

2006 No. 2171

NATIONAL HEALTH SERVICE, ENGLAND

The National Health Service (Travel Expenses and Remission of Charges) Amendment (No.2) Regulations 2006

Made - - - - - *5th August 2006*

Laid before Parliament *11th August 2006*

Coming into force - - - *1st September 2006*

The Secretary of State for Health makes the following Regulations in exercise of the powers conferred on her by sections 83A and 126(4) of the National Health Service Act 1977(a).

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the National Health Service (Travel Expenses and Remission of Charges) Amendment (No. 2) Regulations 2006 and shall come into force on 1st September 2006.

(2) These Regulations apply in relation to England.

(3) In these Regulations—

- (a) “the Travel Expenses and Remission of Charges Regulations” means the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003(b); and
- (b) “the Income Support Regulations” means the Income Support (General) Regulations 1987(c).

Modifications of the Income Support Regulations in Schedule 1 of the Travel Expenses and Remission of Charges Regulations

2.—(1) Schedule 1 to the Travel Expenses and Remission of Charges Regulations (Modifications of Income Support Regulations) is amended as follows.

(2) In Table A, in the modifications of regulation 62 of the Income Support Regulations (calculation of grant income)—

(a) 1977 (c.49). Section 83A was inserted by section 14(1) of the Social Security Act 1988 (c.7) (“the 1988 Act”) and amended by section 25 of, and paragraph 6 of Schedule 2 to, the 1988 Act, section 41(10) of, and paragraph 19 of Schedule 2 to, the National Health Service (Primary Care) Act 1997 (c.46), article 2 of S.I. 1998/2385, article 3(1) of, and paragraph 5 and 13 of Schedule 1 to, S.I. 2000/90, section 66(1) of, and paragraph 18 (5) of Schedule 9 to the National Health Service and Community Care Act 1990 (c.19) (“the 1990 Act”), section 2(1) of, and paragraph 40 of Schedule 1 to, the Health Authorities Act 1995 (c.17), section 2(5) of, and paragraphs 1 and 32 of Part 1 of Schedule 2 to, the National Health Service Reform and Health Care Professions Act 2002 (c.17) (“the 2002 Act”) and by sections 34 and 184 of, and paragraphs 23 and 32(b) of Schedule 4 to, and paragraphs 7 and 31 of Schedule 11 to, the Health and Social Care (Community Health and Standards Act 2003 (c.43) (“the 2003 Act”). Section 126(4) has been amended by section 65(2) of the 1990 Act, section 65(1) of, and paragraphs 4 and 37 of Schedule 4 to, the Health Act 1999 (c.8) (“the 1999 Act”), section 67(1) of, and paragraph 5 and 13 of Part 1 of Schedule 5 to, the Health and Social Care Act 2001 (c.15), sections 6(3)(c) and 37(1) of the 2002 Act and sections 184 and 196 of, and paragraphs 7 and 38 of Schedule 11 to, and Part 4 of Schedule 14 to the 2003 Act. The functions of the Secretary of State under these provisions 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.

(b) S.I. 2003/2382, as amended by S.I. 2004/663, S.I. 2004/936, S.I. 2005/26, S.I. 2005/578 and S.I. 2006/675.

(c) S.I. 1987/1967.

