

2004 No. 91

HEALTH AND PERSONAL SOCIAL SERVICES

**Travelling Expenses and Remission of Charges Regulations
(Northern Ireland) 2004**

Made - - - - - *8th March 2004*

Coming into operation *6th April 2004*

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

PART I
GENERAL AND INTRODUCTION

Citation and commencement

1. These Regulations may be cited as the Travelling Expenses and Remission of Charges Regulations (Northern Ireland) 2004 and shall come into operation on 6th April 2004.

Interpretation

2. In these Regulations –

“appropriate office” means an office of the Department for Social Development;

“capital limit” –

(a) in the case of a person who lives permanently in a nursing home or residential care home or in accommodation provided under arrangements made under Article 15 or 36 of the Order, has the meaning it bears in regulation 20 (Capital limit) of the Health and Personal Social Services (Assessment of Resources) Regulations (Northern Ireland) 1993(c), and

(b) in the case of any other person, means the amount prescribed for the purposes of section 130(1) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(d);

“child tax credit” means child tax credit under section 8 of the Tax Credits Act 2002(e) and as specified under regulations made pursuant to that section(f);

“the charges regulations” means the Charges for Drugs and Appliances (Northern Ireland) Regulations 1997(g);

(a) See S.I. 1999/283 (N.I. 1), Article 3(6)

(b) 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 and S.R. 1999 No. 11

(c) S.R. 1993 No. 127; relevant amending Regulations are S.R. 1996 No. 83, S.R. 2001 No. 205, S.R. 2002 No. 113 and S.R. 2003 No. 320

(d) 1992 c. 7

(e) 2002 c. 21

(f) The current regulations are the Child Tax Credit Regulations 2002 (S.I. 2002/2007)

(g) S.R. 1997 No. 382

“claimant” means a person who makes a claim for remission, payment or repayment in accordance with regulation 7 or 10;

“couple” means a married couple or unmarried couple as specified under section 133 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992;

“date of claim” means the date on which a claim made under regulation 7 or regulation 10 is received in an appropriate office or by the Department;

“disability element” means the disability element of working tax credit as specified in section 11(3) of the Tax Credits Act 2002 and as determined under regulations made pursuant to section 11(7) of that Act(a);

“doctor” means a medical practitioner;

“family” has the meaning assigned to it by section 133(1) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 as it applies to income support, except that –

- (a) in regulation 5(1)(d), in relation to a person who is receiving income based jobseeker’s allowance it has the meaning assigned to it by Article 2(2) of the Jobseekers (Northern Ireland) Order 1995(b);
- (b) in regulation 5(1)(e) and 8(2) it has the meaning assigned to it by regulation 2(2) of the Tax Credits (Definitions and Calculation of Income) Regulations 2002(c); and
- (c) where a claim has been made for support under Part VI of the Immigration and Asylum Act 1999(d), it means the asylum-seeker who has made that claim and any dependant, as defined in section 94 of that Act, whom he has included in that claim and the references to “family” in regulations 5(2)(c) and 8(1),(3) and (7) shall be construed accordingly;

“full rate” means the rate determined under Article 36(3) of the Order(e);

“full time student” has the meaning given in regulation 61 of the Income Support (General) Regulations (Northern Ireland) 1987(f);

“health care professional” means a person who is a member of a profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002(g);

“HS charge” has the meaning given in regulation 4;

“HS travel expenses” has the meaning given in regulation 3;

“income-based jobseekers allowance” has the meaning assigned to it by Article 3(4)(h) of the Jobseekers (Northern Ireland) Order 1995;

“income support” means income support under Part VII of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 and includes personal expenses addition, special transition addition and transitional addition as defined in regulation 2(1) of the Income Support (Transitional) Regulations (Northern Ireland) 1987(i);

“the Income Support Regulations” means the Income Support (General) Regulations (Northern Ireland) 1987;

“nursing home” has the meaning assigned to it by regulation 2(1) of the Income Support (General) Regulations (Northern Ireland) 1987(j);

(a) The current regulations are the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 (S.I. 2002/2005)

(b) S.I. 1995/2705 (N.I. 15)

(c) S.I. 2002/2006

(d) 1999 c. 33

(e) Article 36 was substituted by Article 25 of S.I. 1991/194 (N.I. 1) and amended by S.I. 1992/3204 (N.I. 20) and S.I. 2003/431 (N.I. 9)

(f) S.R. 1987 No. 459; the definition of “full time student” was inserted by regulation 3(3)(a) of S.R. 2000 No. 241

(g) 2002 c. 17

(h) Article 3(4) was amended by paragraph 3(4) of Schedule 7 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11))

(i) S.R. 1987 No. 460

(j) The definition of “nursing home” was substituted by paragraph 1(a)(i) of Part 1 of the Schedule to S.R. 2002 No. 132

“Order” means the Health and Personal Social Services (Northern Ireland) Order 1972;

“partner” means where a claimant –

- (a) is a member of a married or an unmarried couple, the other member of that couple;
- (b) is married polygamously to two or more members of his household, any such member;

“pension credit guarantee credit” shall be construed in accordance with sections 1 and 2 of the State Pension Credit Act (Northern Ireland) 2002^(a);

“pension credit savings credit” shall be construed in accordance with sections 1 and 3 of the State Pension Credit Act (Northern Ireland) 2002;

“provider” means the provider of any services mentioned in regulation 3(1)(a);

“relevant date” means –

- (a) in the case of a claim under regulation 7, the date of the claim; and
- (b) in the case of a claim under regulation 10(2), the date when the HS charge or HS travel expenses were paid;

“relevant income” has the same meaning as in section 7(3) of Part I of the Tax Credits Act 2002;

“residential care home” has the meaning assigned to it by regulation 19(2) of the Income Support (General) Regulations (Northern Ireland) 1987^(b);

“severe disability element” means the severe disability element of working tax credit as specified in section 11(6) of the Tax Credits Act 2002;

“standard rate” means the standard rate determined under Article 99(2) of the Order^(c);

“trade dispute” has the same meaning as in Article 2(2) of the Jobseekers (Northern Ireland) Order 1995;

“week” means a period of 7 days beginning with midnight between Saturday and Sunday;

“working tax credit” means working tax credit under section 10 of the Tax Credits Act 2002 and as specified in regulations made pursuant to section 11 of that Act^(d).

HS travel expenses

3.—(1) In these Regulations “HS travel expenses” means the travelling expenses which a person necessarily incurs –

- (a) in attending –
 - (i) a hospital
 - (ii) any other establishment managed by a HSS Trust, or
 - (iii) any other place in the United Kingdom,
for the provision of any services (except personal medical or personal dental services provided under Article 15B of the Order) under the care of a consultant in accordance with the Order.

