
STATUTORY INSTRUMENTS

2019 No. 248

The Amendments Relating to the Provision
of Integrated Care Regulations 2019

PART 2

AMENDMENT OF THE NATIONAL HEALTH SERVICE (TRAVEL
EXPENSES AND REMISSION OF CHARGES) REGULATIONS 2003

Scope of Part

2. The National Health Service (Travel Expenses and Remission of Charges) Regulations 2003(1) are amended in accordance with this Part.

Amendment of regulation 2

3. In regulation 2 (interpretation), at the appropriate places insert—

““arranger of ICP services” means a party to an integrated care provider contract as mentioned in paragraph 3(3) of Schedule 3A to the General Medical Services Contracts Regulations(2);”;

““General Medical Services Contracts Regulations” means the National Health Service (General Medical Services Contracts) Regulations 2015;”;

““integrated care provider” means a person who has entered into an integrated care provider contract with an arranger of ICP services for the provision of health care in England;”;

““integrated care provider contract” has the meaning given in Schedule 3A to the General Medical Services Contracts Regulations;”;

““integrated care sub-contractor” means a person who has entered into contractual arrangements with an integrated care provider for the provision of health care in England on behalf of that provider in performance of an integrated care provider contract;”.

Amendment of regulation 3

4.—(1) Regulation 3 (NHS travel expenses) is amended as follows.

(2) In paragraph (1), in sub-paragraph (b), after “local authority” insert “or pursuant to an integrated care provider contract”.

(3) In paragraph (1A)—

(a) after “services under the 2006 Act” insert “(including sub-contracted services)”;

(1) S.I. 2003/2382. Relevant amending instruments are S.I. 2004/663, 696 and 936, 2005/26, 578 and 2114, 2006/562, 675, 1065 and 2171, 2007/1975 and 2590, 2008/571, 1697, 1700 and 2868, 2009/411 and 1599, 2010/620 and 1727, 2011/1587, 2012/1650, 2013/458, 475 and 1600, 2014/545, 2015/570, 643, 993 and 1776, 2016/1045 and 2018/48.

(2) S.I. 2015/1862. Relevant amending instruments are S.I. 2016/211, 696, 875 and 1077, 2017/908 and 2018/844 and 1114.

- (b) in sub-paragraph (c), for “not provided during the same visit” substitute “in a case where the services are not provided by an integrated care provider or an integrated care sub-contractor, the services are not provided during the same visit”.
- (4) In paragraph (2), after “local authority” insert “or pursuant to an integrated care provider contract”.
- (5) In paragraph (6), for “where the health service body or local authority” substitute “where the health service body, local authority or arranger of ICP services”.

Amendment of regulation 10

5.—(1) Regulation 10 (payment of NHS travel expenses) is amended as follows.

(2) In paragraph (1), after “paragraphs” insert “(1A) to (1C) and”.

(3) After paragraph (1) insert—

“(1A) Subject to paragraphs (3) to (5), where a person is entitled in accordance with regulation 5 or 6 to a payment in respect of NHS travel expenses, the person may make an application in accordance with paragraph (1B), in relation to services that are provided by—

- (a) an integrated care provider; or
- (b) an integrated care sub-contractor.

(1B) An application under paragraph (1A) may be made—

- (a) where the services are provided by an integrated care provider that is an NHS trust or an NHS foundation trust or by an integrated care sub-contractor providing services on behalf of an NHS trust or an NHS foundation trust, to that NHS trust or NHS foundation trust;
- (b) where the services are provided by a local authority, or the arranger of ICP services is a local authority, to the relevant CCG;
- (c) where the arranger of ICP services is the Board, to the Board; or
- (d) where the arranger of ICP services is a CCG, to that CCG.

(1C) Where an application has been made under paragraph (1B) to an NHS trust, an NHS foundation trust, the Board, a CCG, or the relevant CCG, that NHS trust, that NHS foundation trust, the Board, the CCG or the relevant CCG, as the case may be, may calculate the actual amount payable and make the payment.”.

(4) In paragraph (3)—

- (a) at the end of sub-paragraph (a) omit “or”;
- (b) at the end of sub-paragraph (b) insert “; or”, and
- (c) after sub-paragraph (b), insert—

“(c) where the arrangements referred to in regulation 3(1)(b) were made by an arranger of ICP services, an integrated care provider or an integrated care sub-contractor—

- (i) where the services were arranged by an NHS trust or an NHS foundation trust or by an integrated care sub-contractor providing services on behalf of an NHS trust or an NHS foundation trust, that NHS trust or NHS foundation trust;
- (ii) where the services were arranged by a local authority, or the arranger of ICP services is a local authority, the relevant CCG;
- (iii) where the arranger of ICP services is the Board, the Board; or
- (iv) where the arranger of ICP services is a CCG, that CCG.”.

(5) In paragraph (4), after “the health service body” insert “, arranger of ICP services, integrated care provider or integrated care sub-contractor.”.

Amendment of regulation 12

6.—(1) Regulation 12 (repayments) is amended as follows.

(2) Paragraph (1) is amended in accordance with paragraphs (3) and (4).

(3) In sub-paragraph (a)—

(a) in paragraph (i)—

(i) for “by an NHS trust or an NHS foundation trust,” substitute “by an NHS trust, an NHS foundation trust, an integrated care provider or an integrated care sub-contractor”;

(ii) for “in writing the NHS trust or the NHS foundation trust” substitute “in writing the body that made the charge”;

(b) in paragraph (ia), for “the health service body which arranged” substitute “the health service body or the arranger of ICP services which arranged”;

(4) After sub-paragraph (a) insert—

“(aa) in a case falling within regulation 3(1)(a) where the services are provided by an integrated care provider or an integrated care sub-contractor—

(i) where the provider of the services is an NHS trust or an NHS foundation trust, notify in writing that NHS trust or NHS foundation trust,

(ii) where the provider of the services or the arranger of ICP services is a local authority, notify in writing the relevant CCG, or

(iii) where the arranger of ICP services is the Board or a CCG, notify in writing the Board or that CCG.”.

(5) In sub-paragraph (b)—

(a) at the end of paragraph (i), omit “or”;

(b) at the end of paragraph (ii) insert “or”;

(c) after paragraph (ii) insert—

“(iii) where the arrangements referred to in regulation 3(1)(b) were made by an arranger of ICP services, an integrated care provider or an integrated care sub-contractor—

(aa) where the services were arranged by an NHS trust or an NHS foundation trust or by an integrated care sub-contractor providing services on behalf of an NHS trust or an NHS foundation trust, that NHS trust or NHS foundation trust,

(bb) where the services were arranged by a local authority or the arranger of ICP services is a local authority, the relevant CCG,

(cc) where the arranger of ICP services is the Board, the Board, or

(dd) where the arranger of ICP services is a CCG, that CCG.”.

(6) In paragraph (2), for “a relevant CCG or other health service body” substitute “a relevant CCG, other health service body, an integrated care provider, an integrated care sub-contractor or an arranger of ICP services”.

(7) In paragraph (3), after “as the health service body” insert “or the arranger of ICP services”.

Amendment of regulation 14

7.—(1) Regulation 14 (payment and repayment of NHS foreign travel expenses) is amended as follows.

(2) In paragraph (1), after “the health service body” insert “or the arranger of ICP services”.

(3) In paragraph (1A), after “pursuant to arrangements under the 2006 Act by a local authority” insert “(including as an arranger of ICP services)”.

(4) In paragraph (2)(a), after “the health service body” insert “or the arranger of ICP services”.