- (a) before the first entry, insert—
 “In paragraph (1) for “subject to paragraphs (2) and (2A)” substitute “subject to paragraphs (2), (2A) and (2C)””;
- (b) after the entry inserted by paragraph (a) of this regulation, insert—
 “After paragraph (2B) insert—
 “(2C) There shall also be disregarded from a student’s grant income—
 (a) any sum in excess of the sum set out as the maintenance grant amount in regulation 57(4)(b) of the Education (Student Support) Regulations 2006 (new system students with full entitlement)(a) which forms part of a maintenance grant paid pursuant to regulation 48 of those Regulations (qualifying conditions for the maintenance grant);
 (b) any sum in excess of the sum set out as the maintenance grant amount in regulation 33(4)(b) of the Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2006 (maximum amount of loans for new system eligible students with full entitlement)(b) which forms part of a maintenance grant paid pursuant to regulation 29 of those Regulations (maintenance grant); and
 (c) any sum in excess of the sum set out as the maintenance grant amount in regulation 57(4)(b), (c) or (d), as appropriate, of the Education (Student Support) Regulations (Northern Ireland) 2006 (new system students with full entitlement)(c) which forms part of a maintenance grant paid pursuant to regulation 49 of those Regulations (qualifying conditions for the maintenance grant).””;
- (c) omit the entries that begin “In paragraph (3) from the beginning”, “In paragraph (3)(a)” and “In paragraph (3)(b)”;
- (d) after the entry inserted by sub-paragraph (b) of this paragraph, insert—
 “For paragraph (3) substitute—
 “(3) In calculating the weekly amount of the grant to be taken into account as income—
 (a) except where sub-paragraph (b) or paragraph (4) applies, the grant shall be apportioned equally between 52 weeks; and
 (b) in the case of a grant which is payable in respect of the final academic year of the course or if the course is only of one academic year’s duration, in respect of that year the grant shall be apportioned equally between the weeks in the period beginning with the start of the final academic year or, as the case may be, the single academic year and ending with the last day of the course.””;
- (e) for the entry that begins “In paragraph (3A)”, substitute “Omit paragraph (3A)”;
- (f) for the entry that begins “In paragraph (4)”, substitute—
 “In paragraph (4), for “weeks in the period beginning” to “last day of the period of study” substitute “remaining weeks in that period of study.””.
- (3) In Table A in the modifications of regulation 66A of the Income Support Regulations (treatment of student loans), before the first entry insert—
 “In paragraph (1), after “hardship loan”, insert “or any sum paid by way of an additional loan under regulation 10 of the Education (Student Loans) (Scotland) Regulations 2000 (maximum amounts of loans)(d).””.

(a) S.I. 2006/119, as amended by S.I. 2006/955 and S.I. 2006/1745.
 (b) S.I. 2006/126 (W.19).
 (c) S.R. (NI) 2006 No 312.
 (d) S.S.I. 2000/200.

Signed by authority of the Secretary of State for Health

5th August 2006

Warner
Minister of State
Department of Health

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (“the 2003 Regulations”) to take account of changes to the provision of financial support to students made by the Education (Student Support) Regulations 2006 (“the 2006 England Regulations”), the Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2006 (“the 2006 Welsh Regulations”) and the Education (Student Support) Regulations (Northern Ireland) 2006 (“the 2006 N.I. Regulations”) and consequential changes to the way in which a student’s entitlement to income support will be calculated.

In calculating a person’s resources and requirements under the 2003 Regulations in order to establish whether a person can claim entitlement to the remission of NHS charges and the payment of NHS travel expenses, a modified version of the Income Support (General) Regulations 1987 is used as set out in Schedule 1 to the 2003 Regulations.

These Regulations further modify Schedule 1 to provide:

-that any grant income a student has is apportioned over a 52 week period, rather than over the period of study in any one year, except in the final year of study or during a one year course when the period of study is the relevant period, or when the student is on a sandwich course;

-that any sum in excess of the sum set out in regulation 57(4)(b) of the 2006 England Regulations paid as part of a maintenance grant pursuant to regulation 48 of those Regulations should be disregarded in the calculation of a student’s grant income;

-that any sum in excess of the sum set out in regulation 33(4)(b) of the 2006 Welsh Regulations paid as part of a maintenance grant pursuant to regulation 29 of those Regulations should be disregarded in the calculation of a student’s grant income;

-that any sum in excess of the sum set out as the maintenance grant amount in paragraphs (b), (c) or (d) of regulation 57(4) of the 2006 N.I. Regulations (the amounts of which will differ according to the level of maintenance grant a student qualifies for under the 2006 N.I. Regulations) paid as part of a maintenance grant under regulation 49 of those Regulations should be disregarded in the calculation of a student’s grant income; and

-that any loan paid under regulation 10 of the Education (Student Loans) (Scotland) Regulations 2000 should be disregarded in the calculation of a student’s loan income.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business, charities or voluntary bodies.

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