(2) HS travel expenses include the travel expenses of a companion in a case where the person to whom the services are provided is either –

- (a) a child; or
- (b) a person whose medical condition is such that, in the opinion of a doctor involved in the provision of the services or, where appropriate, another health care professional so involved, a companion is necessary.

(3) HS travel expenses include the travel expenses necessarily incurred or to be incurred by a person –

(a) 2002 c. 14 (N.I.)
(b) 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
(c) Article 99(2) was substituted by Article 27 of S.I. 1991/194 (N.I. 1)
(d) The current regulations are the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 (S.I. 2002/2005)

- (a) who is a relative of a person transferred to Great Britain for the purpose of availing himself of accommodation or services arranged under the Order; or
 - (b) who is a relative of a person transferred to the Republic of Ireland for the purpose of availing himself of accommodation or services arranged under the Order; or
 - (c) who is the relative of a person ordinarily resident in Northern Ireland who requires hospital treatment while in the Republic of Ireland, and in such cases travelling expenses will be payable only where –
 - (i) the patient has been certified by the doctor in charge of his case to be dangerously ill; or
 - (ii) the patient, because of his medical condition, cannot be transferred to a hospital in Northern Ireland and the doctor in charge of the case certifies that the visit of the relative is necessary or expedient on medical grounds for the success of his treatment.
- (4) A person who wishes to rely on entitlement to HS travel expenses must –
- (a) unless he is a person who by virtue of regulation 5(1) is not required to make such a claim, make a claim to entitlement under regulation 7; and
 - (b) make an application for payment of HS travel expenses under regulation 9.
- (5) The amount of any HS travel expenses to which a person is entitled under these Regulations –
- (a) must be calculated by reference to the cost of travelling by the cheapest means of transport which is reasonable having regard to the person’s age, medical condition and any other relevant circumstances; and
 - (b) where travel is by private car, may include a mileage allowance and car parking expenses.

Remissible HS charges

4.—(1) In these regulations “HS charge” means any charge which would otherwise be payable –

- (a) in accordance with regulations made under Article 98 of, and Schedule 15 to, the Order, for the supply of drugs, medicines, appliances and pharmaceutical services;
 - (b) in accordance with regulations made under Article 61 of the Order, for the supply of dentures and other dental appliances; and
 - (c) in accordance with regulations made under Article 98 of, and Schedule 15 to, the Order, or Article 20(1) of the Health Services (Primary Care) Order (Northern Ireland) 1997^(a), for the provision of dental treatment.
- (2) A person who wishes to rely on entitlement under these Regulations to remission of a HS charge must –
- (a) unless he is a person who by virtue of regulation 5(1) is not required to make such a claim, make a claim to entitlement under regulation 7 or regulation 10; and
 - (b) provide any declaration or evidence of entitlement which is required under the Charges Regulations.

(a) S.I. 1997/1177 (N.I. 7)

PART II
ENTITLEMENT TO PAYMENT OF HS TRAVEL EXPENSES AND
REMISSION OF HS CHARGES

Entitlement to full remission and payment

5.—(1) Subject to paragraph (3), a person is entitled, without making a claim under regulation 7 (Claims to entitlement), to the payment in full of HS travel expenses and the full remission of a HS charge if –

- (a) he is receiving income support;
- (b) he is receiving income based jobseeker's allowance;
- (c) he is receiving pension credit guarantee credit;
- (d) he is a member of the same family as a person who is receiving income support, income based jobseeker's allowance or pension credit guarantee credit; or
- (e) he is a member of a family one member of which is receiving –
 - (i) working tax credit and child tax credit,
 - (ii) working tax credit which includes a disability element or severe disability element, or
 - (iii) child tax credit, but is not eligible for working tax credit,

provided that the relevant income of the member to whom the tax credit is made under section 14 of the Tax Credits Act 2002 is determined at the time of the award not to exceed £14,600.

(2) Subject to paragraph (3), the following persons are entitled to the payment in full of HS travel expenses and the remission in full of a HS charge but are required to make a claim for such payment or remission in accordance with regulation 7 (Claims to entitlement) –

- (a) a person who lives permanently in accommodation arranged under Article 15 (General Social Welfare) or Article 36 (Provision of accommodation in premises maintained by voluntary organisations, etc.) of the Order, 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;
- (b) an asylum-seeker for whom support is provided under Part VI of the Immigration and Asylum Act 1999;
- (c) a member of the same family as an asylum seeker described in sub-paragraph (b);
- (d) any other person who satisfies the Department in accordance with Part V that his capital resources do not exceed the capital limit and that his requirements equal or exceed his income resources; and
- (e) a member of the same family as a person described in sub-paragraph (d).

(3) A persons entitlement under paragraph (1) or (2) arises only where he is of a description mentioned in either of those paragraphs at the time when –

- (a) the charge is made;
- (b) the HS travel expenses are incurred; or
- (c) in the case of a charge for the supply of a denture or other dental appliance mentioned in regulation 4(1)(b) or for dental treatment mentioned in regulation 4(1)(c), either –
 - (i) the arrangements for the treatment or course of treatment are made, or
 - (ii) the charge is made.

Entitlement to partial remission and payment

6.—(1) Subject to paragraphs (2) to (4), a person is entitled to the payment in part of any HS travel expenses and remission in part of a HS charge provided that at the time the travel expenses are incurred or the charge is made –

- (a) his capital resources do not exceed the capital limit; and
- (b) either –

- (i) his income resources exceed his requirements by less than a third of the charge or, as the case may be, by less than the travel expenses, or
 - (ii) he is a member of the family of a person described in sub-paragraph (b)(i),
- but is required to make a claim for such remission or payment in accordance with regulation 7 (Claims to entitlement).

(2) In the case of a HS charge mentioned in regulation 4(1)(a), the entitlement under paragraph (1) to partial remission applies only to a charge for the supply of an appliance specified in Schedule 1 to the Charges Regulations (Charges for Fabric Supports and Wigs) and not to a charge for any other appliance or for drugs, medicines or pharmaceutical services.

(3) Subject to paragraph (4), the amount to which a person is entitled under paragraph (1) is –

- (a) in the case of a HS charge, the difference between the charge and three times the amount by which his income resources exceed his requirements; and
- (b) in the case of recoverable travel expenses, the difference between the amount of the expenses incurred and the amount by which his income resources exceed his requirements.

(4) In the case of a HS charge –

- (a) for dental treatment or for the supply of a dental appliance provided as general dental services under Part VI of the Order, or
- (b) for dental treatment provided as personal dental services under Part II of the Health Services (Primary Care) Order (Northern Ireland) 1997,

the charge which is partially remissible under this regulation and which must be used for the purposes of the calculation required under paragraph (3)(a) is the charge made for one course of treatment, including any charge made for a dental appliance supplied in that course of treatment.

