
 S T A T U T O R Y I N S T R U M E N T S

1999 No. 2507
NATIONAL HEALTH SERVICE, ENGLAND
The National Health Service (Travelling Expenses and Remission of Charges) Amendment Regulations 1999

<i>Made - - - - -</i>	<i>8th September 1999</i>
<i>Laid before Parliament</i>	<i>8th September 1999</i>
<i>Coming into force</i>	
<i>Regulations 1 and 4</i>	<i>29th September 1999</i>
<i>Remainder - - - - -</i>	<i>5th October 1999</i>

The Secretary of State for Health, in exercise of the powers conferred by sections 83A, 126(4) and 128(1) of the National Health Service Act 1977(a), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the National Health Service (Travelling Expenses and Remission of Charges) Amendment Regulations 1999.

(2) This regulation and regulation 4 of these Regulations shall come into force on 29th September 1999 and all other regulations shall come into force on 5th October 1999.

(3) In these Regulations, “the principal Regulations” means that National Health Service (Travelling Expenses and Remission of Charges) Regulations 1988(b).

Amendment of regulation 2 of the principal Regulations

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

(a) after the definition of “the Act” there shall be inserted the following definition—

““amount withdrawn” means the amount by which the appropriate maximum disabled person’s tax credit or working families’ tax credit, as the case may be, determined in accordance with section 129(8) or 128(5) of the Social Security Contributions and Benefits Act 1992(c), as the case may be, is reduced by virtue of the claimant’s income exceeding the applicable amount;”;

(a) 1977 c. 49; section 83A was inserted by section 14(1) of the Social Security Act 1988 (c. 7) and amended by paragraph 6 of Schedule 2 to the Health and Medicines Act 1988 (c. 49), by paragraph 18(5) of Schedule 9 to the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”) and by paragraph 40 of Schedule 1 to the Health Authorities Act 1995 (c. 17). Section 126(4) was amended by section 65(2) of the 1990 Act. Section 128(1) is an interpretation provision and is cited because of the meanings assigned to the words “prescribed” and “regulations”; section 128(1) was amended by section 26(2)(g) and (i) of the 1990 Act. As regards Wales, the functions of the Secretary of State under sections 83a and 126(4) of the 1977 Act are transferred to the National Assembly for Wales under article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 S.I. 1999/672: these regulations therefore extend only to England.

(b) S.I. 1988/551 as amended by S.I. 1989/394, 517 and 614, 1990/548, 918 and 1661, 1991/557, 1992/1104, 1993/608, 1995/642 and 2352, 1996/410, 1346 and 2362, 1997/748 and 2393, 1998/2417 and 1999/767.

(c) Sections 128 and 129 were amended by the Tax Credits Act 1999 (c. 10), Schedule 1, paragraph 2(g) and (h).

- (b) for the definition of “disability working allowance” there shall be substituted the following definition—
 ““disabled person’s tax credit” means disabled person’s tax credit under section 129 of the Social Security Contributions and Benefits Act 1992;”;
- (c) in the definition of “family” for the words “family credit” and “disability working allowance” there shall be substituted the words “working families’ tax credit” and “disabled person’s tax credit” respectively.
- (d) for the definition of “family credit” there shall be substituted in the appropriate place the following definition—
 ““working families’ tax credit” means working families’ tax credit under section 128 of the Social Security Contributions and Benefits Act 1992.”.

Amendment of regulation 4 of the principal regulations

3.—(1) Regulation 4 of the principal Regulations (description of persons entitled to full remission and payment)(a) shall be amended in accordance with the following provisions of this regulation.

(2) For paragraph (c) there shall be substituted the following paragraph—

“(c) a person who is in receipt of working families’ tax credit with an amount withdrawn of £70 or less,”.

(3) For paragraph (d) there shall be substituted the following paragraph—

“(d) a member of the same family as a person described in paragraph (c) of this regulation,”.

(4) For paragraph (g) there shall be substituted the following paragraph—

“(g) a person who is in receipt of disabled person’s tax credit with an amount withdrawn of £70 or less,”.

Amendment of Schedule 1 to the principal Regulations

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

(2) In the entry in column (2) relating to the entry “regulation 65” in column (1), after the words “student’s grant” in both places where they occur, there shall be inserted the words “or student’s loan”.

Transitional provision

5. Where immediately before 5th October 1999 a person was entitled to remission of charges by virtue of regulation 4(c) or (d) of the principal Regulations (remission by reference to entitlement to family credit) or by virtue of regulation 4(g) or (h) of the principal Regulations (remission by reference to entitlement to disability working allowance), that entitlement shall continue for so long as family credit or disability working allowance, as the case may be, remains in payment.

Signed by authority of the Secretary of State for Health

8th September 1999

Tessa Jowell
 Minister of State for Public Health,
 Department of Health

(a) Paragraphs (i) to (l) were substituted in regulation 4 by S.I. 1996/2362.
 (b) S.I. 1987/1967.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the National Health Service (Travelling Expenses and Remission of Charges) Regulations 1988 (“the principal Regulations”) which provide for the remission and repayment of certain charges which would otherwise be payable under the National Health Service Act 1977 and for the payment of travelling expenses incurred in attending a hospital.

Regulations 2, 3 and 5 amend the principal Regulations consequent upon the replacement of family credit and disability working allowance by working families’ tax credit and disabled person’s tax credit respectively. Regulation 4 amends the principal Regulations in relation to the calculation of resources in the case of students.

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