
STATUTORY RULES OF NORTHERN IRELAND

1997 No. 185

HEALTH AND PERSONAL SOCIAL SERVICES

**Travelling Expenses and Remission of Charges
(Amendment) Regulations (Northern Ireland) 1997**

Made - - - - 28th March 1997

Coming into operation—

*except for the purposes of
regulation 6(2)(a) . . . 1st April 1997*

*for the purposes of
regulation 6(2)(a) . . . 7th April 1997*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 45, 98, 106 and 107(6) of, and paragraphs 1(b) and 1B of Schedule 15 to, the Health and Personal Social Services (Northern Ireland) Order 1972(1) and with the approval of the Department of Finance and Personnel insofar as they relate to the remission of charges, and in conjunction with the Department of Finance and Personnel insofar as they relate to travelling expenses, and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Travelling Expenses and Remission of Charges (Amendment) Regulations (Northern Ireland) 1997 and shall come into operation—

- (a) except for the purposes of regulation 6(2)(a), on 1st April 1997; and
- (b) for the purposes of regulation 6(2)(a), on 7th April 1997 immediately after the coming into operation of regulation 2 of the Income-related Benefits and Jobseeker's Allowance (Personal Allowances for Children and Young Persons) (Amendment) Regulations (Northern Ireland) 1996(2) in so far as it amends provisions relating to income support and jobseeker's allowance.

(2) In these Regulations “the principal Regulations” means the Travelling Expenses and Remission of Charges Regulations (Northern Ireland) 1989(3).

(1) S.I.1972/1265 (N.I. 14); relevant amending Instruments are S.I. 1988/594 (N.I. 2) Article 14 and S.I. 1991/194 (N.I. 1) Article 34 and Part II of Schedule 5
(2) S.R. 1996 No. 476
(3) S.R. 1989 No. 348; relevant amending Regulations are S.R. 1991 No. 224, S.R. 1993 No. 161, S.R. 1995 No. 138 and S.R. 1996 Nos. 107 and 425

Amendment of regulation 2 of the principal Regulations

2. In regulation 2(1) of the principal Regulations (interpretation)—

- (a) after the definition of “family credit” there shall be inserted the following definition:—
 - ““full rate” means the rate determined under Article 36(3) of the Health and Personal Social Services (Northern Ireland) Order 1972(4);”;
- (b) after the definition of “income support” there shall be inserted the following definition:—
 - ““nursing home” has the meaning assigned to it by regulation 19(2) of the Income Support (General) Regulations (Northern Ireland) 1987(5);”;
- (c) after the definitions of “relevant charges” and “relevant travelling expenses” there shall be inserted the following definitions:—
 - ““residential care home” has the meaning assigned to it by regulation 19(2) of the Income Support (General) Regulations (Northern Ireland) 1987(6);
 - “standard rate” means the standard rate determined under Article 99(2) of the Health and Personal Social Services (Northern Ireland) Order 1972(7);”.

Amendment of regulation 4 of the principal Regulations

3. In regulation 4 of the principal Regulations (description of persons entitled to full remission and payment) in paragraph (1) there shall be added at the end of head (l)(8) the word “or” and the following sub-paragraph—

- “(m) a person who lives permanently in accommodation arranged under Article 15 or 36 of the Health and Personal Social Services (Northern Ireland) Order 1972(9) (General Social Welfare/ Provision of accommodation in premises maintained by voluntary organisations, etc.), and who has satisfied the Department that he is unable to pay for that accommodation at the standard rate or, as the case may be, the full rate, and for the purposes of this paragraph a person lives permanently in such accommodation if it is his principal place of abode.”.