Claims to entitlement

7.—(1) Subject to paragraph (3), a person who wishes to claim entitlement under regulation 5 (entitlement to full remission and payment) or regulation 6 (entitlement to partial remission and payment) must make a claim to the Department on a form provided or approved for the purpose by the Department.

(2) On a claim under paragraph (1), the claimant must provide such evidence and information as the Department may reasonably request within such time as the Department may reasonably request.

(3) A claim may be made on behalf of another person where that person is unable, by reason of mental or physical incapacity, to make the claim himself.

(4) Where a claimant does not comply with the Department's requests in respect of evidence, information and timing mentioned in paragraph (2), the Department may notify the claimant that the claim will not be determined and must be regarded as closed.

Notices of entitlement

8.—(1) Where the Department determines, on a claim made under regulation 7 (Claims to entitlement), that the claimant and any member of his family is entitled to any remission of a HS charge or any payment in respect of HS travel expenses, it must issue a notice of entitlement to the claimant.

(2) Where a person is entitled to full remission of a HS charge and payment in full of HS travel expenses on the grounds only that he is a member of a family described in regulation 5(1)(d) (tax credit families), the Department must issue a notice of entitlement to that family and in such a case the notice shall apply to all members of that family.

(3) A notice of entitlement issued under paragraph (1) applies to all members of the claimant's family and must state –

- (a) whether those persons are entitled to full or partial remission or payment;

(b) in the case of partial remission or payment, the amount of any HS charge or HS travel expenses for which there is no entitlement to remission or payment.

(4) A notice of entitlement issued under paragraph (1) or paragraph (2) must state the length of time for which it is valid and the dates on which that time begins and ends.

(5) A notice of entitlement issued under paragraph (1) is valid for 12 months beginning on the date on which the claim was made except that –

(a) in the case of a notice issued to a full time student in the final or only year of a course of study, it is valid from the date of the claim until the last day of that course;

(b) in the case of a notice issued to a person mentioned in regulation 5(2)(b) (asylum seeker), it is valid for 6 months beginning on the date of the claim.

(6) A notice of entitlement issued under paragraph (2) is valid from such date and for such period as the Department may determine.

(7) Subject to paragraphs (9) and (10), any change in the financial or other circumstances of a claimant, or of any member of his family, during the life of a notice of entitlement shall not affect its validity in respect of that period or, in the case of partial remission or payment, the amounts referred to in paragraph (3)(b).

(8) A claimant who is issued with a notice of entitlement to partial remission may make a further claim in accordance with regulation 7 at any time during the life of the notice if he considers that by reason of a change in his financial circumstances or those of any member of his family the amounts referred to in paragraph (3)(b) should be reduced.

(9) A claimant to whom a notice of entitlement has been issued under this regulation must return it to the Department in any case where his claim is subsequently found to have been based on a false representation.

(10) A notice of entitlement issued under this regulation is effective only for the purpose of entitlement to remission of charges and payment of travel expenses in accordance with these Regulations.

PART III

PAYMENTS AND REPAYMENTS

Payment of HS travel expenses

9.—(1) Subject to paragraphs (2) to (4), where a person is entitled in accordance with regulation 5 or 6 to a payment in respect of HS travel expenses –

(a) he must make an application for payment to the provider; and

(b) the provider must calculate the actual amount payable in accordance with these Regulations and make the payment.

(2) Where services are provided pursuant to arrangements made under Article 14A(a) of the Order or paragraph 13 of Schedule 3 to the Health and Personal Social Services (Northern Ireland) Order 1991(b), the application for payment must be made to, and the calculation and payment may be made by, either the provider or by the health service body which made those arrangements.

(3) A person who makes an application for payment in respect of HS travel expenses must sign a declaration of entitlement and provide such evidence of his entitlement and of his travel expenses as the provider, or as the case may be the health service body which made the arrangements, may require.

(4) Payment of HS travel expenses may be made before the expenses are incurred.

(a) Article 14A was inserted by paragraph 2 of Schedule 1 to S.I. 1992/3204 (N.I. 20)

(b) S.I. 1991/194 (N.I. 1)

Claims for repayment

10.—(1) A person who is entitled under these Regulations to full or partial remission of a HS charge or to full or partial payment in respect of HS travel expenses and who pays such a charge or such travel expenses without exercising his right to remission or payment, is entitled to be repaid that amount which would have been remitted or paid.

(2) A person who wishes to exercise his right to repayment under paragraph (1) must make a claim to the Department on a form provided or approved by the Department for this purpose.

(3) A claim under paragraph (2) must be made within three months of the date on which the payment of the HS charge or the HS travel expenses was made or within such longer period as the Department may for good cause allow.

(4) Paragraphs (2) to (4) of regulation 7 (Claims to entitlement) apply to a claim under this regulation.

Repayments

11.—(1) Where the Department is satisfied that a claimant is entitled to any repayment under regulation 10, it must –

(a) in the case of a repayment to be made –

(i) in respect of a charge made by an HSS trust for an appliance specified in Schedule 1 to the Charges Regulations (Charges for Fabric Supports and Wigs), calculate the amount payable and notify in writing the HSS trust of the claimant's entitlement and the amount to be paid,

(ii) in respect of HS travel expenses incurred by a person in attending a hospital or any other place managed by an HSS trust notify in writing the HSS trust of the claimant's entitlement; or

(b) in any other case, cause a repayment to be made to the claimant in such manner as appears to the Department to be appropriate in the circumstances of the particular case.

(2) Where a HSS trust receives notification as mentioned in paragraph (1), it must calculate any amount payable in respect of HS travel expenses in accordance with these Regulations and make any repayment due to a claimant in respect of such travel expenses or HS charge.

(3) A person who is entitled to repayment in respect of HS travel expenses must sign a declaration of entitlement and provide such evidence of his entitlement and of his travel expenses as the health service body which is making the repayment may require.

Reimbursement of payments made in respect of HS travel expenses

12. Where a provider makes a payment under regulation 9(1) or (2) or a repayment under regulation 11(1)(a), in respect of HS travel expenses incurred by a person who is receiving services from the provider, the amount of the payment or repayment in question may be reimbursed to the provider by the health service body for which those services are provided.

PART IV

CALCULATION OF RESOURCES AND REQUIREMENTS

General

13.—(1) Where it is necessary that the resources or requirements of a person should be calculated for the purposes of these Regulations, they must be calculated by the Department according to the provisions of this Part and Schedule 1.

(2) The resources and requirements of a person must be calculated –

(a) in the case of a claim made under regulation 7 (Claims to entitlement) by reference to his resources and requirements at the date of claim; or

(b) in the case of a claim for repayment made under regulation 10(2) (Claims for repayment) by reference to his resources and requirements at the date when the HS charge or HS travel expenses were paid.

(3) Where a claimant is a member of a family, the resources and requirements of the other members of his family must be calculated in the same manner as those of the claimant and must be taken into account as if they were his resources and requirements, and in this Part and in the provisions referred to in Schedule 1, any reference to the claimant includes the other members of his family.

