
STATUTORY INSTRUMENTS

2003 No. 2382

The National Health Service (Travel Expenses and Remission of Charges) Regulations 2003

PART I

GENERAL AND INTRODUCTION

Citation, commencement and application

1.—(1) These Regulations may be cited as the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 and shall come into force on 6th October 2003.

(2) These Regulations apply to England.

Interpretation

2. In these Regulations—

“the Act” means the National Health Service Act 1977;

“the 1990 Act” means the National Health Service and Community Care Act 1990 ^{M1};

[^{F1}“the 2006 Act” means the National Health Service Act 2006;]

[^{F2}“the 2012 Act” means the Welfare Reform Act 2012;]

“abroad” means any place outside the United Kingdom;

[^{F3}“annuity contract” means a contract that provides for periodic payments starting from a stated or contingent date and continuing for a fixed period or for the life of the annuity;]

[^{F4}“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;]

[^{F5}“assessment period” means the assessment period for the purposes of universal credit as specified in regulation 21 of the Universal Credit Regulations 2013 (assessment periods);]

“capital limit”—

(a) [^{F6}in the case of a person who lives permanently in—

(i) a care home, or

(ii) accommodation provided by a local authority under Part 1 of the Care Act 2014 (care and support),

is the amount prescribed in regulation 12(1) of the Care and Support (Charging and Assessment of Resources) Regulations 2014, and]

(b) in the case of any other person, means the amount prescribed for the purposes of section 134(1) of the Social Security Contribution and Benefits Act 1992 ^{M2};

[^{F7}“care home” means—

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- (a) a care home in England within the meaning given by section 3 of the Care Standards Act 2000, and
- (b) a place in Wales at which a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, is provided wholly or mainly to persons aged 18 or over;]

F8 ...

[F9“child” means a person under the age of 16;]

[F5“child element” means the child element of universal credit as specified in regulation 24(1) of the Universal Credit Regulations 2013 (the child element);]

“child tax credit” means a child tax credit under section 8 of the Tax Credits Act 2002 M3;

“claimant” means a person who makes a claim in accordance with regulation 7 or regulation 11;

[F10“the Charges Regulations” means the National Health Service (Charges for Drugs and Appliances) Regulations 2015;]

“couple” has the meaning given in section 137 of the Social Security Contributions and Benefits Act 1992 F11 ...;

[F12“course of treatment” has the meaning given to it in regulation 2(1) of the National Health Service (Dental Charges) Regulations 2005;]

“date of claim” means the date on which a claim made under regulation 7 or regulation 11 is received by the Secretary of State;

[F13“dependant child or young person” means any child or young person who is treated as the responsibility of the claimant or his partner, where that child or young person is a member of the claimant’s household;]

“disability element” means the disability element of working tax credit as specified in section 11(3) of the Tax Credits Act 2002;

[F5“earned income” means a person’s earned income as defined by Chapter 2 of Part 6 of the Universal Credit Regulations 2013 (calculation of capital and income – earned income);]

[F14“earnings” has the meaning given in regulations 35 and 37 of the Income Support Regulations;]

“family” has the meaning given by section 137(1) of the Social Security Contributions and Benefits 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 given in section 35 of the Jobseekers Act 1995 M4,
- (aa) [F15in regulation 5(1)(cc), in relation to a person who is receiving income-related employment and support allowance it has the meaning given in regulation 2 of the Employment and Support Allowance Regulations 2008],
- (b) in regulations 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 M5, and
- (c) where a claim has been made for support under Part VI of the Immigration and Asylum Act 1999 M6, 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;

F16

“full time student” has the meaning given in regulation 61 of the Income Support Regulations;

[^{F4}“General Medical Services Contracts Regulations” means the National Health Service (General Medical Services Contracts) Regulations 2015;]

“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 ^{M7};

[^{F17}“health service body” means an NHS trust, an NHS foundation trust, the Board or [^{F18}an integrated care board];]

