

2006 No. 333

HEALTH AND PERSONAL SOCIAL SERVICES

**The Travelling Expenses and Remission of Charges
(Amendment No. 3) Regulations (Northern Ireland) 2006**

Made - - - - - *14th August 2006*

Coming into operation - *1st September 2006*

The Department of Health, Social Services and Public Safety^(a) makes the following Regulations in exercise of the powers conferred 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.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Travelling Expenses and Remission of Charges (Amendment No. 3) Regulations (Northern Ireland) 2006 and shall come into operation on 1st September 2006.

(2) In these Regulations—

“the principal Regulations” means the Travelling Expenses and Remission of Charges Regulations (Northern Ireland) 2004^(c); and

“the Income Support Regulations” means the Income Support (General) Regulations (Northern Ireland) 1987^(d).

Amendment of Schedule 1 to the principal Regulations

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

(2) In Table A, in the modifications of regulation 62 of the Income Support Regulations (Calculation of grant income)—

(a) before the first entry, insert—

“In paragraph (1) for “subject to paragraphs (2) and (2A)” substitute “subject to paragraphs (2), (2A) and (2B)”;”;

(a) See S.I. 1999/283 (N.I. 1) Article 3(6)

(b) S.I. 1972/1265 (N.I. 14) as amended by Article 3(2) of, and paragraph 3 of Schedule 1 to, the Health and Social Security (Northern Ireland) Order 1984 (S.I. 1984/1158 (N.I. 8)); paragraphs 4 and 5 of Article 8 of the Health and Medicines (Northern Ireland) Order 1988 (S.I. 1988/2249 (N.I. 24)); Article 34 of, and Part II of Schedule 5 to, the Health and Personal Social Services (Northern Ireland) Order 1991 (S.I. 1991/194 (N.I. 1)) there are other amendments which are not relevant

(c) S.R. 2004 No. 91; relevant amending Regulations are S.R. 2004 Nos. 156 and 162, S.R. 2005 Nos. 107 and 386, S.R. 2006 Nos. 136 and 190

(d) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1990 No. 297, S.R. 1999 No. 317, S.R. 2000 No. 242, S.R. 2001 No. 278, S.R. 2002 No. 222, S.R. 2005 No 332 and S.R. 2006 No. 301

- (b) after the entry inserted by sub-paragraph (a), insert—
- “After paragraph (2A) insert—
- “(2B) There shall also be disregarded from a student’s grant income—
- (a) any sum in excess of the sum set out as the maintenance grant amount in regulation 57(4)(b), (c) or (d), as appropriate, of the Education (Student Support) Regulations (Northern Ireland) 2006 (New system students with full entitlement)(a) which forms part of a maintenance grant paid pursuant to regulation 49 of those Regulations (Qualifying conditions for the maintenance grant);
 - (b) any sum in excess of the sum set out as the maintenance grant amount in regulation 57(4)(b) of the Education (Student Support) Regulations 2006 (New system students with full entitlement)(b) which forms part of a maintenance grant paid pursuant to regulation 48 of those Regulations (Qualifying conditions for the maintenance grant); and
 - (c) any sum in excess of the sum set out as the maintenance grant amount in regulation 33(4)(b) of the Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2006 (Maximum amount of loans for new system eligible students with full entitlement)(c) which forms part of a maintenance grant paid pursuant to regulation 29 of those Regulations (Maintenance grant).”;
- (c) omit the entries that begin “In paragraph (3) from the beginning”, “In paragraph (3)(a)” and “In paragraph (3)(b)”;
- (d) after the entry inserted by sub-paragraph (b), insert—
- “For paragraph (3) substitute—
- “(3) In calculating the weekly amount of the grant to be taken into account as income—
- (a) except where sub-paragraph (b) or paragraph (4) applies, the grant shall be apportioned equally between 52 weeks; and
 - (b) in the case of a grant which is payable in respect of the final academic year of the course or if the course is only of one academic year’s duration, in respect of that year the grant shall be apportioned equally between the weeks in the period beginning with the start of the final academic year or, as the case may be, the single academic year and ending with the last day of the course.”;
- (e) for the entry that begins “In paragraph (3A)”, substitute “Omit paragraph (3A)”;
- (f) for the entry that begins “In paragraph (4)”, substitute—
- “In paragraph (4), for “weeks in the period beginning” to “last day of the period of study” substitute “remaining weeks in that period of study.””.

(a) S.R. 2006 No. 312

(b) S.I. 2006/119, as amended by S.I. 2006/955 and S.I. 2006/1745

(c) S.I. 2006/126 (W.19)

(3) In Table A in the modifications of regulation 66A of the Income Support Regulations (Treatment of student loans), before the first entry insert—

“In paragraph (1), after “hardship loan”, insert “or any sum paid by way of an additional loan under regulation 10 of the Education (Student Loans) (Scotland) Regulations 2000 (Maximum amount of loans)(a),””.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 14th August 2006.



David Bingham

A 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 Regulations relate to Travelling Expenses on 14th August 2006.



Mary McIvor

A senior officer of the Department of Finance and Personnel

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 14th August 2006.



Mary McIvor

A senior officer of the Department of Finance and Personnel

(a) S.S.I. 2000/200

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Travelling Expenses and Remission of Charges Regulations (Northern Ireland) 2004 (“the principal Regulations”), to take account of changes to the provision of financial support to students made by the Education (Student Support) Regulations (Northern Ireland) 2006 (“the 2006 N.I. Regulations”), Education (Student Support) Regulations 2006 (“the 2006 England Regulations”) and the Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2006 (“the 2006 Welsh Regulations”) and the consequential changes to the way in which a student’s entitlement to income support will be calculated.

In calculating a person’s resources and requirements under the principal Regulations in order to establish whether a person can claim entitlement to the remission of Health Service charges and the payment of Health Service travel expenses, a modified version of the Income Support (General) Regulations (Northern Ireland) 1987 is used as set out in Schedule 1 to the principal Regulations.

These Regulations further modify Schedule 1 to provide:

- that any grant income a student has is apportioned over a 52 week period, rather than over the period of study in any one year, except in the final year of study or during a one year course when the period of study is the relevant period, or when the student is on a sandwich course;

-that any sum in excess of the sum set out as the maintenance grant amount in paragraphs (b), (c) or (d) of regulation 57(4) of the 2006 N.I. Regulations (the amounts of which will differ according to the level of maintenance grant a student qualifies for under the 2006 N.I. Regulations) paid as part of a maintenance grant under regulation 49 of those Regulations should be disregarded in the calculation of a student’s grant income;

- that any sum in excess of the sum set out in regulation 57(4)(b) of the 2006 England Regulations paid as part of a maintenance grant pursuant to regulation 48 of those Regulations should be disregarded in the calculation of a student’s grant income;

-that any sum in excess of the sum set out in regulation 33(4)(b) of the 2006 Welsh Regulations paid as part of a maintenance grant pursuant to regulation 29 of those Regulations should be disregarded in the calculation of a student’s grant income; and

- that any loan paid under regulation 10 of the Education (Student Loans) (Scotland) Regulations 2000 should be disregarded in the calculation of a student’s loan income.

A full regulatory impact assessment has not been produced for this rule as it has no impact on the costs of business, charities or voluntary bodies.

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