(4) In a case where the earnings of any person are to be calculated and those earnings have been affected by a trade dispute, the earnings to be taken into account are the earnings which that person would have received if there had been no trade dispute.

(5) In the application of the Income Support Regulations as mentioned in regulation 14 and regulation 15, the provisions of those Regulations shall be applied as if –

- (a) references to income support were to the remission of HS charges and the payment of any HS travel expenses,
- (b) references in any of those provisions to any other of those provisions were to that other provision as modified in accordance with regulation 14(4) or, as the case may be, regulation 15(2); and
- (c) the State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations (Northern Ireland) 2003(a) had not been made.

Calculation of resources

14.—(1) A claimant's resources must be calculated in terms of income and capital.

(2) Income must be calculated on a weekly basis according to the method of calculating or estimating income prescribed by the Income Support Regulations, subject to the modifications referred to in paragraph (4).

(3) Capital must be calculated according to the method of calculating or estimating capital as prescribed by the provisions of Chapter VI in Part V of, and Schedule 10 to, the Income Support Regulations subject to the modifications referred to in paragraph (4).

(4) The provisions of the Income Support Regulations apply and those provisions specified in column 1 of Table A in Schedule 1 shall be applied in accordance with the modifications specified in the corresponding entries in column 2.

Calculation of requirements

15.—(1) A claimant's requirements must be calculated as being the amount referred to in sub-paragraph (a) less, where applicable, the amount referred to in sub-paragraph (b), as follows –

- (a) the amount which represents the aggregate of 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 Income Support Regulations, but subject to the modifications referred to in paragraph (2), and
- (b) the amount which represents the aggregate of the weekly amount of any housing 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 (Northern Ireland) Act 1992(b).

(2) The provisions of the Income Support Regulations apply and those provisions specified in column 1 of Table B in Schedule 1 shall be applied in accordance with the modifications specified in the corresponding entries in column 2.

(a) S.R. 2003 No. 191
(b) 1992 c. 7

PART V
CONCLUSION

Transitional Provisions

16.—(1) Any claim made under the Travelling Expenses and Remission of Charges (Northern Ireland) Regulations 1989(a) which has not been determined before 6th April 2004 must be treated as if it were a claim under these Regulations and determined accordingly.

(2) A notice of entitlement to remission of a HS charge or payment of HS travel expenses which has been issued under the Travelling Expenses and Remission of Charges (Northern Ireland) Regulations 1989 remains valid until its expiry in accordance with the provisions of those Regulations.

Repeals

17. The Regulations listed in column 1 of Schedule 2 are repealed to the extent indicated in column 2.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 8th March 2004.

(L.S.)

Dr. J. F. Livingstone

Senior Officer of the Department of Health, Social Services and Public Safety

Sealed with the Official Seal of the Department of Finance and Personnel insofar as the foregoing Regulations relate to Travelling Expenses on 8th March 2004.

(L.S.)

Michael Brennan

Senior Officer of the Department of Finance and Personnel

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

Sealed with the Official Seal of the Department of Finance and Personnel on 8th March 2004.

(L.S.)

Michael Brennan

Senior Officer of the Department of Finance and Personnel

(a) S.R. 1989 No. 348

SCHEDULE 1

Regulations 13, 14 and 15

MODIFICATIONS OF THE INCOME SUPPORT (GENERAL) REGULATIONS
(NORTHERN IRELAND) 1987

TABLE A

<i>Column 1</i>	<i>Column 2</i>
Regulation 23	In paragraph (1) for “Article 25(5) of the Order” substitute “regulation 13(3) of the Travelling Expenses and Remission of Charges Regulations (Northern Ireland) 2004”
Regulation 25	As if for the whole of regulation 25 (liable relative payments) substitute – <p>“25.—(1) Where a claimant’s income consists of any payments made by a person, whether under a court order or not, for the maintenance of himself or any member of his family, and those payments are made or due to be made at regular intervals, his normal weekly income from those payments shall be determined –</p> <p>(a) if before the relevant date those payments are made at regular intervals and in regular amounts by reference to the normal weekly amount;</p> <p>(b) if they are not so made, by reference to the average amount of such payments received in the 13 weeks immediately preceding the week which includes the relevant date.</p> <p>(2) Any maintenance payment other than one to which paragraph (1) applies shall be treated as capital.”.</p>
Regulation 25A	Omit this regulation.
Regulation 28	In paragraph (1) omit the words “For the purposes” to “income support”). <p>In paragraph (1)(a) for the “weekly amount of his income” substitute “the normal weekly amount of his income at the relevant date”.</p>
Regulation 29	Omit this regulation.
Regulation 30	In paragraph (1) omit the words “Except where paragraph (2) applies”. <p>In paragraph (1)(a) at the beginning insert the words “except where sub-paragraph (b) or (c) applies,”.</p> <p>In paragraph (1)(b) at the beginning insert the words “except where sub-paragraph (c) applies,”.</p> <p>After paragraph (1)(b) insert the word “or” and the following sub-paragraph –</p> <p>“(c) where in respect of the employment the claimant provides a profit and loss account (and, where appropriate, a trading account or a balance sheet or both), and the profit and loss account is in respect of a period of at least 6 months but not exceeding 15 months and that period ends within the 12 months preceding the relevant date.”.</p> <p>After paragraph (1) insert the following new paragraph –</p> <p>“(1A) In paragraph (1)(c) –</p> <p>(a) “balance sheet” means a statement of the financial position of the employment disclosing its assets, liabilities and capital at the end of the period in question; and</p> <p>(b) “profit and loss account” means a financial statement showing the net profit or loss of the employment for the period in question; and</p> <p>(c) “trading account” means a financial statement showing the revenue from sales, the cost of those sales and the gross profit arising during the period in question.”.</p> <p>Omit paragraph (2).</p>
Regulation 31	Omit this regulation.