[^{F19}“household” means—

- (a) a group of people who have a common address as their only or main residence and who either share one meal a day or share the living accommodation at that residence; or
- (b) the only or main residence of a single person who does not share either one meal a day or the living accommodation at that residence with another person;]

“income-based jobseeker’s allowance” has the meaning assigned to it by section 1(4) of the Jobseekers Act 1995;

[^{F20}“income-related employment and support allowance” means an employment and support allowance, entitlement to which is based on section 1(2)(b) of the Welfare Reform Act 2007;]

“income support” means income support under Part VII of the Social Security Contributions and Benefits 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 1987 ^{M8};

“the Income Support Regulations” mean the Income Support (General) Regulations 1987 ^{M9};

[^{F21}“integrated care board” means an integrated care board established under Chapter A3 of Part 2 of the National Health Service Act 2006;]

[^{F4}“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;]

[^{F4}“integrated care provider contract” has the meaning given in Schedule 3A to the General Medical Services Contracts Regulations;]

[^{F4}“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;]

^{F22}

^{F22}

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

“NHS contract” has the meaning given in section 4(1) of the 1990 Act;

“NHS travel expenses” and “NHS foreign travel expenses” have the meanings given in regulation 3;

“NHS trust” has the meaning given in section 5 of the 1990 Act;

[^{F23}“occupational pension scheme” has the meaning given by section 1 of the Pension Schemes Act 1993;]

“partner” means where a claimant—

- (a) is a member of a ^{F24}... couple, the other member of that couple,
- (b) is married polygamously to two or more members of his household, any such member;

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“pension credit guarantee credit” shall be construed in accordance with sections 1 and 2 of the State Pension Credit Act 2002 ^{M10};

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

[^{F25}“personal pension scheme” means a personal pension scheme—

- (a) as defined in section 1 of the Pension Schemes Act 1993; or
- (b) as defined in section 1 of the Pension Schemes (Northern Ireland Act) 1993;]

“port” includes an airport, ferry port or international train station in Great Britain from which an international journey begins;

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

[^{F26}“the public health functions of the local authority” means the functions of a local authority under section 2B (functions of local authorities and Secretary of State as to improvement of public health) and 111 (dental public health) of, and paragraphs 1 to 7B of Schedule 1 (further provision about the Secretary of State and services under this Act) to, and pursuant to regulations made under section 6C (regulations as to the exercise by local authorities of certain public health functions) of, the 2006 Act;]

[^{F26}“qualifying young person” has the meaning given in section 10(5) of the 2012 Act (responsibility for children and young persons);]

“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 11(2) the date when the NHS charge or NHS travel expenses were paid;

“relevant income” has the meaning given in section 7(2) of the Tax Credits Act 2002;

[^{F12}“relevant primary dental services” has the meaning given to it in regulation 2(1) of the National Health Service (Dental Charges) Regulations 2005;]

[^{F27}“severe disability element” means the severe disability element of working tax credit as specified in section 11(6)(d) of the Tax Credits Act 2002 (maximum rate).]

[^{F28}“single person” means a person who does not have a partner and is not responsible for, and is not a member of the same household as, a child or young person ^{F11}...;]

^{F16}

[^{F29}“State Pension Credit Regulations” means the State Pension Credit Regulations 2002;]

“trade dispute” has the same meaning as in section 35(1) of the Jobseekers Act 1995;

[^{F12} “urgent course of treatment” has the meaning given to it in regulation 2(1) of the National Health Service (Dental Charges) Regulations 2005;]

[^{F30}“universal credit” means universal credit under Part 1 of the 2012 Act;]

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

“working tax credit” means working tax credit under the Tax Credits Act 2002.

