
STATUTORY INSTRUMENTS

2003 No. 2382

**The National Health Service (Travel Expenses
and Remission of Charges) Regulations 2003**

PART I

GENERAL AND INTRODUCTION

Citation, commencement and application

1.—(1) These Regulations may be cited as the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 and shall come into force on 6th October 2003.

(2) These Regulations apply to England.

Interpretation

2. In these Regulations—

“the Act” means the National Health Service Act 1977;

“the 1990 Act” means the National Health Service and Community Care Act 1990(1);

“abroad” means any place outside the United Kingdom;

“capital limit”—

(a) in the case of a person who lives permanently in a care home or in accommodation provided by a local authority under sections 21 to 24 and 26 of the National Assistance Act 1948(2) is the amount prescribed in regulation 20 of the National Assistance (Assessment of Resources) Regulations 1992(3), 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);

“care home” has the meaning given in section 3 of the Care Standards Act 2000(5);

“child tax credit” means a child tax credit under section 8 of the Tax Credits Act 2002(6);

“claimant” means a person who makes a claim in accordance with regulation 7 or regulation 11;

“the Charges Regulations” means the National Health Service (Charges for Drugs and Appliances) Regulations 2000(7);

“couple” has the meaning given in section 137 of the Social Security Contributions and Benefits Act 1992;

(1) 1990 c. 19.

(2) 1948 c. 29.

(3) S.I. 1992/2977, as amended.

(4) 1992 c. 4. The relevant regulations are the Income Support (General) Regulations 1987 S.I. 1987/1967.

(5) 2000 c. 14.

(6) 2002 c. 21.

(7) S.I. 2000/620 as amended by S.I. 2000/2393, S.I. 2000/3189, S.I. 2001/746, S.I. 2001/2887, S.I. 2002/548, S.I. 2002/2352, S.I. 2003/585, S.I. 2003/699 and S.I. 2003/1084.

“date of claim” means the date on which a claim made under regulation 7 or regulation 11 is received by the Secretary of State;

“disability element” means the disability element of working tax credit as specified in section 11(3) of the Tax Credits Act 2002;

“family” has the meaning given by section 137(1) of the Social Security Contributions and Benefits Act 1992 as it applies to income support, except that—

- (a) in regulation 5(1)(d), in relation to a person who is receiving income based jobseeker’s allowance it has the meaning given in section 35 of the Jobseekers Act 1995⁽⁸⁾,
- (b) in regulations 5(1)(e) and 8(2) it has the meaning assigned to it by regulation 2(2) of the Tax Credits (Definitions and Calculation of Income) Regulations 2002⁽⁹⁾, and
- (c) where a claim has been made for support under Part VI of the Immigration and Asylum Act 1999⁽¹⁰⁾, 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 and the references to “family” in regulations 5(2)(c) and 8(1), (3) and (7) shall be construed accordingly;

“full rate” means the rate determined under section 26(2) of the National Assistance Act 1948;

“full time student” has the meaning given in regulation 61 of the Income Support Regulations;

“health care professional” means a person who is a member of a profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002⁽¹¹⁾;

“income-based jobseeker’s allowance” has the meaning assigned to it by section 1(4) of the Jobseekers Act 1995;

“income support” means income support under Part VII of the Social Security Contributions and Benefits Act 1992, and includes personal expenses addition, special transition addition and transitional addition as defined in regulation 2(1) of the Income Support (Transitional) Regulations 1987⁽¹²⁾;

“the Income Support Regulations” mean the Income Support (General) Regulations 1987⁽¹³⁾;

“NHS charge” has the meaning given in regulation 4;

“NHS contract” has the meaning given in section 4(1) of the 1990 Act;

“NHS travel expenses” and “NHS foreign travel expenses” have the meanings given in regulation 3;

“NHS trust” has the meaning given in section 5 of the 1990 Act;

“partner” means where a claimant—

- (a) is a member of a married or an unmarried couple, the other member of that couple,
- (b) is married polygamously to two or more members of his household, any such member;

“pension credit guarantee credit” shall be construed in accordance with sections 1 and 2 of the State Pension Credit Act 2002⁽¹⁴⁾;

“pension credit savings credit” shall be construed in accordance with sections 1 and 3 of the State Pension Credit Act 2002;

⁽⁸⁾ 1995 c. 18.

