

---

STATUTORY RULES OF NORTHERN IRELAND

---

**2004 No. 91**

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

**PART I**

**GENERAL AND INTRODUCTION**

**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<sup>(1)</sup>, 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<sup>(2)</sup>;

“child tax credit” means child tax credit under section 8 of the Tax Credits Act 2002<sup>(3)</sup> and as specified under regulations made pursuant to that section<sup>(4)</sup>;

“the charges regulations” means the Charges for Drugs and Appliances (Northern Ireland) Regulations 1997<sup>(5)</sup>;

“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<sup>(6)</sup>;

“doctor” means a medical practitioner;

---

(1) 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

(2) 1992 c. 7

(3) 2002 c. 21

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

(5) S.R. 1997 No. 382

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

“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(7);
- (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(8); and
- (c) where a claim has been made for support under Part VI of the Immigration and Asylum Act 1999(9), 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(10);

“full time student” has the meaning given in regulation 61 of the Income Support (General) Regulations (Northern Ireland) 1987(11);

“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(12);

“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)(13) 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(14);

“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(15);

“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(16);

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

---

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

(8) S.I. 2002/2006

(9) 1999 c. 33

(10) 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)

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

(12) 2002 c. 17

(13) 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))

(14) S.R. 1987 No. 460

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

(16) 2002 c. 14 (N.I.)

“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<sup>(17)</sup>;

“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<sup>(18)</sup>;

“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<sup>(19)</sup>.

---

<sup>(17)</sup> 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

<sup>(18)</sup> Article 99(2) was substituted by Article 27 of S.I. 1991/194 (N.I. 1)

<sup>(19)</sup> The current regulations are the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 (S.I. 2002/2005)