
STATUTORY INSTRUMENTS

2005 No. 26

NATIONAL HEALTH SERVICE, ENGLAND

The National Health Service (Travel Expenses and Remission of Charges) Amendment Regulations 2005

<i>Made</i>	- - - -	<i>11th January 2005</i>
<i>Laid before Parliament</i>		<i>11th January 2005</i>
<i>Coming into force</i>	- -	<i>1st February 2005</i>

The Secretary of State for Health, in exercise of the powers conferred upon him by sections 83A and 126(4) of the National Health Service Act 1977(1) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement, interpretation and application

1.—(1) These Regulations may be cited as the National Health Service (Travel Expenses and Remission of Charges) Amendment Regulations 2005 and shall come into force on 1st February 2005.

(2) These Regulations apply to England only.

(3) In these Regulations—

- (a) “the principal Regulations” means the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003(2); and
- (b) “the Income Support Regulations” means the Income Support (General) Regulations 1987(3).

(1) 1977 (c. 49). Section 83A was inserted by section 14(1) of the Social Security Act 1988 (c. 7) and amended by section 25 of, and paragraph 6 of Schedule 2 to, the Health and Medicines Act 1988 (c. 49), section 41(10) of, and paragraph 19 of Schedule 2 to, the National Health Service (Primary Care) Act 1997 (c. 46), article 2 of S.I. 1998/2385, article 3(1) of, and paragraph 5 and 13 of Schedule 1 to S.I. 2000/90, section 66(1) of, and paragraph 18(5) of Schedule 9 to the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”), section 2(1) of, and paragraph 40 of Schedule 1 to, the Health Authorities Act 1995 (c. 17) and section 2(5) of, and paragraphs 1 and 32 of Part 1 of Schedule 2 to the National Health Service Reform and Health Care Professions Act 2002 (c. 17) (“the Reform Act”). Section 126(4) has been amended by section 65(2) of the 1990 Act, section 65(1) of, and paragraphs 4 and 37 of Schedule 4 to, the Health Act 1999 (c. 8) (“the 1999 Act”), section 67(1) of, and paragraph 5 and 13 of Part 1 of Schedule 5 to, the Health and Social Care Act 2001 (c. 15), and sections 6(3)(c) and 37(1) of the Reform Act 2002 (c. 17). The functions of the Secretary of State under these provisions are, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2(a) of the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672, as amended by section 66(5) of the 1999 Act.

(2) S.I. 2003/2382, as amended by S.I. 2004/663, S.I. 2004/696 and S.I. 2004/865.

(3) S.I. 1987/1967.

Amendment of the principal Regulations

2. In regulation 2 (interpretation) of the principal Regulations after the definition of “standard rate” insert the following definition—

““State Pension Credit Regulations” means the State Pension Credit Regulations 2002(4);”.

Amendment of Schedule 1 to the principal Regulations

3.—(1) Schedule 1 to the principal Regulations (Modifications of the Income Support (General) Regulations 1987) is amended as follows.

(2) In Table A, in the modifications of Schedule 8 to the Income Support Regulations—

(a) for the first entry beginning “In paragraph 4(2)” substitute the following entry—

“For paragraph 4(3) substitute the following paragraph—

“(3) This paragraph applies where—

(a) the claimant is aged not less than 60; or

(b) the claimant is a member of a couple, where at least one partner is aged not less than 60.””

(b) for the entry beginning “In paragraph 4 omit” substitute “In paragraph 4 omit sub-paragraphs (4) and (7).”.

(3) In Table B, in the modifications of Schedule 2 to the Income Support Regulations—

(a) in column 2 of the Table, in the entry beginning “In column (1) of the Table” for “sub-paragraphs (1) to (4)” substitute “sub-paragraphs (1) to (3)”;

(b) in column 2 of the Table, in sub-paragraph (2) of the modifications of column (1) of the Table in paragraph 1 of Schedule 2 to the Income Support Regulations, after “single person” insert “or lone parent”; and

(c) in column 2 of the Table, in sub-paragraph (3) of the modifications of column (1) of the Table in paragraph 1 of Schedule 2 to the Income Support Regulations, after “lone parent” insert “aged less than 60”.

Signed by authority of the Secretary of State for Health

11th January 2005

Rosie Winerton
Minister of State,
Department of Health

(4) S.I. 2002/1792, as amended by S.I. 2002/3019, S.I. 2002/3197, S.I. 2003/1195, S.I. 2003/2274, S.I. 2004/552, S.I. 2004/647, S.I. 2004/1141, S.I. 2004/1232, S.I. 2004/2274 and S.I. 2004/2327.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003. The amendment in regulation 3(2) provides that the earnings disregard set out in Schedule 8 of the Income Support (General) Regulations shall apply to a single person aged 60 or over and to a couple where one or both of the partners is aged 60 or over. The amendment in regulation 3(3) provides that those lone parents aged 60 or more have their requirements calculated in accordance with the prescribed amount in the State Pension Credit Regulations 2002 and those lone parents aged less than 60 have their requirements calculated in accordance with the prescribed amount in the Income Support (General) Regulations 1987.