<i>Column 1</i>	<i>Column 2</i>
Regulation 32	As if in paragraph (1) for “regulation 29” substitute “regulation 28” and for “subject to paragraphs (2) to (7)” substitute “subject to paragraph (6)”. In paragraph (6) omit “and has changed more than once”. Omit paragraphs (3)-(5), (6A) and (7).
Regulation 35	Omit paragraphs (1)(c), (1)(g), (1)(i), (1A) and (2A). In paragraph (1)(d) omit the words after “employment”. In paragraph (2)(a) omit the words “subject to paragraph (2A)”.
Regulation 36	In paragraph (1) for “regulation 29 (calculation of earnings of employed earners)” substitute “regulation 28 (calculation of income)”.
Regulation 38	In paragraph (3) for “paragraph (9)” substitute “paragraphs (3A) or (9)”. After paragraph (3) insert – <p style="margin-left: 40px;">“(3A) For the purpose of paragraph (1)(a), in a case where earnings of the employment are calculated over a period determined under regulation 30(1)(c), the net profit of the employment shall, except where paragraph (9) applies, be calculated by taking into account the earnings of the employment relevant to that period (whether or not received in that period), less –</p> <p style="margin-left: 80px;">(a) subject to paragraphs (5) to (7), any expenses relevant to that period (whether or not defrayed in that period) and which were wholly and exclusively incurred for the purposes of that employment; and</p> <p style="margin-left: 80px;">(b) an amount in respect of –</p> <p style="margin-left: 120px;">(i) income tax,</p> <p style="margin-left: 120px;">(ii) social security contributions payable under the Contributions and Benefits Act, calculated in accordance with regulation 39 (deduction of tax and contributions for self-employed earners), and</p> <p style="margin-left: 120px;">(iii) one half of any premium paid in the period that is relevant under regulation 30 in respect of a retirement annuity contract or a personal pension scheme.”.</p> <p>In paragraph (4) after “the net profit of the employment” insert “except where paragraph (3A) or (9) applies,”.</p>
Regulations 39A-39D	Omit these regulations.
Regulation 40	In paragraph (1) for “regulation 29 (calculation of income other than earnings)” substitute “regulation 28 (calculation of income)” and for “paragraph (2) to (3B)” substitute “paragraphs (2) and (3)”. Omit paragraphs (3A) to (5).
Regulation 41	In paragraph (1) for “on the first day” to “the date of that supersession” substitute “at the relevant date”. Omit paragraphs (3) and (4).
Regulation 42	In paragraph (4) omit the words from “and in any case” to “(trade disputes) applies”.
Regulation 44	In paragraph (1)(a) for “on the first day” to “the date of that supersession” substitute “at the relevant date”. Omit paragraphs (2), (3), (8) and (9).
Regulation 45	For this regulation substitute – <p style="margin-left: 40px;">“Capital Limit</p> <p style="margin-left: 40px;">45. For the purposes of Regulations 5(2)(e) and 6(1)(a) of the Travelling Expenses and Remission of Charges (Northern Ireland) Regulations 2004 the capital limit is –</p>

<i>Column 1</i>	<i>Column 2</i>
	(a) for a claimant under 60, or if the claimant has a partner, where both are under 60 – £8,000
	(b) for a claimant permanently residing in accommodation as defined in Regulation 19A – £20,000; and
	(c) for a claimant aged 60 or over, or if the claimant has a partner, where either or both are 60 or over, and neither is permanently residing in accommodation as defined in Regulation 19A – £12,250.”.
Regulation 46	In paragraph (1) omit the words from “For the purposes” to “income support”.
Regulation 48	In paragraph (2) omit the words from “Except” to “applies”. In paragraph (5) omit the words “Subject to paragraph (6),”. Omit paragraphs (6) and (10)(a) and (b).
Regulation 49	In sub-paragraph (b)(i) for “first day” to “date of that supersession” substitute “relevant date”.
Regulation 51	Omit sub-paragraph (1)(b).
Regulation 51A	Omit this regulation.
Regulation 53	In paragraph (1A) for “£10,000” on each occasion it appears, substitute “£12,250” and for “£16,000” substitute “£20,000”. For paragraph (1B) substitute – “(1B) For the purposes of paragraph (1A) and regulation 45, the prescribed circumstances are that the claimant lives permanently in accommodation as set out in Regulation 19A.”. In paragraph (3) for the references to “48 and 60” substitute “25 and 48.”
Regulations 54-60E	Omit these regulations.
Regulation 61	In paragraph (1) in the definition of “academic year” after “September” insert “or 1st August in the case of a student attending a course in Scotland”.
Regulation 62	In paragraph (3) from the beginning to the words “shall be apportioned” substitute “Subject to paragraph (3A), a student’s grant income shall be apportioned”. In paragraph (3)(a) for “in the period beginning with the benefit week”, to “the last day of which coincides with, or immediately precedes, the last day of the period of study” substitute “in that period”. In paragraph (3)(b) for “in the period beginning with the benefit week”, to “the last day of the period for which it is payable,” substitute “in respect of which it is payable”. In paragraph (3A) omit “under the provisions referred to in paragraph (3)” and “or, if there are 53 benefit weeks (including part-weeks) in the year, 53”. Omit paragraph (3B). In paragraph (4), for “the weeks in the period beginning with the benefit week”, to “the last day of the period of experience” substitute “the remaining weeks in that period”.
Regulation 63	In paragraph (2) omit the words “or, if there are 53 benefit weeks (including part-weeks) in the year 53”.
Regulation 64	In paragraph (1)(c) omit the words “or if there are 53 benefit weeks (including part-weeks) in the year, 53”.
Regulation 65	For the words “No part” substitute “(1) Subject to paragraph (2), no part”. After paragraph (1) insert the following paragraph – “(2) For the purposes of this regulation and paragraph 15 of Schedule 9, “voluntary payment” shall not include any payment made by a person whose income the Department or an education authority –

<i>Column 1</i>	<i>Column 2</i>
	<p>(a) would take into account in assessing the amount of a student's grant or student's loan if an application for it were to be made; or</p> <p>(b) has taken into account in assessing the amount of a student's grant or student's loan and which is in excess of contributions as assessed by the Department or an education authority.”.</p>
Regulation 66A	<p>For paragraph (2) substitute –</p> <p>“(2) In calculating the weekly amount of the loan to be taken to be taken into account as income –</p> <p>(a) except where sub-paragraph (b) applies, the loan shall be apportioned equally between the 52 weeks in the academic year;</p> <p>(b) in the case of a loan which is payable in respect of the final academic year of the course or if the course is only of one academic years duration, in respect of that year the loan 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, and, in the case of a person to whom paragraph (2A), (2B) or (2C) applies from the weekly amount so apportioned there shall be disregarded £10.”.</p> <p>After paragraph (2) insert the following paragraphs –</p> <p>“(2A) This paragraph applies to a student whose applicable amount includes any premium specified in Parts II and III of Schedule 2.</p> <p>(2B) This paragraph applies where the claimant is a student to whom paragraph 12 of Schedule 1B applies.</p> <p>(2C) This paragraph applies where the student is a partner of a claimant is not also a student.”.</p>
Schedule 8	<p>In paragraph 4(2) after “disability premium” insert “or higher pensioner premium”.</p> <p>In paragraph 4 omit sub-paragraphs (3), (4), and (7).</p> <p>In paragraph 6A(1) for “none of paragraphs 4 to 6 applies” substitute “paragraph 4 does not apply”.</p> <p>In paragraph 7(1) for the words “none of paragraphs 4 to 6B” substitute “none of paragraphs 4 or 5 or 6A or 6B”.</p> <p>In paragraph 8 omit “part-time”.</p> <p>After paragraph 8 insert the following paragraph –</p> <p>“(8A) In a case in which none of paragraphs 4 to 8 applies to the claimant and he is one of a married or unmarried couple and a member of that couple is engaged in employment, £10; but if this paragraph applies to a claimant it shall not apply to his partner except where, and to the extent that, the earnings of the claimant which are to be disregarded under this paragraph are less than £10.”.</p> <p>In paragraph 9 for “8” substitute “8A”.</p> <p>Omit paragraphs 6, 10, 13 and 16.</p>
Schedule 9	<p>In paragraph 15, in sub-paragraph (1) omit the references to “paragraph 37”, and omit sub-paragraph (3)(b).</p> <p>In paragraph 16 for “paragraphs 36 and 37” substitute “paragraph 36”.</p> <p>In paragraph 19(a) for “£4-00” substitute “£20-00” and omit sub-paragraph (b).</p> <p>For paragraph 21(1) substitute “Subject to sub-paragraph (2), any income in kind.”.</p> <p>Omit paragraph 21(3).</p> <p>In paragraph 28 omit the words “Except” to “return to work”.</p>

