
STATUTORY INSTRUMENTS

1995 No. 642

**NATIONAL HEALTH SERVICE,
ENGLAND AND WALES**

**The National Health Service (Travelling Expenses and
Remission of Charges) Amendment Regulations 1995**

<i>Made</i>	- - - -	<i>8th March 1995</i>
<i>Laid before Parliament</i>		<i>9th March 1995</i>
<i>Coming into force</i>	- -	<i>1st April 1995</i>

The Secretary of State for Health, in exercise of powers conferred on her by sections 83A, 126(4) and 128(1) of the National Health Service Act 1977(1), and of all other powers enabling her 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) Amendment Regulations 1995 and shall come into force on 1st April 1995.

(2) In these Regulations, “the principal Regulations” means the National Health Service (Travelling Expenses and Remission of Charges) Regulations 1988(2).

Amendment of regulation 2 of the principal Regulations

2. In regulation 2(1) of the principal Regulations (interpretation)—

(a) after the definition of “date of claim” there shall be inserted the following definition—

““disability working allowance” means disability working allowance under Part VII of the Social Security Contributions and Benefits Act 1992(3);” and

(b) for the definition of “family” there shall be substituted the following definition—

(1) 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) and by paragraph 18(5) of Schedule 9 to the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”). Section 126(4) was amended by section 65(2) of the 1990 Act. Section 128(1) is an interpretation provision and is cited because of the meanings assigned to the words “prescribed” and “regulations”; section 128(1) was amended by section 26(2) (g) and (i) of the 1990 Act.

(2) S.I. 1988/551; relevant amending instruments are S.I. 1990/548, 1661, 1991/557, 1992/1104, 1993/608.

(3) 1992 c. 4.

““family” has the meaning assigned to it by section 137(1) of the Social Security Contributions and Benefits Act 1992(4), except that—

- (a) in regulation 4(d) it has the meaning assigned to it by section 137(1) of that Act as it applies to family credit(5), and
- (b) in regulation 4(h) it has the meaning assigned to it by section 137(1) of that Act as it applies to disability working allowance(6)

Amendment of regulation 4 of the principal Regulations

3. In regulation 4 of the principal Regulations (description of persons entitled to full remission and payment), there shall be added at the end of paragraph (f) the word “or” and the following paragraphs—

- “(g) a person who is in receipt of disability working allowance and whose capital calculated in accordance with the regulations concerning entitlement to that allowance(7) did not exceed £8,000 at the date on which that allowance was claimed, or
- (h) a member of the same family as a person described in paragraph (g) of this regulation, or
- (i) a person, not being a person described in paragraph (g) of this regulation, who is in receipt of disability working allowance and whose capital resources calculated according to the provisions of regulation 6 and Schedule 1 do not exceed £8,000, or
- (j) a member of the same family as a person described in paragraph (i) of this regulation”.

Amendment of regulation 6 of the principal Regulations

4. In regulation 6(1) of the principal Regulations (calculation of resources and requirements), for the words “resources and requirements of a person, and” there shall be substituted the words “resources or requirements of a person, or”.

Amendment of regulation 7 of the principal Regulations

5. In regulation 7 of the principal Regulations (claims for remission or payment)—

- (a) in paragraph (1), for the words “regulation 4(e) or (f)” there shall be substituted the words “regulation 4(e), (f), (i) or (j)”;
- (b) in paragraph (3), after the word “requirements” there shall be inserted the words “or, in the case of a claim by a person who is within a description prescribed by regulation 4(i) or (j), the capital resources”; and
- (c) for paragraph (6) there shall be substituted the following paragraph—

“(6) A notice of entitlement issued under paragraph (4) shall be effective—

- (a) in the case of a person who is within a description prescribed by regulation 4(i) or (j), from the date of claim until the date on which disability working allowance payable at the date of claim to that person or, as the case may be, to a member of that person’s family, under an award of that allowance made on or before the date of claim, ceases to be payable; or

(4) 1992 c. 4; see S.I. 1987/1967, regulations 14 to 16; the relevant amending instruments are S.I. 1988/663, 1445, 1989/534, 1990/547, 1992/468, 3147, 1993/2119.

