
STATUTORY INSTRUMENTS

1996 No. 2362

**NATIONAL HEALTH
SERVICE, ENGLAND AND WALES**

**The National Health Service (Travelling Expenses and
Remission of Charges) Amendment (No. 3) Regulations 1996**

Made - - - - *10th September 1996*
Laid before Parliament *16th September 1996*
Coming into force - - *7th October 1996*

The Secretary of State for Health, in exercise of powers conferred by sections 83A, 126(4) and 128(1) of the National Health Service Act 1977⁽¹⁾, 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) Amendment (No. 3) Regulations 1996 and shall come into force on 7th October 1996.

(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) in the definition of “family”—

(i) at the end of sub-paragraph (a) the word “and” shall be omitted;

(ii) after sub-paragraph (b) there shall be added the following sub-paragraph—

(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), by paragraph 18(5) of Schedule 9 to the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”) and by paragraph 40 of Schedule 1 to the Health Authorities Act 1995 (c. 17). 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, 1993/608, 1995/642, 1996/410.

- “(c) in regulation 4(j) and (l) it has the meaning assigned to it by section 35 of the Jobseekers Act 1995(3);”;
- (b) after the definition of “family credit” there shall be inserted the following definition—
 ““income-based jobseeker’s allowance” has the meaning assigned to it by section 1(4) of the Jobseekers Act 1995;”.

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)(4)—

- (a) for paragraph (g) there shall be substituted the following paragraph—
 “(g) a person who is in receipt of disability working allowance, or”;
- (b) for paragraphs (i) and (j) there shall be substituted the following paragraphs—
 “(i) a person who is in receipt of an income-based jobseeker’s allowance, or
 (j) a member of the same family as a person who is in receipt of an income-based jobseeker’s allowance, or
 (k) a person whose entitlement to an income-based jobseeker’s allowance is less than 10 pence, or
 (l) a member of the same family as a person whose entitlement to an income-based jobseeker’s allowance is less than 10 pence.”.

Amendment of regulation 7 of the principal Regulations

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

- (a) in paragraph (1), for the words “regulation 4(e), (f), (i) or (j)” there shall be substituted the words “regulation 4(e) or (f)”;
- (b) in paragraph (3), there shall be omitted 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”.

Amendment of Schedule 1A to the principal Regulations

5. In Schedule 1A to the principal Regulations (periods of validity of notices of entitlement)(5)—

- (a) paragraph 2 shall be omitted;
- (b) after paragraph 7 there shall be added the following paragraph—
 “**8.** A person whose entitlement to an income-based jobseeker’s allowance is less than 10 pence.
 6 months from the date on which an income-based jobseeker’s allowance would have been payable if it had been payable.”.

(3) 1995 c. 18.

(4) Paragraphs (g) to (j) were added to regulation 4 by S.I. 1995/642.

(5) Schedule 1A was inserted by S.I. 1996/410.

Signed by authority of the Secretary of State for Health

10th September 1996

John Horam
Parliamentary Under-Secretary of State,
Department of Health

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

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 amends the definition of “family” and adds a definition of “income-based jobseeker’s allowance”.

Regulation 3 amends regulation 4 of the principal Regulations, which contains a list of descriptions of persons entitled to full remission and payment, by removing the capital restriction which applied to persons in receipt of disability working allowance and certain members of their family. The list is also amended to include persons who are in receipt of an income-based jobseeker’s allowance, or who are entitled to an income-based jobseeker’s allowance of less than 10 pence (and therefore do not actually receive such an allowance), and certain members of their family.

Regulation 4 amends regulation 7 of the principal Regulations by removing the requirement for certain persons in receipt of disability working allowance to make a claim on a form provided for that purpose and for the Secretary of State to calculate the capital resources of such persons.

Regulation 5 amends Schedule 1A to the principal Regulations, so as to specify the period for which a notice of entitlement is effective for a person whose entitlement to an income-based jobseeker’s allowance is less than 10 pence. The amendments also omit the period previously specified for persons in receipt of disability working allowance whose capital did not exceed £8,000.00.