[^{F31}“young person” has the meaning prescribed in regulation 14 of the Income Support Regulations;]

Textual Amendments

- F1** Words in reg. 2 inserted (1.4.2008) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2008 (S.I. 2008/571), regs. 1(1), **9**
- F2** Words in reg. 2 inserted (29.4.2013) by The National Health Service (Charges for Drugs and Appliances), (Dental Charges) and (Travel Expenses and Remission of Charges) (Amendment) Regulations 2013 (S.I. 2013/475), regs. 1(2)(a), **17(2)**
- F3** Words in reg. 2 inserted (1.4.2005) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2005 (S.I. 2005/578), regs. 1(1), **15(2)**
- F4** Words in reg. 2 inserted (1.4.2019) by The Amendments Relating to the Provision of Integrated Care Regulations 2019 (S.I. 2019/248), regs. 1(1), **3**
- F5** Words in reg. 2 inserted (1.11.2015) by The National Health Service (Exemptions from Charges, Payments and Remission of Charges) (Amendment and Transitional Provision) Regulations 2015 (S.I. 2015/1776), regs. 1(1), **2(2)**
- F6** Words in reg. 2 substituted (1.4.2015) by The Care Act 2014 (Consequential Amendments) (Secondary Legislation) Order 2015 (S.I. 2015/643), art. 1(2), **Sch. para. 21(2)(a)** (with art. 4)
- F7** Words in reg. 2 substituted (2.4.2018) by The Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments to Secondary Legislation) Regulations 2018 (S.I. 2018/48), reg. 1(2), **Sch. 1 para. 10(2)**
- F8** Words in reg. 2 omitted (1.7.2022) by virtue of The Health and Care Act 2022 (Consequential and Related Amendments and Transitional Provisions) Regulations 2022 (S.I. 2022/634), regs. 1(2), **17(2)(a)**
- F9** Words in reg. 2 inserted (1.4.2005) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2005 (S.I. 2005/578), regs. 1(1), **15(3)**
- F10** Words in reg. 2 substituted (1.4.2015) by The National Health Service (Charges for Drugs and Appliances) Regulations 2015 (S.I. 2015/570), reg. 1, **Sch. 2 para. 1(2)**
- F11** Words in reg. 2 omitted (1.12.2016) by virtue of The National Health Service (Exemptions from Charges, Payments and Remission of Charges) (Amendment and Transitional Provisions) Regulations 2016 (S.I. 2016/1045), regs. 1(1), **2(2)(b)** (with regs. 5, 6)
- F12** Words in reg. 2 inserted (1.4.2006) by The General Dental Services, Personal Dental Services and Abolition of the Dental Practice Board Transitional and Consequential Provisions Order 2006 (S.I. 2006/562), art. 1(1), **Sch. 1 para. 16(2)**
- F13** Words in reg. 2 inserted (1.4.2005) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2005 (S.I. 2005/578), regs. 1(1), **15(4)**
- F14** Words in reg. 2 inserted (1.4.2005) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2005 (S.I. 2005/578), regs. 1(1), **15(5)**
- F15** Words in reg. 2 inserted (27.10.2008) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment (No.2) Regulations 2008 (S.I. 2008/1697), regs. 1(1), **3(2)**
- F16** Words in reg. 2 omitted (1.4.2015) by virtue of The Care Act 2014 (Consequential Amendments) (Secondary Legislation) Order 2015 (S.I. 2015/643), art. 1(2), **Sch. para. 21(2)(b)** (with art. 4)
- F17** Words in reg. 2 inserted (29.4.2013) by The National Health Service (Charges for Drugs and Appliances), (Dental Charges) and (Travel Expenses and Remission of Charges) (Amendment) Regulations 2013 (S.I. 2013/475), regs. 1(2)(a), **17(5)**
- F18** Words in Regulations substituted (1.7.2022) by The Health and Care Act 2022 (Consequential and Related Amendments and Transitional Provisions) Regulations 2022 (S.I. 2022/634), reg. 1(2), Sch. para. 1(1)**(3)** (with Sch. para. 1(2))