(5) See S.I. 1987/1973, regulations 6 to 9; relevant amending instruments are S.I. 1988/660, 1990/574, 1992/573, 2119.

(6) See S.I. 1991/2887, regulations 8 to 11 as amended by S.I. 1993/2119.

(7) See S.I. 1991/2887; see regulations 12, 13 and 32 to 40 relating to calculation of capital.

(b) in any other case, for a period of 6 months from the date of claim.
subject to its being superseded by any further notice issued as a result of a claim made in accordance with paragraph (8), and shall specify the dates of commencement and expiry of that period.”.

Amendment of Schedule 1 to the principal Regulations

6. In Table B of Part II of Schedule 1 to the principal Regulations (modifications of provisions of the Income Support (General) Regulations 1987)—

(a) at the beginning the following entry shall be inserted—

“Regulation 3	As if in paragraph (1) the words “or with whom a claimant normally resides” were omitted.”;
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(b) in Column 2 at the end of the entry relating to “Schedule 2” there shall be added—

“As if in paragraph 12(1)(a)(i)—

(a) for the words “long term incapacity benefit” the first time they appear, there were substituted the words “incapacity benefit, where the claimant or partner has been in receipt of that benefit for at least 28 weeks,”; and

(b) the words from “but, in the case” to the end were omitted. As if in paragraph 12(1)(b) for sub-head (ii) there were substituted the following sub-head—

“(ii) has been so entitled or so incapable for a continuous period of at least 28 weeks;”.

As if in paragraph 12(1)(c)(i) for the words “long term incapacity benefit”—

(a) the first time they appear there were substituted the words “incapacity benefit and had been receiving that benefit for at least 28 weeks,”; and

(b) the second time they appear there were substituted the words “incapacity benefit”.

As if in paragraph 12(6) for the words “long-term incapacity benefit” the first time they appear there were substituted the words “incapacity benefit, notwithstanding the requirement that the claimant or his partner has been in receipt of that benefit for at least 28 weeks,”.

As if in paragraph 13(2)(a)(ii) and 13(2)(b)(iii) for the words “normally residing with him or with whom he is normally residing” there were substituted the words “residing with him”.”.

Transitional

7.—(1) In the case of a claim made under regulation 8(2) of the Principal Regulations (repayment), where that claim relates to a relevant charge or relevant travelling expenses paid before 1st April 1995, the claimant’s resources and requirements shall be calculated as if these Regulations had not been made.

(2) In this regulation, “relevant charge” and “relevant travelling expenses” have the same meanings as in the principal Regulations.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Signed by authority of the Secretary of State for Health

8th March 1995

Gerald Malone
Minister of State,
Department of Health

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the National Health Service (Travelling Expenses and Remission of Charges) Regulations 1988 (“the principal Regulations”), which provide for the remission and repayment of certain charges which would otherwise be payable under the National Health Service Act 1977 and for the payment of travelling expenses incurred in attending a hospital.

Regulation 2 inserts a definition of “disability working allowance” and amends the definition of “family”.

Regulation 3 amends the principal Regulations so as to provide that a person who is in receipt of disability working allowance and whose capital is not more than £8,000 shall be entitled to full remission of charges and full payment of travelling expenses, and that a member of that person’s family shall be similarly entitled. Regulations 4 and 5 amend regulations 6 and 7 of the principal Regulations to provide for assessment of that person’s capital in accordance with the principal Regulations in certain cases, and to provide that in such cases notice of entitlement to remission or payment claimed under the principal Regulations shall be effective until the award of disability working allowance current at the date of claim ceases to be payable.

Regulation 6 amends Table B in Part II of Schedule 1 to the principal Regulations, which governs the manner in which a person’s requirements are to be calculated, in consequence of the introduction of incapacity benefit.

Regulation 7 is a transitional provision which provides that claims for repayment of charges or expenses paid before 1st April 1995 shall be calculated as if these Regulations had not been made.