⁽⁹⁾ S.I. 2002/2006.

⁽¹⁰⁾ 1999 c. 33.

⁽¹¹⁾ 2002 c. 17.

⁽¹²⁾ S.I. 1987/1969.

⁽¹³⁾ S.I. 1987/1967.

⁽¹⁴⁾ 2002 c. 16.

“port” includes an airport, ferry port or international train station in Great Britain from which an international journey begins;

“provider” means the provider of any services mentioned in regulation 3(1)(a);

“relevant date” means—

- (a) in the case of a claim under regulation 7, the date of the claim; and
- (b) in the case of a claim under regulation 11(2) the date when the NHS charge or NHS travel expenses were paid;

“relevant income” has the meaning given in section 7(2) of the Tax Credits Act 2002;

“standard rate” means the standard rate fixed in accordance with section 22(2) of the National Assistance Act 1948;

“trade dispute” has the same meaning as in section 35(1) of the Jobseekers Act 1995;

“week” means a period of 7 days beginning with midnight between Saturday and Sunday; and

“working tax credit” means working tax credit under the Tax Credits Act 2002.

NHS travel expenses

3.—(1) In these Regulations “NHS travel expenses” means the travel expenses which a person necessarily incurs—

- (a) in attending—
 - (i) a health service hospital,
 - (ii) any other establishment managed by an NHS trust or a Primary Care Trust, or
 - (iii) any other place in the United Kingdom,

for the provision of any services (except personal medical or personal dental services provided under section 28C of the Act) under the care of a consultant in accordance with Part I of the Act; and

- (b) in travelling to a port in Great Britain for the purpose of travelling abroad in order to receive services provided pursuant to arrangements made under section 23 of the Act or paragraph 13 of Schedule 2 to the 1990 Act.

(2) In these Regulations “NHS foreign travel expenses” means the travel expenses which a person necessarily incurs in travelling abroad from a port in Great Britain in order to receive services pursuant to arrangements made under section 23 of the Act or paragraph 13 of Schedule 2 to the 1990 Act.

(3) NHS travel expenses and NHS foreign travel expenses include the travel expenses of a companion in a case where the person to whom services are provided is either—

- (a) a child; or
- (b) a person whose medical condition is such that, in the opinion of a doctor involved in the provision of the services or, where appropriate, another health care professional so involved, a companion is necessary.

(4) A person who wishes to rely on entitlement to NHS travel expenses must—

- (a) unless he is a person who by virtue of regulation 5(1) is not required to make such a claim, make a claim to entitlement under regulation 7; and
- (b) make an application for payment of travel expenses under regulation 10.

(5) The amount of any NHS travel expenses to which a person is entitled under these Regulations—

- (a) must be calculated by reference to the cost of travelling by the cheapest means of transport which is reasonable having regard to the person's age, medical condition and any other relevant circumstances; and
 - (b) where travel is by private car, may include a mileage allowance and car parking expenses.
- (6) A person is entitled to payment of NHS foreign travel expenses only where the health service body which made the arrangements for the provision of services abroad agrees the mode and cost of travel and the necessity or otherwise for a companion before the costs are incurred.

Remissible NHS charges

4.—(1) In these regulations “NHS charge” means any charge which would otherwise be payable—

- (a) in accordance with regulations made under section 77(1) of the Act, for the supply of drugs, medicines, appliances and pharmaceutical services;
- (b) in accordance with regulations made under section 78(1A) of the Act, for the supply of dentures and other dental appliances; and
- (c) in accordance with regulations made under section 79(1) of the Act or section 20(1) of the National Health Service (Primary Care) Act 1997(15), for the provision of dental treatment.

(2) A person who wishes to rely on entitlement under these Regulations to remission of a NHS charge must—

- (a) unless he is a person who, by virtue of regulation 5(1), is not required to make such a claim, make a claim to entitlement under regulation 7 or regulation 11; and
- (b) provide any declaration or evidence of entitlement which is required under the Charges Regulations.