

**2000 No. 621**

**NATIONAL HEALTH SERVICE, ENGLAND**

**The National Health Service (Travelling Expenses and Remission of Charges) Amendment Regulations 2000**

<i>Made</i>	-	-	-	<i>9th March 2000</i>
<i>Laid before Parliament</i>				<i>10th March 2000</i>
<i>Coming into force</i>				<i>1st April 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(a), 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 Regulations 2000.
- (2) In these Regulations, “the principal Regulations” means the National Health Service (Travelling Expenses and Remission of Charges) Regulations 1988(b).
- (3) These Regulations extend to England only.

**Amendment of regulation 2 of the principal Regulations**

2. In regulation 2(1) of the principal Regulations (interpretation), after sub-paragraph (c) in the definition of “family” there shall be added the following sub-paragraph—
 

“(d) where a claim has been made for support under Part VI of the Immigration and Asylum Act 1999(c), it means the asylum-seeker who has made that claim and any dependant, as defined in section 94 of that Act, whom he has included in that claim.”.

**Amendment of regulation 3 of the principal Regulations**

- 3.—(1) Regulation 3(3) of the principal Regulations (entitlement to full remission and payment) shall be amended in accordance with the following provisions of this regulation.
- (2) In sub-paragraph (a), after the words “in attending a hospital” there shall be inserted the words “or any other place”.
- (3) After sub-paragraph (b), there shall be added the following sub-paragraph—
 

“(c) in attending an establishment managed by a Primary Care Trust for the purpose of availing himself of services provided under the care of a consultant in pursuance of the Act.”.

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(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), 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 “prescribed” 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.

(b) 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 and 1999/767 and 2507.

(c) 1999 c. 33.

#### **Amendment of regulation 4 of the principal Regulations**

4. At the end of regulation 4 of the principal Regulations (description of persons entitled to full remission and payment) there shall be added the following paragraphs—

“, or

- (n) an asylum-seeker for whom support is provided under Part VI of the Immigration and Asylum Act 1999; or
- (o) a member of the same family as a person described in paragraph (n) of this regulation”.

#### **Amendment of regulation 5A of the principal Regulations**

5. For paragraph (a) of regulation 5A of the principal Regulations (payment of travelling expenses) there shall be substituted the following paragraph—

“(a) in a case where the travelling expenses are incurred or to be incurred by a person in attending a hospital or any other place which is managed by an NHS trust or a Primary Care Trust, by that NHS trust or that Primary Care Trust;”.

#### **Amendment of regulation 5B of the principal Regulations**

6.—(1) Regulation 5B of the principal Regulations (payment to persons resident in the Isles of Scilly) shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph (1), the words “and Wales” shall be omitted.

(3) In paragraph (2)(a), for the words “that difference” there shall be substituted the words “any travelling expenses incurred in excess of that difference”.

(4) In paragraph (2)(b), for “£5” in the second place where it occurs there shall be substituted “any travelling expenses incurred in excess of £5”.

#### **Amendment of regulation 7 of the principal Regulations**

7.—(1) Regulation 7(1) of the principal Regulations (claims for remission or payment) shall be amended in accordance with the following provisions of this regulation.

(2) In sub-paragraph (a)(ii), for “(e), (f) or (m)” there shall be substituted “(e), (f), (m), (n) or (o)”.

(3) For sub-paragraph (b) there shall be substituted the following sub-paragraph—

“(b) provide any declaration of entitlement required under regulation 3(3) or 4(3) or any declaration or evidence of entitlement required under regulation 5(3) or 6(3) of the National Health Service (Charges for Drugs and Appliances) Regulations 2000(a).”.

#### **Amendment of regulation 8 of the principal Regulations**

8.—(1) Regulation 8 of the principal Regulations (payment) shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph (4)—

(a) after the words “an NHS trust”, in both places where they occur there shall be inserted the words “or a Primary Care Trust”;

(b) after the words “the NHS trust”, there shall be inserted the words “or the Primary Care Trust”;

(c) in sub-paragraph (a)(i)—

(i) after “5(1)” there shall be inserted “or in regulation 6(1)”; and

(ii) for “1989” there shall be substituted “2000”; and

(d) in sub-paragraph (a)(ii), after “hospital” there shall be inserted the words “or any other place”.

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(a) S.I. 2000/620.

(3) In paragraph (5) after the words “the NHS trust”, there shall be inserted the words “or the Primary Care Trust”.

**Amendment of regulation 8A of the principal Regulations**

9.—(1) Regulation 8A of the principal Regulations (reimbursement of payments made in respect of relevant travelling expenses) shall be amended in accordance with the following provisions of this regulation.

(2) After the words “Where a Health Authority”, there shall be inserted the words “, a Primary Care Trust”.

(3) For the words “in whose district that person resides” there shall be substituted the words “or the Primary Care Trust, as the case may be, for which those services are provided”.

Signed by authority of the Secretary of State for Health

9th March 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 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.

Regulations 2, 4 and 7(2) amend the principal Regulations to provide for the payment of travelling expenses to asylum-seekers and their dependants.

Regulations 3, 5, 8(2)(a) and (b) and 9 amend the principal Regulations to provide for the payment of travelling expenses incurred in attending establishments managed by Primary Care Trusts.

Regulation 6 makes amendments to the principal Regulations with regard to payments to persons resident in the Isles of Scilly.

Regulations 7(3) and 8(2)(c) amend the principal Regulations to reflect amendments to the National Health Service (Charges for Drugs and Appliances) Regulations 1988.

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