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- F19** Words in reg. 2 inserted (1.4.2005) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2005 (S.I. 2005/578), regs. 1(1), **15(6)**
- F20** Words in reg. 2 inserted (27.10.2008) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment (No.2) Regulations 2008 (S.I. 2008/1697), regs. 1(1), **3(3)**
- F21** Words in reg. 2 inserted (1.7.2022) by The Health and Care Act 2022 (Consequential and Related Amendments and Transitional Provisions) Regulations 2022 (S.I. 2022/634), regs. 1(2), **17(2)(b)**
- F22** Words in reg. 2 omitted (1.12.2016) by virtue of The National Health Service (Exemptions from Charges, Payments and Remission of Charges) (Amendment and Transitional Provisions) Regulations 2016 (S.I. 2016/1045), regs. 1(1), **2(2)(a)** (with regs. 5, 6)
- F23** Words in reg. 2 inserted (1.4.2005) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2005 (S.I. 2005/578), regs. 1(1), **15(7)**
- F24** Words in reg. 2 omitted (5.12.2005) by virtue of The Civil Partnership Act 2004 (Amendments to Subordinate Legislation) Order 2005 (S.I. 2005/2114), art. 2(3), reg. 1, **Sch. 3 para. 7**
- F25** Words in reg. 2 inserted (1.4.2005) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2005 (S.I. 2005/578), regs. 1(1), **15(8)**
- F26** Words in reg. 2 inserted (1.4.2013) by The National Health Service (Charges for Drugs and Appliances), (Dental Charges) and (Travel Expenses and Remission of Charges) (Amendment) Regulations 2013 (S.I. 2013/475), regs. 1(2), **17(6)**
- F27** Words in reg. 2 inserted (6.4.2004) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2004 (S.I. 2004/663), regs. 1(1), **5(2)**
- F28** Words in reg. 2 inserted (1.4.2005) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2005 (S.I. 2005/578), regs. 1(1), **15(9)**
- F29** Words in reg. 2 inserted (1.2.2005) by The National Health Service (Travel Expenses and Remission of Charges) Amendment Regulations 2005 (S.I. 2005/26), regs. 1(1), **2**
- F30** Words in reg. 2 inserted (29.4.2013) by The National Health Service (Charges for Drugs and Appliances), (Dental Charges) and (Travel Expenses and Remission of Charges) (Amendment) Regulations 2013 (S.I. 2013/475), regs. 1(2)(a), **17(8)**
- F31** Words in reg. 2 inserted (1.4.2005) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2005 (S.I. 2005/578), regs. 1(1), **15(10)**

Marginal Citations

- M1** 1990 c. 19.
- M2** 1992 c. 4. The relevant regulations are the Income Support (General) Regulations 1987 S.I. 1987/1967.
- M3** 2002 c. 21.
- M4** 1995 c. 18.
- M5** S.I. 2002/2006.
- M6** 1999 c. 33.
- M7** 2002 c. 17.
- M8** S.I. 1987/1969.
- M9** S.I. 1987/1967.
- M10** 2002 c. 16.

NHS travel expenses

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

- (a) in attending—
 - (i) a health service hospital,
 - ^{F32}(ii)
 - (iii) any other place in the United Kingdom,for the provision of any services [^{F33}to which paragraph (1A) applies; or]
- (b) in travelling to a port in Great Britain for the purpose of travelling abroad in order to receive services provided pursuant to arrangements made [^{F34}under the 2006 Act by a health service body or a local authority [^{F35}or pursuant to an integrated care provider contract].]

^{F36}(1A) This paragraph applies to services under the 2006 Act [^{F37}(including sub-contracted services)] which are—

- (a) not primary medical services [^{F38}, primary ophthalmic services] or primary dental services;
- (b) provided pursuant to a referral by a medical practitioner [^{F39}, ophthalmic practitioner] or dental practitioner; and
- (c) [^{F40}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] and at the same premises at which the primary medical services [^{F41}, primary ophthalmic services] or primary dental services which lead to the referral by a medical practitioner [^{F42}, ophthalmic practitioner] or dental practitioner are provided.]

(2) In these Regulations “NHS foreign travel expenses” means the travel expenses which a person necessarily incurs in travelling abroad from a port in Great Britain in order to receive services pursuant to arrangements made [^{F43}under the 2006 Act by a health service body or a local authority [^{F44}or pursuant to an integrated care provider contract].]

