
STATUTORY INSTRUMENTS

2000 No. 2870

NATIONAL HEALTH SERVICE, ENGLAND

The National Health Service (Travelling Expenses and Remission of Charges) Amendment (No. 3) Regulations 2000

<i>Made</i>	- - - -	<i>20th October 2000</i>
<i>Laid before Parliament</i>		<i>23rd October 2000</i>
<i>Coming into force</i>	- -	<i>13th November 2000</i>

The Secretary of State for Health, in exercise of the 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, interpretation and extent

1.—(1) These Regulations may be cited as the National Health Service (Travelling Expenses and Remission of Charges) Amendment (No. 3) Regulations 2000 and shall come into force on 13th November 2000.

(2) In these Regulations—

“the Income Support Regulations” means the Income Support (General) Regulations 1987⁽²⁾;

“the principal Regulations” means the National Health Service (Travelling Expenses and Remission of Charges) Regulations 1988⁽³⁾.

(3) These Regulations extend to England only.

(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 and by the Health Act 1999 (c. 8) (“the 1999 Act”), Schedule 4 paragraph 37(6). Section 128(1) is an interpretation provision and is cited because of the meanings assigned to the words “prescribe” and “regulations”; section 128(1) was amended by section 26(2)(g) and (i) of the 1990 Act. The functions of the Secretary of State under the National Health Service Act 1977 are, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2(a) of the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672 as amended by section 66(5) of the 1999 Act; these Regulations, therefore, do not extend to Wales.

(2) S.I. 1987/1967.

(3) S.I. 1988/551 as amended by S.I. 1989/394, 517 and 614, 1990/548, 918 and 1661, 1991/557, 1992/1104, 1993/608, 1995/642 and 2352, 1996/410, 1346 and 2362, 1997/748 and 2393, 1998/2417, 1999/767 and 2507 and 2000/621 and 837. Relevant amending instruments are S.I. 1990/1661, 1993/608, 1997/748 and 1997/2393.

Amendment of regulation 4 of the principal Regulations

2. Regulation 4 of the principal Regulations is amended by substituting, for the words “Regulation 3(1) applies to any person who, at the time when the relevant charge is made or when the relevant travelling expenses are incurred is”, the following words:

- “4.—(1) Regulation 3(1) applies—
- (a) in the case of the charges for dental appliances and dental treatment mentioned in regulation 3(2)(b)—
 - (i) to any person who, either, at the time the arrangements for the treatment are made or at the time the relevant charges are made, is a person described in paragraph (2), and
 - (ii) as respects the course of treatment to which the relevant charges relate;
 - (b) in any other case to any person mentioned in paragraph (2) who, at the time when the relevant charges are made or when the relevant travelling expenses are incurred, is a person described in paragraph (2).
- (2) The persons described in this paragraph are—”.

Amendment of regulation 6 of the principal Regulations

3. Regulation 6 of the principal Regulations is amended by substituting, in paragraph (2)(b), for the words “at the date when he paid the relevant charge or travelling expenses” the words “at the date when the relevant charges or travelling expenses are paid in full”.

Amendment of Schedule 1 to the principal Regulations

4. Schedule 1 to the principal Regulations is amended as follows—
- (a) In Part I, Table A (modifications of provisions of the Income Support Regulations for the purpose of calculating claimants' resources under the principal Regulations), after the entry modifying regulations 54 to 60 there is inserted—

“Regulation 61	As if, in the case of a student supported by the Student Awards Agency for Scotland, in the definition of “year”, for “1 st September” there were substituted “1 st August”.
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- (b) In Part I, Table A, for the entry modifying regulations 62(3A), 63(2) and 64(1)(c) there is substituted—

“Regulation 62	As if in paragraph (3) from the beginning to the words “shall be apportioned” there were substituted “Subject to paragraph (3A), a student’s grant income shall be apportioned”.
	As if in paragraph (3A) the words “under the provisions referred to in paragraph (3)” and the words “or, if there are 53 benefit weeks (including part-time weeks) in the year, 53” were omitted.

Regulation 63	As if paragraph (3B) were omitted.
Regulation 64	As if in paragraph (2) the words “or, if there are 53 benefit weeks (including part-time weeks) in the year, 53” were omitted.
	As if in paragraph (1)(c) the words, “or, if there are 53 benefit weeks (including part-time weeks) in the year, 53” were omitted.”.

- (c) In Part I, Table A, in the entry modifying regulation 66A of the Income Support Regulations, for the sub-paragraph beginning with the words “As if in paragraph (2)” there is substituted—

“As if for paragraph (2) there were substituted—

(2) In calculating the weekly amount of the loan to be taken into account as income—

- (a) except where sub-paragraph (b) applies, the loan shall be apportioned equally between the 52 weeks in the academic year;
- (b) in the case of a loan 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 loan 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,

and, in the case of a person to whom paragraph (2A), (2B) or (2C) applies, from the weekly amount so apportioned there shall be disregarded £10.”.

- (d) in Part II, Table B (modifications of provisions of the Income Support Regulations for the purpose of calculating claimants' requirements under the principal Regulations) in the entry modifying Schedule 2 and beginning with the words “As if in paragraph 2” there is substituted for sub-paragraph (b)—

“(b) for column (1) there were substituted—

“Persons aged—

- (a) less than 16 years;
- (b) not less than 16 years but less than 19 years”

- (e) In Part II, Table B after the entry modifying paragraph 2A of Schedule 2 of the Income Support Regulations, there is inserted—

“As if in paragraph 3—

- (a) in sub-paragraph (1)(a) the words “to whom the conditions in both sub-paragraphs (2) and (3) apply” were omitted;
- (b) sub-paragraphs (2) to (7) were omitted.”.

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

20th October 2000

Hunt,
Parliamentary Under-Secretary 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 of NHS charges and for the payment of travelling expenses in certain cases.

In particular

- regulation 4 of the principal Regulations is amended by providing for the remission of dental charges to be determined by reference to the claimant’s circumstances either at the time the arrangements for treatment are made or at the time the charge for treatment is made and by providing for remission to apply in respect of the course of treatment concerned;
- regulation 6 of the principal Regulations is amended by providing, in relation to claims for repayment of relevant charges or travelling expenses, that the claimant’s resources and requirements are to be calculated by reference to the date when the charges and expenses were paid in full;
- the Schedule to the principal Regulations is amended to modify the application of the Income Support Regulations in relation to the treatment of students and in relation to the calculation of personal allowances and family premiums. Under the principal Regulations, the resources and requirements of claimants are calculated by reference to the Income Support (General) Regulations 1987, as modified.