

2003 No. 170

HEALTH AND PERSONAL SOCIAL SERVICES

**Travelling Expenses and Remission of Charges
(Amendment) Regulations (Northern Ireland) 2003**

Made - - - - - *13th March 2003*

Coming into operation *6th April 2003*

Except for regulation 5 *7th April 2003*

The Department of Health, Social Services and Public Safety(a), in exercise of the powers conferred on it by Articles 45, 98, 106 and 107(6) of, and paragraphs (1)(b) and 1B of Schedule 15 to, the Health and Personal Social Services (Northern Ireland) Order 1972(b) and with the approval of the Department of Finance and Personnel in so far as they relate to the remission of charges, and in conjunction with the Department of Finance and Personnel in so far 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 2003.

(2) Subject to paragraph (3), these Regulations shall come into operation on 6th April 2003.

(3) Regulation 5 shall come into operation on 7th April 2003.

(4) In these Regulations –

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

Amendment of regulation 2 of the principal Regulations

2. In regulation 2 of the principal Regulations (interpretation) –

(a) the definitions of “amount withdrawn”, “disabled person’s tax credit” and “working families’ tax credit”(d) are omitted;

(b) after the definition of “capital limit”(e) there is inserted –

““child tax credit” means child tax credit under section 8 of the Tax Credits Act 2002(f) and as specified under regulations made pursuant to that section(g);”;

(a) See S.I. 1999/283 (N.I. 1), Article 3(6)
(b) S.I. 1972/1265 (N.I. 14); relevant amending Instruments are S.I. 1988/594 (N.I. 2) Article 14 and S.I. 1991/194 (N.I. 1) Article 34 and Part II of Schedule 5
(c) S.R. 1989 No. 348; relevant amending Regulations are S.R. 1995 No. 138, S.R. 1996 Nos. 107 and 425, S.R. 1997 No. 185, S.R. 1999 Nos. 166 and 395, S.R. 2000 Nos. 102 and 339, S.R. 2001 No. 104, S.R. 2002 No. 46, S.R. 2002 Nos. 46 and 172
(d) These definitions were all inserted by S.R. 1999 No. 395
(e) The definition of “capital limit” was substituted by regulation 2 of S.R. 2001 No. 104
(f) 2002 c. 21
(g) The current regulations are the Child Tax Credit Regulations 2002 (S.I. 2002/2007)

- (c) after the definition of “date of claim” there is inserted –
- “ “disability element” means the disability element of working tax credit as specified in section 11(3) of the Tax Credits Act 2002 and as determined under regulations made pursuant to section 11(7) of that Act(a);”;
- (d) for the definition of “family”(b) there is substituted –
- “ “family” has the meaning assigned to it by section 133(1) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(c) as it applies to income support, except that –
- (a) in regulation 4(2)(c) it has the meaning assigned to it by regulation 2(2) of the Tax Credits (Definition and Calculation of Income) Regulations 2002(d);
- (b) in regulation 4(2)(j) and (l) it has the meaning assigned to it by article 2(2) of the Jobseekers (Northern Ireland) Order 1995(e); and
- (c) where a claim has been made for support under Part VI of the Immigration and Asylum Act 1999(f), it means the asylum-seeker who has made that claim and any dependant, as defined in section 94 of that Act, whom he has included in that claim;”;
- (e) after the definition of “full rate” there is inserted –
- “ “gross annual income” means income calculated for a tax year for the purposes of Part 1 of the Tax Credits Act 2002 pursuant to regulations made pursuant to section 7 of that Act(g);”;
- (f) after the definition “partner” there is inserted –
- “ “qualifying family” means a family –
- (a) that has a gross annual income of £14,200 or less; and
- (b) one member of which is receiving either –
- (i) both working tax credit and child tax credit, or
- (ii) working tax credit which includes a disability element; or
- (iii) child tax credit, but who is not eligible for working tax credit;” and
- (g) for the definition of “week” there is substituted –
- “ “week” means a period of 7 days beginning with midnight between Saturday and Sunday;
- “working tax credit” means working tax credit under section 10 of the Tax Credits Act 2002, and as specified in regulations made pursuant to section 11 of that Act(h).”.

Amendment to regulation 4 of the principal Regulations

- 3.** In regulation 4 of the principal Regulations (description of persons entitled to full remission and payment), in paragraph (2)(i), –
- (a) for sub-paragraph (c)(j) there is substituted –
- “(c) a person who is a member of a qualifying family”; and
- (b) sub-paragraphs (d), (g) and (h)(k) are omitted.

