

**2013 No. 1600**

**NATIONAL HEALTH SERVICE, ENGLAND**

**The National Health Service (Travel Expenses and Remission of Charges) (Amendment) Regulations 2013**

*Made* - - - - *1st July 2013*

*Laid before Parliament* *4th July 2013*

*Coming into force in accordance with regulation 1(2) to (4)*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 182, 183, 184 and 272(7) and (8) of the National Health Service Act 2006(a).

**Citation, commencement and interpretation**

**1.**—(1) These Regulations may be cited as the National Health Service (Travel Expenses and Remission of Charges) (Amendment) Regulations 2013.

(2) This regulation and regulation 2 come into force on 1st August 2013.

(3) Regulation 3 comes into force on 1st September 2013.

(4) Regulation 4 comes into force on 1st November 2013.

(5) In these Regulations—

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

“the 2003 Regulations” means the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003(c).

**Amendments to Schedule 1 to the 2003 Regulations: students from Scotland**

**2.** In column 2 of Table A in Schedule 1 to the 2003 Regulations(d) (modifications of the Income Support (General) Regulations 1987), in the modification of—

(a) regulation 62 of the 1987 Regulations(e) (calculation of grant income), in the inserted paragraph (2C), after sub-paragraph (a) insert—

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(a) 2006 c. 41. Section 183 has been amended by S.I. 2010/915 and by the Health and Social Care Act 2012 (c. 7), Schedule 4, paragraph 98. By virtue of section 271(1) of the 2006 Act, the functions of the Secretary of State being exercised in the making of these Regulations are exercisable only in relation to England. *See also* section 275(1) of the 2006 Act, which contains definitions of “prescribed” and “regulations” that are relevant to the powers being exercised.

(b) S.I. 1987/1967.

(c) S.I. 2003/2382.

(d) Table A has been amended by S.I. 2005/26, 2006/1065 and 2171, 2007/1975 and 2590, 2008/2868, 2009/1599, 2010/620 and 1727, 2011/1587 and 2012/1650.

(e) Amendments have been made to regulation 62 by S.I. 1988/663, 1992/468 and 2155, 1996/1944, 1999/1935, 2000/1444 and 1922, 2001/2319, 2002/1589, 2003/455, 2004/1708, 2005/574, 2007/1632, and 2009/583 and 1575.

- “(aa) a young students’ bursary or an independent students’ bursary paid under regulation 4(1)(c) of the Students’ Allowances (Scotland) Regulations 2007(a);”;
- (b) regulation 66A of the 1987 Regulations(b) (treatment of student loans), for the substituted paragraph (1) substitute—

“(1) A student loan (including any notional amount treated as part of the loan in accordance with paragraph (1A)) is to be treated as income, unless it is a hardship loan.

(1A) In the case of a student (S) who is paid a loan under the Education (Student Loans) (Scotland) Regulations 2007(c), that loan is to be treated as including a notional amount that is the difference (if there is one) between—

- (a) the maximum amount that would potentially be payable under the Education (Student Loans) (Scotland) Regulations 2007 to an eligible student in the same academic year and studying on the same course as S; and
- (b) the amount that is paid to S under the Education (Student Loans) (Scotland) Regulations 2007.”.

### **Amendments to the 2003 Regulations: students from Wales**

3.—(1) After regulation 18 of the 2003 Regulations (transitional provisions) insert the following regulation—

#### **“Transitional provision: amendments made by regulation 3(2) of the National Health Service (Travel Expenses and Remission of Charges) (Amendment) Regulations 2013**

**18A.**—(1) Paragraph (2) applies in the case of a student who, in respect of attendance on a course for a period (“the relevant period”) which ends on or after 1st September 2013, continues after this regulation comes into force to be in receipt of a maintenance grant under regulations 38 to 41 of the Assembly Learning Grants and Loans (Higher Education) (Wales) (No. 2) Regulations 2011(d) (which relate to payment of maintenance grants) by virtue of regulation 3(11) of the Education (Student Support) (Wales) Regulations 2012(e) (revocation, savings and transitional provisions).

(2) As regards that student—

- (a) the amendments made by regulation 3(2) of the National Health Service (Travel Expenses and Remission of Charges) (Amendment) Regulations 2013 (amendments to the 2003 Regulations: students from Wales) only apply with effect from the day after the end of the relevant period; and
- (b) until the end of the relevant period, the modification in column 2 of Table A in Schedule 1 of regulation 62 of the Income Support Regulations applies as it had effect immediately before this regulation came into force.”.

