

Interpretation of “ordinarily resident”.

The Health Insurance Act 1994 prohibits persons other than “registered undertakings” from offering health insurance business in Ireland. “Health insurance business” means the business of effecting health insurance contracts. The Health Insurance Act 1994 contains a definition of a “health insurance contract”. There are also some exceptions to the definition. One of those exceptions is where the purpose of the contract of insurance is to make payments in relation to certain health services provided to persons who are not “ordinarily resident in the State”.

The term “ordinarily resident in the State” is not defined in the 1994 Act. The Authority also notes that, at present, in order for full-time non-EEA students to obtain a study visa, they must hold private medical insurance. Therefore, the Authority is of the view that it may be of assistance to those offering insurance products in the State to be aware of how the Authority interprets the term in the context of non-EEA students who come to Ireland in order to pursue a course of study.

The Authority has determined that it will interpret the term “ordinarily resident in the State” as it appears in section 2(1)(d)(i) of the 1994 Act, as being, in respect of non-EEA students, where they are attending a course of study in the State of more than one academic year’s duration.

The Authority is of the view that non-EEA students who attend a course of one academic year’s duration or less are not “ordinarily resident in the State” within the meaning of the 1994 Act.