

## 1991 No. 224

**HEALTH AND PERSONAL SOCIAL SERVICES****Travelling Expenses and Remission of Charges  
(Amendment) Regulations (Northern Ireland) 1991**

*Made* . . . . . 29th May 1991

*Coming into operation* . . . . . 10th June 1991

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 45, 98, 106 and 107(6) of, and paragraph 1(b) of Schedule 15 to, the Health and Personal Social Services (Northern Ireland) Order 1972(a) and with the approval of the Department of Finance and Personnel(b) insofar as they relate to the remission of charges, and in conjunction with the Department of Finance and Personnel insofar as they relate to travelling expenses, and of all other powers enabling it in that behalf, hereby makes the following regulations:

*Citation, commencement and interpretation*

1.—(1) These regulations may be cited as the Travelling Expenses and Remission of Charges (Amendment) Regulations (Northern Ireland) 1991 and shall come into operation on 10th June 1991.

(2) In these regulations “the principal regulations” means the Travelling Expenses and Remission of Charges Regulations (Northern Ireland) 1989(c).

*Amendment of the principal regulations*

2.—(1) The principal regulations shall be amended in accordance with the following paragraphs.

(2) In regulation 8 (repayment) in paragraph (2) after “expenses” there shall be inserted “, or within such further period as the Department may for good cause allow,”.

(3) In Table A in Part I of Schedule 1 (calculation of resources)—

(a) the entry “regulation 24” in column (1) and the corresponding entry in column (2) shall be omitted;

(b) in the substituted regulation 25 set out in column (2) in relation to the entry “regulation 25” in column (1)—

(i) after “normal weekly income” there shall be inserted “from those payments”.

(a) S.I. 1972/1265 (N.I. 14); the relevant amending instruments are S.I. 1988/594 (N.I. 2) and S.I. 1991/194 (N.I. 1)

(b) Formerly Department of Finance: see S.I. 1982/338 (N.I. 6) Art. 3

(c) S.R. 1989 No. 348; relevant amending regulations are S.R. 1990 No. 313

- (ii) in sub-paragraph (b) after "average" there shall be inserted "amount";
- (c) in column (2) the words from "; and for" to ", 41 and 42" where they appear in relation to the entry "regulation 28" in column (1) shall be omitted;
- (d) in column (2) for "paragraphs (2) to (5)" and "paragraphs (2) to (6)" where they appear in relation to the entry "regulation 32" in column (1) there shall in each case be substituted "paragraphs (2) to (7)";
- (e) the entries "regulation 33" and "regulation 37" in column (1) and the corresponding entries in column (2) shall be omitted;
- (f) in column (2) for the words "and paragraph (3)" where they appear in relation to the entry "regulation 41" in column (1) there shall be substituted "and paragraphs (3) and (4)";
- (g) the entry "regulation 43" in column (1) and the corresponding entry in column (2) shall be omitted;
- (h) in column (2) for the words "paragraphs (2), (3) and (8)" where they appear in relation to the entry "regulation 44" in column (1) there shall be substituted "paragraphs (2), (3), (8) and (9)";
- (i) for the entry in column (2) corresponding to the entry "regulation 48" in column (1) there shall be substituted the following entry—  
 "As if in paragraph (2) the words from "Except" to "applies", were omitted; in paragraph (5) "Subject to paragraph (6)" were omitted; and paragraphs (6) and (10)(a) and (b) were omitted.";
- (j) in the entry in column (2) corresponding to the entry "Schedule 8" in column (1), immediately below "As if paragraph 6 were omitted." there shall be inserted the following—  
 "As if in paragraph 7 for "none of paragraphs 4 to 6" there were substituted "neither of paragraphs 4 or 5".";
- (k) for the entry "Schedule 9" in column (1) and the corresponding entry in column (2) there shall be substituted the following entries—
- |             |   |
|-------------|---|
| "Schedule 9 | As if paragraph 12 were omitted.  |
|             | As if in paragraph 15 the reference to paragraph 37 were omitted in sub-paragraph (1); and sub-paragraph (3)(b) were omitted. |
|             | As if in paragraph 16 for "paragraphs 36 and 37" there were substituted "paragraph 36".                                       |
|             | As if in paragraph 21(1) the words from "or in the case" to "applies" were omitted.   |
|             | As if in paragraph 28 the words from "Except" to "return to work" were omitted.   |
|             | As if paragraphs 30, 34 and 37 were omitted.  |
| Schedule 10 | As if in paragraph 17 for the words from "Except" to "payment" there were substituted "Any payment".                          |

(4) In paragraph 3 in Part II of Schedule 1 (calculation of requirements) in sub-paragraph (a) for “Schedules 2, 3, 4, 5 and 7” there shall be substituted “Schedules 2, 3, 4 and 7”.