(a) The current regulations are the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 (S.I. 2002/2005)

(b) The definition of “family” was substituted by regulation 2 of S.R. 1995 No. 138 and amended by regulation 2(c) of S.R. 1999 No. 395 and by regulation 2 of S.R. 2000 No. 102

(c) 1992 c. 7

(d) S.I. 2002/2006

(e) S.I. 1995/2705 (N.I. 15)

(f) 1999 c. 33

(g) The current regulations are the Tax Credit (Definition and Calculation of Income) Regulations 2002 (S.I. 2002/2006)

(h) The current regulations are the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 (S.I. 2002/2005)

(i) See Regulation 2 of S.R. 2000 No. 339

(j) Sub-paragraph (c) was substituted by regulation 3 of S.R. 1999 No. 395 and amended by regulation 3 of S.R. 2001 No. 104

(k) Sub-paragraph (d) was substituted by regulation 3 of S.R. 1999 No. 395; sub-paragraph (g) was inserted by regulation 4 of S.R. 1995 No. 138, was substituted by regulation 3 of S.R. 1999 No. 395 and was amended by regulation 2 of S.R. 2001 No. 104; sub-paragraph (h) was inserted by regulation 4 of S.R. 1995 No. 138

New regulation 7ZA inserted into principal Regulations

4. After regulation 7 of the principal Regulations (claims for remission or payment) (a), there is inserted –

“Notice of entitlement for members of qualifying families

7ZA.—(1) If the Department determines that a person is entitled to full remission of relevant charges and relevant travelling expenses in accordance with regulation 4(2)(c), it shall issue a notice of entitlement to that person.

- (2) A notice of entitlement issued under paragraph (1) shall be effective in respect of –
- (a) the person to whom it is issued; and
 - (b) any member of his family,

for the purposes of the remission of those charges and payment of those travelling expenses, to which they are entitled.

- (3) A notice of entitlement issued under paragraph (1) shall be effective –
- (a) from such date; and
 - (b) for such period,

as the Department may determine.

(4) Any change in the financial or other circumstances of a person who is a member of a qualifying family in respect of which a notice of entitlement has been issued under paragraph (1), during the period for which the notice of entitlement has been issued, shall not affect the validity of the notice of entitlement in respect of that period.”

Amendment of Schedule 1 to the principal Regulations

5. In Table A of Part 1 of Schedule 1 to the principal Regulations (calculation of resources), in the entry in column (2) relating to “regulation 53” –

- (a) for “£11,750”(b) there is substituted “£12,000”; and
- (b) for “£19,000”(c) there is substituted “£19,500”.

Transitional provision

6. Any person who, immediately before these regulations came into operation, was entitled to remission under regulation 4(2)(c), (d), (g) or (h) of the principal regulations will continue to be entitled to that remission until 31st July 2003, despite the coming into operation of these regulations.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 13th March 2003.

(L.S.)

Dr. J. F. Livingstone

Senior Officer of the Department of Health, Social Services and Public Safety

Sealed with the Official Seal of the Department of Finance and Personnel insofar as the foregoing Regulations relate to Travelling Expenses on 13th March 2003.

(L.S.)

R. Scott

Senior Officer of the Department of Finance and Personnel

(a) Regulation 7 was amended by regulation 6 of S.R. 1995 No. 138, regulation 4 of S.R. 1996 No. 107, regulation 4 of S.R. 1999 No. 166 and regulation 4 of S.R. 2000 No. 102
(b) The amount of £11,750 was substituted by S.R. 2002 No. 172
(c) The amount of £19,000 was substituted by S.R. 2002 No. 172

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

Sealed with the Official Seal of the Department of Finance and Personnel on 13th March 2003.

(L.S.)

R. Scott
Senior Officer of the Department of Finance and Personnel

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 remission and payment 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 incurred in attending a hospital.

Regulation 2 omits from the principal Regulations the definitions of “amount withdrawn”, “disabled person’s tax credit” and “working families’ tax credit”, and substitutes a new definition of “family”. It also inserts into the principal Regulations, new definitions of “child tax credit”, “disability element”, “gross annual income” and “working tax credit”.

Regulation 3 amends the principal Regulations by removing the exemption on the grounds of receiving working families’ tax credits or disabled person’s tax credits. It replaces them with entitlement based on receipt of working tax credit and child tax credit, which have replaced working families’ tax credits or disabled person’s tax credits via the Tax Credits Act 2002.

Regulation 4 inserts a new regulation 7ZA into the principal Regulations. New section 7ZA provides for the Department to issue notices of entitlement to those who are entitled to such under the amendments contained in regulation 3 of these regulations.

Regulation 5 amends Table A of Schedule 1 to the principal Regulations to uprate the capital limits used in remission and repayment calculations relating to people living permanently in residential care or nursing homes.

Regulation 6 is a transitional provision which provides that entitlement to remission, as evidenced by a certificate that was valid immediately before these Regulations come into operation, will continue until 31st July 2003.

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