(2) In column 2 of Table A in Schedule 1 to the 2003 Regulations (modifications of the Income Support (General) Regulations 1987), in the modification of regulation 62 of the 1987 Regulations (calculation of grant income)—

- (a) for “regulations 38 to 41 of the Assembly Learning Grants and Loans (Higher Education) (Wales) (No. 2) Regulations 2011” substitute “regulations 41 to 44 of the Education (Student Support) (Wales) Regulations 2012”; and
- (b) for “regulations 48 to 52” substitute “regulations 51 to 55”.

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(a) S.S.I. 2007/153; regulation 4 has been amended by S.S.I. 2007/503, 2008/206 and 2012/72.

(b) Regulation 66A was inserted by S.I. 1990/1549 and has been amended by: S.I. 1999/1935, 2000/1922, 2001/2319, 2002/1589, 2007/1632, 2008/2767 and 2009/583, 1575 and 3152.

(c) S.S.I. 2007/154.

(d) S.I. 2011/886 (W. 130). Subject to transitional and saving provisions, these Regulations are revoked with effect from 1st September 2013 by S.I. 2012/3097 (W. 313).

(e) S.I. 2012/3097 (W. 313).

## **Amendment of regulation 5 of the 2003 Regulations: Universal Credit**

4. In regulation 5 of the 2003 Regulations(a) (entitlement to full remission and payment), in paragraph (1)(f), for “31st October 2013” substitute “5th April 2014”.

Signed by authority of the Secretary of State for Health.

*Earl Howe*  
Parliamentary Under-Secretary of State,  
Department of Health

1st July 2013

### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations make amendments to the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (“the principal Regulations”). The principal Regulations make provision for England relating to people in receipt of state benefits or on low incomes to be reimbursed for travel expenses incurred in obtaining certain NHS services and to be exempt from paying certain NHS charges.

Regulation 2 deals with amendments relating to students who are eligible for assistance from the Scottish Ministers (“eligible students”). The young students’ bursary and the independent students’ bursary, both paid on behalf of the Scottish Ministers by the Student Awards Agency for Scotland(b), are to be disregarded from the assessment of an eligible student’s income when determining whether or not the student is entitled to benefits under the principal Regulations. If an eligible student has a student loan, that loan is however to be taken into account when determining whether or not the student is entitled to benefits under the principal Regulations, unless it is a hardship loan. Furthermore, eligible students who are paid student loans but are not in receipt of the maximum amount potentially payable to people studying on their course are treated as if they were paid that maximum amount – for the purposes of determining their income when determining whether or not they are entitled to benefits under the principal Regulations.

Regulation 3 deals with amendments relating to students who are eligible for assistance from the Welsh Ministers. Maintenance grants payable by the Welsh Ministers and which are not taken into account in certain student loan calculations are to continue to be disregarded from the assessment of a student’s income when determining whether or not they are entitled to benefits under the principal Regulations, and legislative cross-references are updated to achieve that effect. Essentially, the new-cross referencing is because of the replacement of the Assembly Learning Grants and Loans (Higher Education) (Wales) (No. 2) Regulations 2011 (“the 2011 Regulations”) by the Education (Student Support) (Wales) Regulations 2012 (“the 2012 Regulations”). However there is a transitional provision, inserted into the principal Regulations, to ensure that students still receiving their maintenance grants under the 2011 Regulations, rather than the 2012 Regulations, because their academic year started before 1st September 2013 will continue to have those grants disregarded, as before.

Regulation 4 amends the principal Regulations to provide for persons who are in receipt of an award of universal credit for the period beginning on 1st November 2013 and ending on 5th April 2014 (and their partners and certain dependent children and young persons) to be entitled to full remission of certain NHS charges and payment of certain NHS travel expenses without making a claim. Regulation 5 of the principal Regulations previously referred to the period beginning on 29th April 2013 and ending on 31st October 2013.

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(a) Amendments have been made to regulation 5 by S.I. 2004/ 663 and 936, 2006/562, 2008/1697, 2009/411 and 2013/475.

(b) The Student Awards Agency for Scotland is at Gyleview House, 3 Redheughs Rigg, Edinburgh, EH12 9HH. Its “Funding Guide 2013-214” is available on its website, [www.saas.gov.uk](http://www.saas.gov.uk).

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