Amendment of regulation 7 of the principal Regulations

4. For paragraph (1) of regulation 7 of the principal Regulations (claims for remission or payment) there shall be substituted—

- “(1) Subject to paragraph (1A), a person who falls within sub-paragraph (a) or (b) and who wishes to claim his entitlement under regulation 3(1) or 5(1) (full or partial remission of relevant charges or payment of relevant travelling expenses) shall, if he is a person—
 - (a) within a description prescribed by regulation 4(aa), (bb), (k) or (l), make a claim to the Department in writing; or
 - (b) within a description prescribed by regulation 4(e), (f) or (m), or 5(l), make a claim to the Department on a form provided by or on behalf of the Department for that purpose,

(4) S.I. 1972/1265 (N.I. 14); Article 36(3) was substituted by Article 25 of S.I. 1991/194 (N.I. 1)

(5) The definition of “nursing home” was substituted by paragraph 6(5)(b) of Schedule 2 to S.R. 1993 No. 149

(6) The definition of “residential care home” was inserted by paragraph 1(3)(a) of Schedule 1 to S.R. 1993 No. 149 and amended by regulation 4(9)(d) of S.R. 1993 No. 373 and paragraph 1(e) of Schedule 12 to S.R. 1994 No. 65

(7) S.I. 1972/1265 (N.I. 14); Article 99(2) was substituted by Article 27 of S.I. 1991/194 (N.I. 1)

(8) Sub-paragraphs (g) to (j) were added by S.R. 1995 No. 138 and sub-paragraphs (g), (i) and (j) were substituted and (k) and (l) were added by S.R. 1996 No. 425

(9) S.I. 1972/1265 (N.I. 14); Article 15 was amended by Part II of Schedule 5 to S.I. 1991/194 (N.I. 1) and paragraph 2(2) of Schedule 1 to S.I. 1992/3204 (N.I. 20); Article 36 was substituted by Article 25 of S.I. 1991/194 (N.I. 1) and amended by paragraph 2(4) and (5) of Schedule 1 to S.I. 1992/3204 (N.I. 20)

and shall send or deliver that claim in writing or, as the case may be, that form, to an appropriate office.”.

Amendment of Schedule 1 to the principal Regulations

5.—(1) Table A of Part I of Schedule 1 to the principal Regulations (modification of provisions of the Income Support (General) Regulations (Northern Ireland) 1987⁽¹⁰⁾) shall be amended in accordance with the following provisions of this regulation.

(2) The following entries shall be inserted in the appropriate places—

- (a) in column (1) “regulations 62(3A), 63(2), and 64(1)(c)”, and
- (b) in column (2) opposite the entry referred to in sub-paragraph (a) above “As if the words “or, if there are 53 benefit weeks (including part-weeks) in the year, 53” were omitted.”.

(3) In the corresponding entries in column (2) relating to the entry “Schedule 8” in column (1) there shall be inserted in the appropriate places the following entries—

- (a) “As if in paragraph 4(2) after the words “disability premium” the words “or higher pensioner premium” were inserted.”;
- (b) “As if sub-paragraphs (3), (4), (5), (6) and (7) of paragraph 4 were omitted.”;
- (c) “As if in paragraph 5 after the words “or but for the” the word “higher” were inserted.”;
- (d) “As if in paragraph 8 the words “part time” were omitted.”; and
- (e) “As if paragraph 16 were omitted.”.

Further amendments of Schedule 1 to the principal Regulations

6.—(1) Table B of Part II of Schedule 1 to the principal Regulations (further modification of provisions in the Income Support (General) Regulations (Northern Ireland) 1987) shall be amended in accordance with the following provisions of this regulation.

(2) In the corresponding entries in column (2) relating to the entry “Schedule 2” in column (1) there shall be inserted in the appropriate places the following entries—

- “(a) As if in paragraph 2—
 - (a) in sub-paragraph (1) the words “for the relevant period specified in column (1)” were omitted;
 - (b) for column (1) there were substituted—
 - “Person aged—
 - (a) less than 11;
 - (b) not less than 11 but less than 16;
 - (c) not less than 16 but less than 19”;
 - (c) sub-paragraph (2) were omitted.”;
 - (b) “As if paragraph 9 were omitted.”;
 - (c) “As if paragraph 9A⁽¹¹⁾ were omitted.”;
- “(d) As if for paragraph 10 there were substituted—

