

2008 No. 39

HEALTH AND PERSONAL SOCIAL SERVICES

**The Travelling Expenses and Remission of Charges
(Amendment) Regulations (Northern Ireland) 2008**

Made - - - - - *1st February 2008*

Coming into operation - *27th February 2008*

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) Regulations (Northern Ireland) 2008 and shall come into operation on 27th February 2008.

(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 provided by paragraph (2).

(2) In Table A, in the modifications to Schedule 9 to the Income Support Regulations (sums to be disregarded in the calculation of income other than earnings), for the first entry, substitute—

“In paragraph 15(1) for “sub-paragraph (3)” substitute “sub-paragraphs (1A), (1B) and (3)”.

Insert after paragraph 15(1)—

(1A) In respect of a voluntary payment made to a student, sub-paragraph (1) shall only apply to £20 of that payment.

(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 and S.R. 1999 No. 11

(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, 190 and 333 and S.R. 2007 Nos. 264 and 437

(d) S.R. 1987 No. 459

(1B) The total amount disregarded in respect of voluntary payments to a student under sub-paragraph (1) shall not exceed £20 per week.

(1C) In sub-paragraphs (1A) and (1B) “student” has the meaning given in regulation 61(1).”.”.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 1st February 2008.

A circular official seal containing the letters "L.S." in a bold, sans-serif font.

Christine Jendoubi

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 foregoing Regulations relate to travelling expenses on 1st February 2008.

A circular official seal containing the letters "L.S." in a bold, sans-serif font.

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 1st February 2008.

A circular official seal containing the letters "L.S." in a bold, sans-serif font.

Mary McIvor

A 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) 2004 (“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 Health, Social Services and Public Safety of travelling expenses incurred in attending a hospital.

In calculating a person’s resources and requirements under the principal Regulations in order to establish whether a person can claim entitlement to remission of Health Service charges and the payment of Health Service travelling 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 modify Schedule 1 to the principal Regulations to provide that in respect of a voluntary payment made to a student only £20 of that payment is to be disregarded in calculating that student’s income. The maximum amount of voluntary payments to a student that can be disregarded is £20 per week. The principal Regulations already modify the meaning of “voluntary payment” to exclude certain payments made to students (see entry for regulation 65 in Table A in Schedule 1 to the principal Regulations).