<i>Column 1</i>	<i>Column 2</i>
	<p>For paragraph 29(1) substitute the following paragraph –</p> <p>“(1) Subject to sub-paragraph (2), any payment received under an insurance policy taken out to insure against the risk of being unable to maintain payments of housing costs which qualify under paragraph 17(1)(zb) or (zc) of Schedule 3, or for repairs or improvements to the dwelling occupied as the home to the extent that it is used to meet –</p> <p>(a) repayments of unsecured loans for the purposes of carrying out repairs and improvements to the dwelling occupied as the home; or</p> <p>(b) any amount due by way of premiums on that policy.”.</p> <p>Omit paragraphs 30, 34 and 37.</p> <p>After paragraph 73 insert the following paragraph –</p> <p>“73A Any payment of State Pension Credit Savings Credit as defined in Sections 1 and 3 of the State Pensions Credit Act (Northern Ireland) 2002.”.</p>
Schedule 10	In paragraph 17 for the words from “Except” to “payment” substitute the words “Any payment”.

TABLE B

<i>Column 1</i>	<i>Column 2</i>
Regulation 3	<p>In paragraph (1) omit the words “or with whom a claimant normally resides”.</p> <p>In paragraph 2B omit the words “subject to paragraph (2C)”.</p> <p>Omit paragraph (2C).</p>
Regulation 17	<p>In paragraph (1) for the words from “18 to 22A” to “urgent cases)” substitute “18, 19A and 21”.</p> <p>Omit paragraphs (1)(bb) and (g).</p> <p>In paragraph (1)(e) omit the words “mortgage interest payments or” and “other”.</p>
Regulation 18	<p>In paragraph (1) for the words from “regulations 21 to 22A” to “urgent cases)” substitute “regulations 19 and 21 (Special Cases)”.</p> <p>Omit paragraph (1)(cc) and (h).</p>
Regulation 19	<p>As if for paragraph (1) there were substituted the following paragraph –</p> <p>“(1) Where –</p> <p>(a) the claimant lives in a residential care home or nursing home; or</p> <p>(b) if the claimant is a member of a family, he and the members of his family live in such a home,</p> <p>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.”.</p> <p>Omit paragraphs (1ZB) to (1ZH).</p> <p>As if in the definition of “residential care home” in paragraph (2) there were added at the end –</p> <p>“(d) in which accommodation is provided under Articles 15, 36 and 36A of the 1972 Order (provision of accommodation)”.</p>
Regulation 21	<p>In paragraph (1) omit the words from “Subject to” to “amounts”.</p> <p>In paragraph (3) omit the definition of “partner of a person subject to immigration control”.</p>

<i>Column 1</i>	<i>Column 2</i>
Regulations 21A and 22A	<p>In paragraph (3) omit the definition of “person from abroad”.</p> <p>Omit paragraphs (1B), (2), (3A), (3B), (3C), (3D), (4), (4A), (4B) and (5).</p> <p>Omit these regulations.</p>
Schedule 2	<p>In column (1) of the Table for sub-paragraphs (1) to (3) substitute –</p> <ul style="list-style-type: none"> “(1) Single person aged not less than 25; (2) Single person aged not less than 60; (3) Lone Parent; (4) Single person aged less than 25; (5) Couple; (6) Couple, where at least one partner is aged not less than 60.”. <p>In column (2) of the Table (amounts) insert –</p> <ul style="list-style-type: none"> “(a) against sub-paragraph (1) of column (1), the amount prescribed in paragraph (1)(e) of column (2) in the unmodified regulations; (b) against sub-paragraph (2) of column (1), the amount prescribed in regulation 6(1)(b) of the State Pension Credit Regulations; (c) against sub-paragraph (3) of column (1), the amount prescribed in paragraph (1)(e) of column (2) in the unmodified regulations; (d) against sub-paragraph (4) of column (1), the amount prescribed in paragraph (1)(d) of column (2) in the unmodified regulations; (e) against sub-paragraph (5) of column (1), the amount prescribed in paragraph (3)(d) of column (2) in the unmodified regulations. (f) against sub-paragraph (6) of column (1), the amount prescribed in regulation 6(1)(a) of the State Pension Credit Regulations.”. <p>Omit paragraphs 1A, 2A, 6(2), 9, 9A, 10, 12(1)(c), 12(4), 15(2), 15(2A) and 15(3).</p> <p>In paragraph 2(1) omit “for the relevant period specified in column (1)”.</p> <p>In paragraph 3(1)(a) omit the words from “to whom” to “(3) apply” and omit sub-paragraphs (2) to (7).</p> <p>For paragraph 11(b) substitute the following sub-paragraph –</p> <ul style="list-style-type: none"> “(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.”. <p>In cross heading to paragraph 12, omit “Higher Pensioner and”.</p> <p>In paragraph 12(1)(a)(i) for the words “long term incapacity benefit” substitute “incapacity benefit, where that the claimant or his partner has been in receipt of that benefit for at least 28 weeks,” and omit the words from “but, in the case” to “in respect of him”.</p> <p>In paragraph 12(1)(b) after the words “the claimant” insert “or, as the case may be, his partner” and for sub-head (ii) substitute the following sub-head –</p> <ul style="list-style-type: none"> “(ii) has been so entitled or so incapable for a continuous period of at least 28 weeks.”. <p>In paragraph 12(1)(d)(ii) delete “higher pensioner premium or”.</p> <p>In paragraph 12(6) after “sub-paragraph (1)(a)(i)” delete “and (c)(i)” and for “long-term incapacity benefit” substitute “incapacity benefit, notwithstanding the requirement that the claimant or his partner has been in receipt of that benefit for at least 28 weeks.”.</p>