“**10.**—(1) Where the claimant is a single claimant or a lone parent, the condition is that he is aged not less than 60;

⁽¹⁰⁾ S.R. 1987 No. 459

⁽¹¹⁾ Paragraph 9A was substituted by regulation 5(a) of S.R. 1989 No. 139

(2) Where the claimant has a partner, the condition is that he or his partner is aged not less than 60.”.”;

“(e) As if for sub-paragraph (b) of paragraph 11 the following sub-paragraph were substituted—

“(b) where the claimant has a partner and both are aged less than 60 and the additional condition specified in paragraph 12 is satisfied by at least one of them.”.”;

(f) “As if in paragraph 12 sub-paragraphs (1)(c) and (4) were omitted.”; and

(g) “As if in paragraph 15 sub-paragraphs (2) and (2A)(12) were omitted.”.

(3) In the corresponding entries in column (2) relating to the entry “Schedule 3” in column (1), at the end of the entry which related to paragraph 1 there shall be added the following entry—

“(c) for sub-paragraph (3) the following sub-paragraph were substituted—

“(3) For the purposes of this Schedule a disabled person is a person—

(a) (i) who satisfies a condition specified in paragraph 12(1)(a) or (b) of Schedule 2; and

(ii) whose capital does not exceed the capital limit; or

(b) (i) who is aged 75 or over; and

(ii) whose capital does not exceed the capital limit; or

(c) in respect of whom a disabled child premium is included in his applicable amount or the applicable amount of a person living with him.”.”

Amendment of Schedule 1A to the principal Regulations

7. After paragraph 8 of Schedule 1A to the principal Regulations (periods of validity of notices of entitlement)(13) there shall be added the following paragraph—

“9. A person who lives in a residential care home or nursing home or in accommodation provided under Article 15 or 36 of the Health and Personal Social Services (Northern Ireland) Order 1972 (General Social Welfare/ Provision of accommodation in premises maintained by voluntary organisations, etc). 12 months from the date of claim.”.

Sealed with the Official Seal of the Department of Health and Social Services on

L.S.

28th March 1997.

J. McGrath
Assistant Secretary

(12) Paragraph 15(2A) was substituted by regulation 5(c) of S.R. 1989 No. 139

(13) Schedule 1A was added by S.R. 1996 No. 107 and was amended by S.R. 1996 No. 425

Sealed with the Official Seal of the Department of Finance and Personnel insofar as the foregoing Regulations relate to Travelling Expenses on

L.S.

28th March 1997.

J. G. Sullivan
Assistant Secretary

The Department of Finance and Personnel hereby approves the foregoing Regulations insofar as they relate to the Remission of Charges.

Sealed with the Official Seal of the Department of Finance and Personnel on

L.S.

28th March 1997.

J. G. Sullivan
Assistant Secretary

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations further amend the Travelling Expenses and Remission of Charges Regulations (Northern Ireland) 1989.

They add to the list of persons eligible for the remission or payment of charges in full, persons living in accommodation arranged by the Department of Health and Social Services (“the Department”) who are unable to pay for that accommodation at the standard rate fixed by the Department or the full rate determined under the arrangements. They also specify that a notice of entitlement in respect of persons in accommodation arranged by the Department or a person living in a residential care or nursing home is effective for a period of twelve months from the date of claim (regulations 3 and 7).

These Regulations require a person whose entitlement to income support or income-based jobseeker’s allowance is less than ten pence to make a claim in writing and a person in accommodation arranged by the Department to claim on a form provided for that purpose (regulation 4).

They also amend Schedule 1 to make further modifications to those provisions of the Income Support (General) Regulations (Northern Ireland) 1987 by reference to which person’s resources and requirements are calculated. In particular the amendments provide:—

- that income is calculated on the basis of there being 52 weeks in the year;
- that the Higher Pension Premium is applicable to single claimants and lone parents aged at least 60, and in the case of couples where at least one is aged at least 60;
- that there shall be a single allowance applicable for young persons aged at least 16 and under 19, who are in full-time education;
- for certain earnings disregard (regulations 5 and 6).