

1990 No. 918

NATIONAL HEALTH SERVICE, ENGLAND AND
WALES

The National Health Service (Travelling Expenses and
Remission of Charges) (Modification of Time Limit)
Regulations 1990

<i>Made</i> - - - -	<i>17th April 1990</i>
<i>Laid before Parliament</i>	<i>18th April 1990</i>
<i>Coming into force</i> -	<i>9th May 1990</i>

The Secretary of State for Health, in exercise of powers conferred on him by sections 83A and 128(1) of the National Health Service Act 1977(a) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the National Health Service (Travelling Expenses and Remission of Charges) (Modification of Time Limit) Regulations 1990 and shall come into force on 9th May 1990.

(2) In these Regulations—

- (a) “family” shall have the meaning assigned to it by section 20(11) of the Social Security Act 1986 (b) as it applies to income support (c)
- (b) “the principal Regulations” shall mean the National Health Service (Travelling Expenses and Remission of Charges) Regulations 1988(d);
- (c) the expressions “capital limit”; “income support”, “relevant charges” and “relevant travelling expenses” shall have the same meanings as in the principal Regulations.

Modification of time limit

2.—(1) Where—

- (a) a person pays any relevant charge or relevant travelling expenses on a day (“the qualifying day”) falling on or after 9th April 1990 but before 28th May 1990; and
- (b) that person, or another person who is a member of the same family as that person—

(a) 1977 c.49; section 83A was inserted by section 14(1) of the Social Security Act 1988 (c.7) and amended by paragraph 6 of Schedule 2 to the Health and Medicines Act 1988 (c.49); in section 128(1) *see* the definitions of “prescribed” and “regulations”.

(b) 1986 c.50.

(c) *See* S.I. 1987/1967, regulations 14 to 16, as amended by S.I. 1988/663, 1445, 1989/534, 1990/547.

(d) S.I. 1988/551, as amended by S.I. 1989/517, 614 and 1990/548.

- (i) makes a claim not later than 27th May 1990 for income support in respect of the qualifying day, and
- (ii) receives notice after the qualifying day that he is entitled to income support in respect of the qualifying day; and
- (c) on the qualifying day the capital resources of that person or, as the case may be, that other person, calculated for the purpose of determining his entitlement to income support—
 - (i) did not exceed the capital limit, but
 - (ii) would have exceeded the capital limit had the amount prescribed in regulation 45 of the Income Support (General) Regulations 1987(a) then been £6,000,

regulation 8(2) of the principal Regulations shall have effect in the case of that person so as to require him to make his claim for repayment by no later than the day falling one month after the date on which he, or the other member of his family, receives the notice mentioned in sub-paragraph (b)(ii) of this paragraph.

(2) Where—

- (a) a person pays any relevant charge or relevant travelling expenses on any day falling on or after 9th April 1990 but before 28th April 1990;
- (b) on that day—
 - (i) his capital resources, calculated in accordance with regulation 6 of the principal Regulations, do not exceed the capital limit, but
 - (ii) his capital resources would have exceeded the capital limit had the amount prescribed in regulation 45 of the Income Support (General) Regulations 1987 then been £6,000; and
- (c) neither that person nor any other person who is a member of the same family as that person, makes a claim on or before 27th May 1990 for income support in respect of that day,

regulation 8(2) of the principal Regulations shall have effect in his case as if for the words from “within” to “expenses” there were substituted the words “on or before 27th May 1990”.

Signed by authority of the Secretary of State for Health

17th April 1990

Roger Freeman
Parliamentary Under-Secretary of State Department of Health

(a) S.I. 1987/1967; regulation 45 was amended by S.I. 1990/671.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations modify the time limit prescribed in regulation 8(2) of the National Health Service (Travelling Expenses and Remission of Charges) Regulations 1988 ("the principal Regulations") within which a person may claim the repayment of certain charges he has paid for services under the National Health Service Act 1977 or of travelling expenses he has incurred in attending a hospital or disablement services centre for treatment under the National Health Service.

The time limit is extended in relation to claims for repayment made by persons who become entitled to remission of charges or payment of expenses under the principal Regulations in consequence of the increase from £6,000 to £8,000 in the capital limit prescribed for the purposes of determining eligibility for income support under the Social Security Act 1986, provided that those persons make their claim for repayment, or claim income support, by no later than 27th May 1990.