
STATUTORY INSTRUMENTS

1993 No. 608

**NATIONAL HEALTH SERVICE,
ENGLAND AND WALES**

**The National Health Service (Travelling Expenses and
Remission of Charges) Amendment Regulations 1993**

<i>Made</i>	- - - -	<i>11th March 1993</i>
<i>Laid before Parliament</i>		<i>11th March 1993</i>
<i>Coming into force</i>	- -	<i>1st April 1993</i>

The Secretary of State for Health, in exercise of powers conferred on her by sections 83A, 126(4) and 128(1) of the National Health Service Act 1977(1), and of all other powers enabling her in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the National Health Service (Travelling Expenses and Remission of Charges) Amendment Regulations 1993 and shall come into force on 1st April 1993 immediately following the coming into force of the Social Security Benefits (Amendments Consequential Upon the Introduction of Community Care) Regulations 1992(2) and the Social Security Benefits (Miscellaneous Amendments) Regulations 1993(3).

(2) In these Regulations—

“the principal Regulations” means the National Health Service (Travelling Expenses and Remission of Charges) Regulations 1988(4);

“relevant charge” and “relevant travelling expenses” have the same meanings as in the principal Regulations.

(1) 1977 c. 49; section 83A was inserted by section 14(1) of the Social Security Act 1988 (c. 7) and amended by section 25(1) of and paragraph 6 of Schedule 2 to the Health and Medicines Act 1988 (c. 49) and by paragraph 18 of Schedule 9 to the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”). Section 126(4) was amended by section 65(2) of the 1990 Act. 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.

(2) S.I. 1992/3147.

(3) S.I. 1993/518.

(4) S.I. 1988/551; relevant amending instruments are S.I. 1990/548 and 1661, 1991/557 and 1992/1104.

Amendment of Regulation 7 of the principal Regulations

2. In regulation 7(1) of the principal Regulations (claims for remission or payment) after the words “appropriate office” there shall be inserted the words “or to the Secretary of State”.

Amendment of Schedule 1 to the principal Regulations

3.—(1) Part II of Schedule 1 to the principal Regulations (calculation of requirements) shall be amended in accordance with the following provisions of this regulation.

(2) For paragraph 3(5) there shall be substituted the following paragraph—

“3.—(1) A claimant’s requirements shall be calculated as being the amount referred to in head (a) below less, where applicable, the amount referred to in head (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 provisions of regulations 17 to 21 of, and Schedules 2, 3, 4 and 7 to, the Income Support (General) Regulations 1987(6), but subject to the modifications referred to in paragraph 2(b) and (c) and paragraph 4, and

(ii) subject to sub-paragraph (2), the weekly amount of any council tax which the claimant or his partner is liable to pay under Part I or Part II of the Local Government Finance Act 1992(7);

(b) the amount which represents the aggregate of the weekly amount of any housing benefit and the weekly amount of any council tax benefit to which the claimant or any member of his family is entitled under the provisions of Part VII of the Social Security Contributions and Benefits Act 1992(8).

(2) Subject to sub-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) Sub-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.”

(3) In Table B(9)—

(a) in the entry in column 2 corresponding to the entry “regulation 17”(10) in column 1, for the words “paragraph (1)(g)” there shall be substituted the words “sub-paragraphs (bb) and (g) of paragraph (1)”;

(b) in the entry in column 2 corresponding to the entry “regulation 18”(11) in column 1, for the words “paragraph (1)(h)” there shall be substituted the words “sub-paragraphs (cc) and (h) of paragraph (1)”;

(5) Relevant amending instrument is S.I. 1990/548.

(6) S.I. 1987/1967.

(7) 1992 c. 14.

(8) 1992 c. 4; Part VII was amended by the Local Government Finance Act 1992, section 103 and Schedule 9, which replaced references to community charge benefit with references to council tax benefit.

(9) Relevant amending instruments are S.I. 1990/548 and 1661.

(10) Relevant amending instruments are S.I. 1988/910 and 1445, 1989/1678, 1991/387 and 1992/3147.

(11) Relevant amending instruments are S.I. 1988/1228 and 1445, 1989/534 and 1034, and 1992/3147.

(c) for the entry “regulations 19(12) and 21(13)” in column 1 and the corresponding entry in column 2 there shall be substituted the following entries:

“regulation 19	As if for paragraph (1) there were substituted the following paragraph— “(1) Where— (a) the claimant lives in a residential care home or nursing home; or (b) if the claimant is a member of a family, he and the members of his family live in such a home, his weekly applicable amount shall, except in a case to which Part II of Schedule 4 (persons to whom regulation 19 does not apply) applies, be calculated in accordance with Part I of that Schedule.”. As if paragraphs (1ZB) to (1ZJ) were omitted. As if in the definition of “residential care home” in paragraph (3) there were added at the end— “(f) in which accommodation is provided under sections 21 to 24 and 26 of the National Assistance Act 1948(14) (provision of accommodation);”.
regulation 21	As if in paragraph (1) the words from “Subject to” to “amounts)” were omitted. As if in paragraph (3) the definition of “residential accommodation” were omitted. As if paragraphs (3A), (4) and (4A) were omitted.”;

