related benefits**

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#### Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

**This Act is administered by the Ministry of Health.**

## **1 Short Title and commencement**

- (1) This Act may be cited as the Health Benefits (Reciprocity with the United Kingdom) Act 1982.
- (2) This Act shall come into force on a date to be fixed by the Governor-General by Order in Council. The date so fixed may be a date before the date on which the Order in Council is made.
- (3) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

### **Legislation Act 2019 requirements for secondary legislation made under this section**

<b>Publication</b>	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
<b>Presentation</b>	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
<b>Disallowance</b>	It may be disallowed by the House of Representatives	LA19 ss 115, 116

*This note is not part of the Act.*

Section 1(2): Health Benefits (Reciprocity with the United Kingdom) Act 1982 brought into force, on 1 January 1983, by clause 2 of the Health Benefits (Reciprocity with the United Kingdom) Act Commencement Order 1984 (SR 1984/42).

Section 1(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

## **2 Agreement to have full force and effect**

The provisions contained in the agreement set out in the Schedule shall have full force and effect so far as they relate to New Zealand.

Section 2: substituted, on 1 July 1993, by section 32 of the Health Sector (Transfers) Act 1993 (1993 No 23).

## **3 Revocation**

The Medical, Hospital, and Related Benefits (Reciprocity with United Kingdom) Notice 1960 is hereby revoked.

**Schedule**  
**Agreement on Health Services Between the Government of New Zealand and the Government of the United Kingdom of Great Britain and Northern Ireland**

s 2

The Government of New Zealand and the Government of the United Kingdom of Great Britain and Northern Ireland (hereinafter referred to as “the Contracting Parties”),

Desiring to provide the nationals of each of their territories during their temporary stay in the other territory with medical treatment,

Have agreed as follows:

**Article 1**  
**Definitions**

For the purposes of this Agreement, unless the context otherwise requires—

- (a) “medical treatment” means:
  - (i) in relation to the United Kingdom, medical treatment which, in the opinion of a medical or dental practitioner employed by or under contract with an authority providing medical treatment, is required promptly by a national of New Zealand for a condition which arose after arrival into the territory of the United Kingdom or became, or but for treatment would have become, acutely exacerbated after such arrival; and
  - (ii) in relation to New Zealand, medical treatment which, in the opinion of a medical practitioner, or dental practitioner (in respect of persons under 19 years), is required promptly by a national of the United Kingdom for a condition which arose after arrival into the territory of New Zealand or became, or but for treatment would have become, acutely exacerbated after such arrival;
- (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 this Agreement; and
  - (ii) in relation to New Zealand, all New Zealand citizens ordinarily resident in the territory of New Zealand as defined in this Agreement;
- (c) “territory” means:

- (i) in relation to the United Kingdom, England, Scotland, Wales, Northern Ireland, and also the Isle of Man, the Island of Jersey, and the Bailiwick of Guernsey comprising the islands of Guernsey, Alderney, Herm, Jethou, and Sark; and
- (ii) in relation to New Zealand, the territory of New Zealand including Tokelau together with the associated self-governing State of Niue.

## **Article 2**

- (1) In the case of a national of one Contracting Party requiring medical treatment, the need for which arose during his temporary stay in the territory of the other Contracting Party, that second Contracting Party shall, on production of evidence satisfactory to it that the person is such a national, afford, in accordance with the health service legislation in force in the territory of that Contracting Party and on the same terms as nationals of that Contracting Party, the medical treatment.
- (2) The authorities of the Contracting Party providing the medical treatment shall bear all costs arising therefrom apart from charges normally paid by nationals in that territory.
- (3) The provisions of this Article shall not apply to a national of one Contracting Party who goes to the territory of the other Contracting Party for the express purpose of obtaining medical treatment.

## **Article 3**

- (1) The authorities responsible for the implementation of this Agreement are:
  - (a) in relation to the territory of the United Kingdom, the Department of Health and Social Security, the other United Kingdom Health Departments, and the other authorities of the territory responsible for the provision of health services, whose names and addresses shall be notified to the Government of New Zealand; and
  - (b) in relation to the territory of New Zealand, the Department of Health, and the other authorities of the territory responsible for the provision of health services, whose names and addresses shall be notified to the Government of the United Kingdom of Great Britain and Northern Ireland.
- (2) The Contracting Parties shall send to each other as soon as possible details of any changes in laws or regulations operating in their respective territories which may affect the nature and scope of health services provided under this Agreement.

#### **Article 4**

In the event of any disagreement relating to the interpretation or application of this Agreement, the Contracting Parties shall enter into consultations in order to reach an appropriate resolution of the disagreement.

#### **Article 5**

- (1) This Agreement shall remain in force until the expiration of 6 months after the date of delivery of written notice of termination by either Contracting Party to the other.
- (2) Amendments to this Agreement may be made by agreement in writing between the Contracting Parties.

#### **Article 6**

- (1) Each Contracting Party shall notify the other, through the diplomatic channel, when the internal procedures required by its law for the bringing into force of this Agreement are completed.
- (2) This Agreement shall enter into force on a date to be arranged by exchange of letters between the Contracting Parties.

IN WITNESS WHEREOF the undersigned, duly authorised thereto by their respective Governments, have signed this Agreement.

DONE at Wellington this 10th day of December 1982.

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

A G Malcolm  
John H Fawcett

## Notes

### **1** *General*

This is a consolidation of the Health Benefits (Reciprocity with the United Kingdom) Act 1982 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

### **2** *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

### **3** *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

### **4** *Amendments incorporated in this consolidation*

Secondary Legislation Act 2021 (2021 No 7): section 3

Health Sector (Transfers) Act 1993 (1993 No 23): section 32

Health Benefits (Reciprocity with the United Kingdom) Act Commencement Order 1984 (SR 1984/42)