<i>Column 1</i>	<i>Column 2</i>
Schedule 3	<p>In paragraph 13(2)(a)(ii) and 13(2)(b)(iii) for “normally residing” substitute the words “residing with him” and delete “or with whom he is normally residing”.</p> <p>In paragraph 1(1)(b) for “paragraphs 15 to 17” substitute “paragraph 17”.</p> <p>For paragraph 1(2) substitute –</p> <p style="padding-left: 40px;">“(2) In this Schedule “period of study” has the meaning specified in regulation 61 (Interpretation)”.</p> <p>For paragraph 1(3) substitute –</p> <p style="padding-left: 40px;">“(3) For the purposes of this Schedule a disabled person is a person –</p> <p style="padding-left: 80px;">(a) who satisfies a condition specified in paragraph 12(1)(a) or (b) of Schedule 2 and whose capital does not exceed the capital limit; or</p> <p style="padding-left: 80px;">(b) who is aged 75 or over and whose capital does not exceed the capital limit; or</p> <p style="padding-left: 80px;">(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.”.</p> <p>For paragraph 2(1)(c) substitute –</p> <p style="padding-left: 40px;">“(c) he in practice shares the housing costs with other members of the household where no member of that household who is liable to meet those costs is a close relative of the claimant or his partner and it is reasonable in the circumstances that the claimant should be treated as sharing responsibility for those costs.”.</p> <p>Omit paragraphs 1A, 2(2), 3(7) to (10), 6 to 16 and 18(7)(e).</p> <p>In paragraph 3(12) for “not exceeding” substitute “is not likely to exceed”;</p> <p>For paragraph 4 substitute –</p> <p style="padding-left: 40px;">“Housing costs not met under this Schedule</p> <p style="padding-left: 80px;">4. No amount may be met under the provisions of this Schedule where the claimant is in accommodation which is a residential care home or nursing home except where he is in such accommodation during a temporary absence from the dwelling he occupies as his home and, in so far as they relate to temporary absences, the provisions of paragraph 3(11) and (12) apply to him during that absence.”.</p> <p>In paragraph 17 –</p> <p style="padding-left: 40px;">(a) in the cross heading for the word “Other” substitute the word “Qualifying”;</p> <p style="padding-left: 40px;">(b) in sub-paragraph (1) omit head (d) and immediately before (a) insert –</p> <p style="padding-left: 80px;">“(za) any periodical payment which a person is liable to make by way of rent in respect of a dwelling he occupies as his home;</p> <p style="padding-left: 80px;">(zb) payments of interest and capital –</p> <p style="padding-left: 120px;">(i) of a mortgage or loan secured on the dwelling occupied as the home,</p> <p style="padding-left: 120px;">(ii) under a hire purchase agreement or other loan to buy the dwelling occupied as the home,</p> <p style="padding-left: 120px;">(iii) in respect of a loan taken out to adapt the dwelling occupied as the home for the special needs of a disabled person;</p> <p style="padding-left: 80px;">(zc) payments in respect of an endowment policy in connection with the purchase of the dwelling occupied as the home;”.</p> <p>In sub-paragraph (2) omit head (c) and for “Subject to” to “amounts” substitute “Subject to sub-paragraphs (3), (3A), and (3B), the deductions to be made from the weekly amounts in respect of the housing costs specified in heads (za) and</p>

(a) to (c) of sub-paragraph (1)” and in head (a) omit the words from “unless the claimant” to the end of the head.

After sub-paragraph (3) insert the following new sub-paragraphs –

“(3A) Subject to sub-paragraph (3B), where arrangements are made for the housing costs mentioned in heads (za) and (a) to (c) of sub-paragraph (1) payable in respect of a period of study, to be paid irregularly or so that –

(a) no such costs are payable for or collected in the Christmas or Easter vacation within a period of study, or

(b) the costs in respect of the Christmas or Easter vacations within a period of study vary from those in the rest of that period of study.

the weekly amount shall be the amount payable in respect of a period of study divided by the number of weeks in that period of study.

(3B) Where the housing costs, to be calculated in accordance with sub-paragraph (3A) are subject to a deduction in accordance with sub-paragraph (2)(a) or (b), as the case may be, the weekly amount of the deduction shall be the proportion of the deduction calculated in accordance with sub-paragraph (2)(a) or (b), as the number of weeks in the period of study, excluding Christmas and Easter vacations, bears to the number of weeks in the period of study.”.

For paragraph 18(7)(f) substitute –

“(f) to whom paragraph (2B) of regulation 3 (definition of non-dependant) would apply;.

Schedule 3B

After Schedule 3B insert the following Schedule –

“SCHEDULE 4A

APPLICABLE AMOUNTS OF A PERSON IN ACCOMMODATION
WITHIN THE MEANING OF REGULATION 19A.

1.—(1) The applicable amount of a claimant to whom regulation 19A applies shall be the aggregate of –

(a) subject to paragraphs 1(2) and 2, the weekly charge for the accommodation, including all meals and services provided for him or, if he is a member of a family, for him and his family increased, where appropriate, in accordance with paragraph 2; and

(b) a weekly amount for personal expenses for him and, if he is a member of a family, for each member of his family determined in accordance with paragraph 2,

(2) Except where otherwise provided, no amount shall be included in respect of a child or young person who is a member of the claimants family if the capital of that child or young person calculated in accordance with Part V in like manner as for the claimant would exceed £3,000.

2.—(1) The allowance for personal expenses for the claimant and his partner (where appropriate) shall be that set out in Schedule 8A of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987 at paragraph 4(2A)(a).

(2) Where the claimant has a dependant child or children residing with him, the personal expenses allowed for each dependant shall be those set out in Schedule 8A of the Social Security Claims and Payments Regulations (Northern Ireland) 1987 at paragraph 4(2A)(a).”.

Schedule 7

Omit the references in paragraph 1 to sub-paragraph (g) of regulation 17(1) and sub-paragraph (h) of regulation 18(1).

Omit both columns of paragraphs 6, 7, 10A, 10B, 14A, 15 and 17A.