(12) Relevant amending instruments are S.I. 1988/663, 1445 and 2022, 1989/1678, 1991/1033, and 1992/3147.
(13) Relevant amending instruments are S.I. 1989/534, 1990/547 and 2324, 1991/236, 1033 and 1656, and 1992/2155 and 3147.
(14) 1948 c. 29; section 21 was amended by the Local Government Act 1972 (c. 70), Schedule 23, paragraphs 1 and 2 and Schedule 30; the National Health Service Reorganisation Act 1973 (c. 32), Schedule 4, paragraph 44 and Schedule 5; the Housing (Homeless Persons) Act 1977 (c. 48), Schedule; the National Health Service Act 1977 (c. 49), Schedule 15, paragraph 5; the Health Service Act 1980 (c. 53), Schedule 1, Part I, paragraph 5; and the National Health Service and Community Care Act 1990 (c. 19), section 42(1), Schedule 9, paragraph 5(1) and (2) and Schedule 10. Section 22 was amended by the Social Work (Scotland) Act 1968 (c. 49), section 87(4) and Schedule 9, Part I; the Supplementary Benefits Act 1976 (c. 71), Schedule 7, paragraph 3; the Housing (Homeless Persons) Act 1977 (c. 48), Schedule; the Social Security Act 1980 (c. 30), section 20, Schedule 4, paragraph 2(1) and Schedule 5, Part II; the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), section 20(1)(a), and the National Health Service and Community Care Act 1990, section 44, Schedule 10. Section 24 was amended by the National Assistance (Amendment) Act 1959 (c. 30), section 1(1); the National Health Service (Scotland) Act 1972 (c. 58), Schedule 6, paragraph 82; the Local Government Act 1972 (c. 70), Schedule 23, paragraph 2; the National Health Service Reorganisation Act 1973 (c. 32), Schedule 4, paragraph 45; the Housing (Homeless Persons) Act 1977 (c. 48), Schedule, and the National Health Service and Community Care Act 1990, Schedule 9, paragraph 5(4). Section 26 was amended by the Health Services and Public Health Act 1968 (c. 46), section 44 and Schedule 4 and the Social Work (Scotland) Act 1968 (c. 49), Schedule 9, Part I and applied by section 87(3); the Local Government Act 1972 (c. 70), Schedule 23, paragraph 2; the Housing (Homeless Persons) Act 1977 (c. 48), Schedule; the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), section 20(1)(b), the National Health Service and Community Care Act 1990, section 42(3) to (5), Schedule 9, paragraph 5(5), and Schedule 10, and section 1 of the Community Care (Residential Accommodation) Act 1992 (c. 49).

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- (d) in the entry in column 2 corresponding to the entry “Schedule 2”(15) in column 1, there shall be added at the end the words “As if paragraph 2A were omitted.”;
- (e) for the entry “Schedule 4”(16) in column 1 and the corresponding entry in column 2 there shall be substituted the following entry—

“Schedule 4	<p>As if in paragraph 1(1)(a)—</p> <ul style="list-style-type: none"> (i) for the words “paragraph 3” there were substituted the words “sub-paragraph (1A) and paragraph 3”; (ii) as if the words from “but, except” to “paragraph 5” were omitted. <p>As if after sub-paragraph (1) of paragraph 1 there were inserted the following sub-paragraph—</p> <p style="padding-left: 40px;">“(1A) Where a claimant is in accommodation provided under sections 21 to 24 and 26 of the National Assistance Act 1948, the weekly charge for the accommodation for the purposes of this paragraph shall be the payment or refund which the claimant is liable to make towards the cost of the accommodation under section 22 or, as the case may be, section 26 of that Act.”.</p> <p>As if paragraphs 5 to 12 were omitted.”;</p>
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- (f) for the entry “Schedule 7”(17) in column 1 and the corresponding entry in column 2 there shall be substituted the following entries—

“Schedule 7	<p>As if the references in paragraph 1 to sub-paragraph (g) of regulation 17(1) and sub-paragraph (h) of regulation 18(1) were omitted.</p> <p>As if paragraphs 7, 9(b)(iii), 10A, 10B, 10C, 13, 16(a) and 17 were omitted.</p> <p>As if after paragraph 10 there were inserted the following paragraph—</p> <p>10ZA. A claimant who is a lone parent who is in a residential care home or nursing home temporarily.</p> <p>10ZA. Any amount applicable to the claimant under paragraph 1(1)(a), (b) and (c) of Schedule 4, determined as if he were a single claimant, plus—</p> <ul style="list-style-type: none"> (a) in respect of each child who is a member of his family, the appropriate amount in respect of him prescribed in paragraph 2(a) or (b) of Schedule 2 or under this Schedule as appropriate; and
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(15) Relevant amending instrument is [S.I. 1992/3147](#).

(16) Relevant amending instruments are [S.I. 1988/1445](#) and [1992/3147](#).

(17) Relevant amending instruments are [S.I. 1988/1445](#) and [2022, 1990/547](#) and [1992/3147](#).

- (b) any amount which would be applicable to the claimant, if he were not temporarily living away from home, under regulation 17(1)(c) or (f), or (d) in so far as it relates to the lone parent premium under paragraph 8 of Schedule 2.””.
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Transitional provisions

4. In the case of a claim made under regulation 8(2) of the principal Regulations (repayment)(18), where that claim relates to a relevant charge or relevant travelling expenses paid before 1st April 1993, the claimant’s resources and requirements shall be calculated as if these Regulations had not been made.

Signed by authority of the Secretary of State for Health,

11th March 1993

Brian Mawhinney
Minister of State,
Department of Health

(18) Relevant amending instruments are [S.I. 1991/557](#) and [1992/1104](#).

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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, 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.

Regulation 2 amends regulation 7(1) to provide that a claim for remission or payment may be sent or delivered to the Secretary of State as well as to an office of the Department of Social Security.

Regulation 3 amends Part II of Schedule 1, which governs the manner in which a person's requirements are to be calculated. Paragraph 3 of the Schedule is amended in consequence of the abolition of community charges and community charge benefit, and the introduction of council tax and council tax benefit. Table B is amended to make special provision for the calculation of the requirements of people in residential care homes and nursing homes.

Regulation 4 is a transitional provision which provides that claims for refunds of charges or expenses paid before the commencement of these Regulations shall be treated as if these Regulations had not been made.