

**THIRD SUPPLEMENT TO THE GIBRALTAR  
GAZETTE**

**No. 4530 of 20 December, 2018**

---

---

**B. 29/18**

**BILL**

**FOR**

**AN ACT** to make provision about paying and arranging for healthcare provided outside Gibraltar and giving effect to healthcare agreements; and for connected purposes.

**ENACTED** by the Legislature of Gibraltar.

**Short title.**

1. This Act may be cited as the Healthcare (International Agreements) Act 2018.

**Commencement.**

2. This Act and comes into operation on the day of publication.

**Interpretation.**

3. In this Act-

“healthcare” means all forms of healthcare provided for individuals, whether relating to mental or physical health, and includes related ancillary care;

“healthcare agreement” means an agreement made between Her Majesty’s Government of Gibraltar and either the government of another country or territory or an international organisation, concerning either or both of the following-

- (a) healthcare provided outside Gibraltar, payments in respect of which may be made by the government of Gibraltar;
- (b) healthcare provided in Gibraltar, payments in respect of which may be made by another country or territory outside;

“international organisation” means an organisation of which-

- (a) two or more sovereign powers are members, or
- (b) the governments of two or more sovereign powers are members;

“Minister” means the Minister with responsibility for health.

**Power to make healthcare payments.**

4. The Minister may make payments, and arrange for payments to be made, in respect of the cost of healthcare provided outside Gibraltar.

**Healthcare and healthcare agreements.**

5.(1) The Minister may by regulations make provision-

- (a) in relation to the exercise of the power conferred by section 4;
- (b) for and in connection with the provision of healthcare outside Gibraltar;
- (c) to give effect to a healthcare agreement.

(2) Regulations under subsection (1) may, for example-

- (a) specify or describe levels of payments and how they are to be calculated;
- (b) specify or describe persons in respect of whom payments and provision may be made;
- (c) specify or describe the types of healthcare in respect of which payments and provision may be made;

- (d) make provision about set-off arrangements between countries or territories;
- (e) make provision about reimbursement levels (which may include caps);
- (f) specify or describe evidential or administrative requirements or processes;
- (g) make provision about appeals;
- (h) confer functions on the Minister or on any other person (including conferring a discretion);
- (i) provide for the delegation of functions.

(3) The Minister may give directions to a person about the exercise of any functions exercisable by the person by virtue of regulations under subsection (1).

(4) The Minister may vary or revoke directions given under subsection (3).

**Data processing.**

6.(1) An authorised person may process personal data held by the person in connection with any of the person's functions where that person considers it necessary for the purposes of implementing, operating or facilitating the doing of anything under or by virtue of this Act.

(2) The processing of personal data in accordance with subsection (1) does not breach-

- (a) any obligation of confidence owed by the person processing the personal data, or
- (b) any other restriction on the processing of personal data (however imposed).

(3) But nothing in subsection (1) authorises the processing of personal data which contravenes the data protection legislation.

(4) Subsection (1) does not limit the circumstances in which personal data may be processed apart from this section.

(5) In this section-

“authorised person” means-

- (a) the Minister, the Minister with responsibility for social security, the Commissioner for Income Tax;
- (b) the Gibraltar Health Authority;
- (c) any other person authorised, or falling within a description of persons authorised, by regulations made by the Minister for the purposes of this section;

“the data protection legislation” has the meaning given in section 2 of the Data Protection Act 2004;

“personal data” has the meaning given in section 2 of the Data Protection Act 2004.

**Regulations and directions.**

7.(1) Regulations and directions under this Act may-

- (a) make different provision for different purposes;
- (b) be made for all cases to which the power in question applies, for those cases subject to specified exceptions or for any specified cases or descriptions of case;
- (c) make any provision either unconditionally or subject to specified conditions;
- (d) provide for a person to exercise a discretion in dealing with any matter;
- (e) include consequential, supplementary, incidental, transitional, transitory or saving provision.

(3) Regulations under section 5 may amend, repeal or revoke an Act-

- (a) for the purpose of conferring functions on the Minister or on any other person (including conferring a discretion);

(b) to give effect to a healthcare agreement.

and where such regulations amend, repeal or revoke an Act they must be laid before Parliament at the meeting thereof next ensuing after they have been made.

(4) Regulations under this Act may amend, repeal or revoke retained EU law.

---

#### **EXPLANATORY MEMORANDUM**

This Bill provides the Minister with powers to fund and arrange healthcare outside Gibraltar (clause 4), to give effect to healthcare agreements between Gibraltar and other countries, territories or international organisations, such as the European Union (EU) (clause 5), and make provision in relation to data processing, which is necessary to underpin these arrangements and agreements (clause 6).

---

**Printed by the Gibraltar Chronicle Printing Limited  
Unit 3, New Harbours  
Government Printers for Gibraltar,  
Copies may be purchased at 6, Convent Place, Price £0.60**