
STATUTORY INSTRUMENTS

2001 No. 742

NATIONAL HEALTH SERVICE, ENGLAND

The National Health Service (Travelling Expenses and Remission of Charges) Amendment Regulations 2001

<i>Made</i>	- - - -	<i>15th March 2001</i>
<i>Laid before Parliament</i>		<i>16th March 2001</i>
<i>Coming into force</i>		
	<i>except for regulation 3</i>	<i>9th April 2001</i>
	<i>regulation 3</i>	<i>10th April 2001</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 Regulations 2001.

(2) These Regulations shall come into force:

- (a) except for regulation 3, on 9th April 2001; and
- (b) regulation 3, on 10th April 2001.

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

(4) 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. 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. Relevant amending instruments are S.I. 1990/1661, 1993/608, 1997/748 and 1997/2393.

Amendment of regulation 2 of the principal Regulations

2. In regulation 2(1) of the principal Regulations (interpretation) for the definition of “capital limit” substitute,

““capital limit”—

- (a) in the case of a person who lives permanently in a nursing home or residential care home or in accommodation provided by a local authority under sections 21 to 24 and 26 of the National Assistance Act 1948⁽³⁾ has the meaning it bears in section 21(2B) of the National Assistance Act 1948, and
- (b) in the case of any other person, means the amount prescribed for the purposes of section 134(1) of the Social Security Contribution and Benefits Act 1992⁽⁴⁾.”

Amendment of regulation 4 of the principal Regulations

3. In paragraphs (c) and (g) of regulation 4 of the principal Regulations (description of persons entitled to full remission and payment) for “£70” there shall be substituted “£71”.

Amendment of Schedule 1 to the principal Regulations

4. In Table A of Part I of Schedule 1 to the principal Regulations (modification of provisions of the Income Support (General) Regulations 1987)⁽⁵⁾ at the end of the entry relating to “regulation 53” there shall be added the following paragraph “As if in paragraph (1A) for “£10,000” on each occasion it appears there were substituted “£11,500” and as if for “£16,000” there were substituted “£18,500””.

Signed by authority of the Secretary of State for Health

15th March 2001

Hunt
Parliamentary Under Secretary of State,
Department of Health

(3) 11 + 12 GEO 6 c. 2

(4) 1992 c. 4

(5) S.I. 1987/1967; regulation 53 of S.I. 1987/1967 is applied with modifications to and by the principal Regulations (S.I. 1988/551).

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 hospital.

Regulation 2 amends the definition of “capital limit” as it applies to people living permanently in a nursing or residential care home or in accommodation provided by a local authority under the National Assistance Act 1948. This brings it into line with the capital limits applying under the National Assistance Act 1948 to the calculations which determine such people’s liability to pay for their care. Table A of Schedule 1 is amended to apply such capital limits to calculations pursuant to regulation 53 of the Income Support (General) Regulations 1987 which is applied with modifications to the remission calculations in the principal Regulations (regulation 4).

Regulation 3 amends regulation 4 of the principal Regulations to increase the income level at which recipients of tax credits are entitled to remission from charges under the principal Regulations.