
STATUTORY INSTRUMENTS

2003 No. 2382

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

PART IV

CALCULATION OF RESOURCES AND REQUIREMENTS

General

15.—(1) Where it is necessary that the resources or requirements of a person should be calculated for the purposes of these Regulations, they must be calculated by the Secretary of State according to the provisions of this Part and Schedule 1.

(2) The resources and requirements of a person must be calculated—

- (a) in the case of a claim made under regulation 7 (claims to entitlement) by reference to his resources and requirements at the date of claim; or
- (b) in the case of a claim for repayment made under regulation 11(2) (claims for repayment) by reference to his resources and requirements at the date when the NHS charge or NHS travel expenses were paid.

(3) Where a claimant is a member of a family, the resources and requirements of the other members of his family must be calculated in the same manner as those of the claimant and must be taken into account as if they were his resources and requirements, and in this Part and in the provisions referred to in Schedule 1, unless the context otherwise requires, any reference to the claimant includes the other members of his family.

(4) In a case where the earnings of any person are to be calculated and those earnings have been affected by a trade dispute, the earnings to be taken into account are the earnings which that person would have received if there had been no trade dispute.

(5) In the application of the Income Support Regulations as mentioned in regulation 16 and regulation 17, the provisions of those Regulations shall be applied as if—

- (a) references to income support were to the remission of NHS charges and the payment of any NHS travel expenses,
- (b) references in any of those provisions to any other of those provisions were to that other provision as modified in accordance with regulation 16(4) or, as the case may be, regulation 17(4); and
- (c) the State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002^{MI} had not been made.

[^{F1}(6) Where the claimant is a member of a polygamous marriage, the resources and requirements of members of that marriage must be calculated in the same manner as those of the claimant and they must be taken into account as if they were the resources and requirements of the claimant, except that the applicable amount shall be calculated in accordance with regulation 18 of the Income Support Regulations.]

Textual Amendments

- F1** Reg. 15(6) added (1.12.2008) by The National Health Service (Travel Expenses and Remission of Charges) Amendment (No. 2) Regulations 2008 (S.I. 2008/2868), regs. 1(1), 2

Marginal Citations

- M1** S.I. 2002/3019.

Calculation of resources

16.—(1) A claimant's resources must be calculated in terms of income and capital.

(2) Income must be calculated on a weekly basis according to the method of calculating or estimating income prescribed by the provisions of the Income Support Regulations, subject to the modifications referred to in paragraph (4).

(3) Capital must be calculated according to the method of calculating or estimating capital as prescribed by the provisions of Chapter VI in Part V of, and Schedule 10 to, the Income Support Regulations, subject to the modifications referred to in paragraph (4).

(4) The provisions of the Income Support Regulations apply and those provisions specified in column 1 of Table A in Schedule 1 shall be applied in accordance with the modifications specified in the corresponding entries in column 2.

Calculation of requirements

17.—(1) A claimant's requirements must be calculated as being the amount referred to in sub-paragraph (a) less, where applicable, the amount referred to in sub-paragraph (b) below, as follows—

(a) the amount which represents the aggregate of—

(i) the weekly applicable amount which would apply to him, including that in respect of any other member of his family, in connection with a claim for income support as specified by the Income Support Regulations, but subject to the modifications referred to in paragraph (4), and

(ii) subject to paragraph (2), the weekly amount of any council tax which the claimant or his partner is liable to pay under Part I of the Local Government Finance Act 1992^{M2};

[^{F2}(b) the amount which represents the weekly amount of any housing benefit to which the claimant or any member of his family is entitled under the provisions of Part 7 of the Social Security Contributions and Benefits Act 1992.]

(2) Subject to paragraph (3), where a claimant is jointly and severally liable for council tax in respect of a dwelling in which he is resident with one or more other persons, the claimant's liability in respect of that tax for the purposes of these Regulations shall be the amount of that tax divided by the number of persons who are jointly and severally liable for that tax.

(3) Paragraph (2) shall not apply where a claimant is jointly and severally liable for council tax in respect of a dwelling with only his partner.

(4) The provisions of the Income Support Regulations apply and those provisions specified in column 1 of Table B in Schedule 1 shall be applied in accordance with the modifications specified in the corresponding entries in column 2.

Changes to legislation: There are currently no known outstanding effects for the The National Health Service (Travel Expenses and Remission of Charges) Regulations 2003, PART IV. (See end of Document for details)

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Textual Amendments

F2 [Reg. 17\(1\)\(b\)](#) substituted (1.4.2013) by [The Council Tax Benefit Abolition \(Consequential Provision\) Regulations 2013 \(S.I. 2013/458\)](#), reg. 1, **Sch. 2 para. 7**

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Marginal Citations

M2 [1992 c. 14](#).

Changes to legislation:

There are currently no known outstanding effects for the The National Health Service (Travel Expenses and Remission of Charges) Regulations 2003, PART IV.