(5) In Table B in Part II of Schedule 1—

(a) in the entry in column (2) corresponding to the entry “regulation 17” in column (1) after “ “18 to 21” ” there shall be added “; and as if paragraph (1)(g) were omitted”;

(b) in the entry in column (2) corresponding to the entry “regulation 18” in column (1) for “ “19 to 21” ” there shall be substituted “ “19 and 21””; and as if paragraph (1)(h) were omitted”;

(c) for the entry “regulations 19 to 21” in column (1) and the corresponding entry in column (2) there shall be substituted the following entries—

“regulations 19 and 21 As if in paragraph (1) of each of these regulations the references to regulation 22 were omitted.

Schedule 2 As if in column (1) of the Table in paragraph 1, for heads (a) and (b) of sub-paragraphs (1) and (2) there were substituted in each of those sub-paragraphs the following heads—

“(a) except where head (b) of this sub-paragraph applies, less than 18;

(b) less than 18 and in respect of whom an amount is applicable under Schedule 3;”;

as if in head (a) of sub-paragraph (3) in column (1) of that Table the word “and” and sub-heads (i) to (v) were omitted;

as if in head (d) of sub-paragraph (3) in column (1) of that Table the words from “and the other” to the end of the head were omitted; and as if heads (aa), (b), (e) and (f) of sub-paragraph (3) were omitted in columns (1) and (2) of that Table.”;

(d) in column (2) corresponding to the entry “Schedule 3” in column (1) for the words from “As if in paragraph 1” to “omitted” there shall be substituted the following—

“As if in paragraph 1—

for sub-paragraph (aa) there were substituted—

(aa) payments of interest and capital under a hire purchase agreement to buy the dwelling occupied as a home;”;

and after sub-paragraph (f) there were added—

“(g) mortgage capital payments;

(h) payments in respect of an endowment policy in connection with the purchase of the dwelling occupied as the home;

- (i) payments by way of rent which do not otherwise fall within sub-paragraph (c) or (e);
- (j) 80 per cent. of the general rates payable in respect of the dwelling occupied as the home.”;

As if paragraphs 5(a), 7 and 8 were omitted.

As if in paragraph 9(1) for “paragraph 1(c) to f)” there were substituted “paragraph 1(c) to (f) and (i); and as if paragraph 9(2)(c) were omitted.”

As if paragraph 10 were omitted.

- (e) in column (2) for the words “paragraphs 4 to 11” where they appear in relation to the entry “Schedule 4” in column (1) there shall be substituted “paragraphs 5 to 11”;
- (f) the entry “Schedule 5” in column (1) and the corresponding entry in column (2) shall be omitted;
- (g) for the entry in column (2) corresponding to the entry “Schedule 7” in column (1) there shall be substituted the following—

“As if the references in paragraphs 1, 10A, 10B, 10C and 13 to “sub-paragraph (g) of regulation 17(1)” were omitted.

As if the references in paragraphs 1, 10B and 13 to “sub-paragraph (h) of regulation 18(1)” were omitted.

As if paragraphs 7 and 17 were omitted.”.

Sealed with the Official Seal of the Department of Health and Social Services on 29th May 1991.

(L.S.)

*J. Scott*

Assistant Secretary

Sealed with the Official Seal of the Department of Finance and Personnel insofar as the foregoing Regulations relate to Travelling Expenses on 29th May 1991.

(L.S.)

*Doreen Brown*

Assistant Secretary

The Department of Finance and Personnel hereby approves the foregoing Regulations insofar as they relate to the Remission of Charges.

Sealed with the Official Seal of the Department of Finance and Personnel on 29th May 1991.

(L.S.)

*Doreen Brown*

Assistant Secretary

## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These regulations further amend the Travelling Expenses and Remission of Charges Regulations (Northern Ireland) 1989 ("the principal regulations") which provide for the remission and repayment of certain charges which would otherwise be payable under the Health and Personal Social Services (Northern Ireland) Order 1972 and for the payment by the Department of travelling expenses under that Order.

Regulation 2(2) amends regulation 8(2) of the principal regulations to enable the Department to extend, in a case where there is good cause for doing so, the period within which a claim for repayment of a relevant charge or relevant travelling expenses must be made. Regulation 2(3) amends Schedule 1 to the principal regulations which governs the manner in which a person's requirements and resources are to be calculated for the purposes of the regulations. Table A in Part I of that Schedule is amended to make further modifications to those provisions of the Income Support (General) Regulations (Northern Ireland) 1987 by reference to which a person's resources are computed.

Table B in Part II of Schedule 1 is amended to make special provision for the calculation of the requirements of persons under the age of 18 and to provide for capital and interest payments made under a hire purchase agreement to buy a dwelling to be taken into account in assessing housing costs (regulation 2(5)). An amendment is also made in Table B of Schedule 1 to remove the exclusion of certain household repairs and improvements from the assessment of a person's housing costs (regulation 2(3)).

Regulation 2 also makes certain minor and consequential amendments in Tables A and B in Schedule 1.