After paragraph 10 insert the following paragraph –

<i>Column 1</i>	<i>Column 2</i>
	<p>“10ZA. A claimant who is a parent who is in a residential care home or nursing home temporarily.</p> <p>10ZA. Any amount applicable to the lone claimant under paragraph 1(1)(a), (b) and (c) of Schedule 4, Determined as if he were a single claimant, plus –</p> <p>(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</p> <p>(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 family premium under paragraph 3 of Schedule 2.”.</p> <p>Any amount applicable to the claimant under paragraphs 1(1)(a), and (b) of Schedule 4A, determined as if he were a single claimant plus –</p> <p>(a) in respect of each child who is a member of his family, the appropriate amount in respect of him prescribed in paragraph 2 of Schedule 2 or under this Schedule as appropriate; and</p> <p>(b) any amount which would be applicable to the claimant, if he were not living away from home under regulation 17(1)(c) or (d) in so far as it relates to the lone parent premium and family premium under paragraph 8 of Schedule 2.”.</p>

SCHEDULE 2

Regulation 17

REVOCATIONS

<i>Column 1</i>	<i>Column 2</i>
Travelling Expenses and Remission of Charges Regulations (Northern Ireland) 1989 S.R. 1989 No. 348	The whole regulations
Travelling Expenses and Remission of Charges Regulations (Northern Ireland) 1990 S.R. 1990 No. 164	The whole regulations
Travelling Expenses and Remission of Charges Regulations (Northern Ireland) 1991 S.R. 1991 No. 224	The whole regulations
Travelling Expenses and Remission of Charges Regulations (Northern Ireland) 1992 S.R. 1992 No. 234	The whole regulations
Travelling Expenses and Remission of Charges Regulations (Northern Ireland) 1993 S.R. 1993 No. 161	The whole regulations
Travelling Expenses and Remission of Charges Regulations (Northern Ireland) 1995 S.R. 1995 No. 138	The whole regulations
Travelling Expenses and Remission of Charges Regulations (Northern Ireland) 1995 S.R. 1995 No. 361	The whole regulations
Travelling Expenses and Remission of Charges Regulations (Northern Ireland) 1996 S.R. 1996 No. 107	The whole regulations
Travelling Expenses and Remission of Charges Regulations (Northern Ireland) 1996 S.R. 1996 No. 209	The whole regulations

<i>Column 1</i>	<i>Column 2</i>
Travelling Expenses and Remission of Charges Regulations (Northern Ireland) 1996 S.R. 1996 No. 425	The whole regulations
Travelling Expenses and Remission of Charges Regulations (Northern Ireland) 1997 S.R. 1997 No. 185	The whole regulations
Travelling Expenses and Remission of Charges Regulations (Northern Ireland) 1997 S.R. 1997 No. 440	The whole regulations
Travelling Expenses and Remission of Charges Regulations (Northern Ireland) 1999 S.R. 1999 No. 16	The whole regulations
Travelling Expenses and Remission of Charges Regulations (Northern Ireland) 1999 S.R. 1999 No. 166	The whole regulations
Travelling Expenses and Remission of Charges Regulations (Northern Ireland) 1999 S.R. 1999 No. 395	The whole regulations
Travelling Expenses and Remission of Charges Regulations (Northern Ireland) 2000 S.R. 2000 No. 102	The whole regulations
Travelling Expenses and Remission of Charges Regulations (Northern Ireland) 2000 S.R. 2000 No. 339	The whole regulations
Travelling Expenses and Remission of Charges Regulations (Northern Ireland) 2001 S.R. 2001 No. 104	The whole regulations
Travelling Expenses and Remission of Charges Regulations (Northern Ireland) 2002 S.R. 2002 No. 46	The whole regulations
Travelling Expenses and Remission of Charges Regulations (Northern Ireland) 2002 S.R. 2002 No. 172	The whole regulations
Travelling Expenses and Remission of Charges Regulations (Northern Ireland) 2003 S.R. 2003 No. 48	The whole regulations
Travelling Expenses and Remission of Charges Regulations (Northern Ireland) 2003 S.R. 2003 No. 170	The whole regulations
Travelling Expenses and Remission of Charges Regulations (Northern Ireland) 2003 S.R. 2003 No. 408	The whole regulations

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations consolidate, with amendments, the provisions of the Travelling Expenses and Remission of Charges Regulations (Northern Ireland) 1989 (“the 1989 Regulations”). The 1989 Regulations and all subsequent amendments are repealed by regulation 17 and Schedule 2.

The Regulations make provision for people who are either in receipt of certain state benefits or who are on a low income to be reimbursed for travel expenses incurred in obtaining certain HS services (HS travel expenses) and for those same people to be exempt from the payment of certain HS charges which would otherwise be payable. Regulation 3 defines HS travel expenses. Regulation 4 identifies what HS charges can be waived.

The principal changes in relation to travel expenses from the 1989 Regulations are as follows: the expenses of a companion can be claimed only where they are certified to be necessary in the opinion of a doctor or appropriate health care professional (regulation 3(2)); a person’s circumstances may be taken into account in determining the cheapest reasonable form of transport and in the case of car travel, a mileage allowance and parking expenses may be included (regulation 3(5)); and persons who seek to rely on their entitlement are required to sign a declaration of that entitlement and of the travel costs incurred (regulation 9(3)).

Part II contains provision relating to entitlement. Regulation 5 governs entitlement to payment in full of travel expenses and full remission of charges. Regulation 6 makes provision for partial payment and partial remission. Those who are in receipt of certain state benefits or who are entitled to certain tax credits are not required to make a claim for entitlement under these Regulations on the basis that their income and capital resources will already have been assessed for the purposes of their entitlement to the benefit or tax credit. All others who wish to claim entitlement under the Regulations must make a claim under regulation 7. Regulation 8 makes provision for notices of entitlement to be issued to successful claimants. The principal change from the 1989 Regulations is that the provisions about validity have been considerably simplified. All notices of entitlement are now valid for 12 months from the date of the claim although there is provision for different time periods in the case of students and asylum seekers (regulation 8(5)).

Part III contains provision about payment and repayment. Regulation 9 makes provision for payment of travel expenses. Once entitlement is established, the amount due is calculated and paid by the provider of the services. Regulations 10 and 11 contain provision relating to repayment in any case where a person who is entitled to the payment of travel expenses or to the remission of a charge has in fact incurred the expense or paid the charge. Regulation 12 enables a provider of services who has made a payment in respect of some travel expenses to be repaid in cases where the services were provided under an agreement with another body.

Part IV and Schedule 1 concern the method of determining certain people’s entitlement under the Regulations. In the case mainly of those people who are not automatically entitled because they are in receipt of certain state benefits, what is required is a calculation of the claimant and his family’s income, capital and expenditure requirements. This is done by the application of modified provisions of the Income Support (General) Regulations (Northern Ireland) 1987 (“the 1987 Regulations”) as set out in Schedule 1. The reason for the disapplication in regulation 16(3)(c) of the State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002, is that by virtue of those Regulations people over 60 are no longer entitled to income support and are excluded from the 1989 Regulations. In order to preserve their position in relation to the payment of travel expenses and remission of charges, the amendments made to the 1989 Regulations by the 2002 regulations are disappplied.

These Regulations also reflect a number of changes from the 1989 Regulations which are minor or consequential drafting amendments. They include an increase from 6th April 2004 in the threshold for entitlement under the regulations for people receiving tax credits and the capital limit for entitlement under the regulations for people living in care, and maintain the calculation of entitlement under the regulations in respect of people aged 60 and over.

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