(3) NHS travel expenses and NHS foreign travel expenses include the travel expenses of a companion in a case where the person to whom 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.

(4) A person who wishes to rely on entitlement to NHS 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 travel expenses under regulation 10.

(5) The amount of any NHS 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 [^{F45}, road and toll charges] and car parking expenses.

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(6) A person is entitled to payment of NHS foreign travel expenses only [^{F46}where the health service body, local authority or arranger of ICP services] which made the arrangements for the provision of services abroad agrees the mode and cost of travel and the necessity or otherwise for a companion before the costs are incurred.

Textual Amendments

- F32** Reg. 3(1)(a)(ii) omitted (1.4.2013) by virtue of *The National Health Service (Charges for Drugs and Appliances), (Dental Charges) and (Travel Expenses and Remission of Charges) (Amendment) Regulations 2013* (S.I. 2013/475), regs. 1(2), **18(2)**
- F33** Words in reg. 3(1)(a) substituted (1.4.2008) by *The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2008* (S.I. 2008/571), regs. 1(1), **10(2)**
- F34** Words in reg. 3(1)(b) substituted (1.4.2013) by *The National Health Service (Charges for Drugs and Appliances), (Dental Charges) and (Travel Expenses and Remission of Charges) (Amendment) Regulations 2013* (S.I. 2013/475), regs. 1(2), **18(3)**
- F35** Words in reg. 3(1)(b) inserted (1.4.2019) by *The Amendments Relating to the Provision of Integrated Care Regulations 2019* (S.I. 2019/248), regs. 1(1), **4(2)**
- F36** Reg. 3(1A) inserted (1.4.2008) by *The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2008* (S.I. 2008/571), regs. 1(1), **10(3)**
- F37** Words in reg. 3(1A) inserted (1.4.2019) by *The Amendments Relating to the Provision of Integrated Care Regulations 2019* (S.I. 2019/248), regs. 1(1), **4(3)(a)**
- F38** Words in reg. 3(1A)(a) inserted (1.8.2008) by *The Primary Ophthalmic Services Amendment, Transitional and Consequential Provisions Regulations 2008* (S.I. 2008/1700), reg. 1(2), **Sch. 1 para. 10(a)**
- F39** Words in reg. 3(1A)(b) inserted (1.8.2008) by *The Primary Ophthalmic Services Amendment, Transitional and Consequential Provisions Regulations 2008* (S.I. 2008/1700), reg. 1(2), **Sch. 1 para. 10(b)**
- F40** Words in reg. 3(1A)(c) substituted (1.4.2019) by *The Amendments Relating to the Provision of Integrated Care Regulations 2019* (S.I. 2019/248), regs. 1(1), **4(3)(b)**
- F41** Words in reg. 3(1A)(c) inserted (1.8.2008) by *The Primary Ophthalmic Services Amendment, Transitional and Consequential Provisions Regulations 2008* (S.I. 2008/1700), reg. 1(2), **Sch. 1 para. 10(a)**
- F42** Words in reg. 3(1A)(c) inserted (1.8.2008) by *The Primary Ophthalmic Services Amendment, Transitional and Consequential Provisions Regulations 2008* (S.I. 2008/1700), reg. 1(2), **Sch. 1 para. 10(b)**
- F43** Words in reg. 3(2) substituted (1.4.2013) by *The National Health Service (Charges for Drugs and Appliances), (Dental Charges) and (Travel Expenses and Remission of Charges) (Amendment) Regulations 2013* (S.I. 2013/475), regs. 1(2), **18(4)**
- F44** Words in reg. 3(2) inserted (1.4.2019) by *The Amendments Relating to the Provision of Integrated Care Regulations 2019* (S.I. 2019/248), regs. 1(1), **4(4)**
- F45** Words in reg. 3(5)(b) inserted (1.4.2008) by *The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2008* (S.I. 2008/571), regs. 1(1), **10(4)**
- F46** Words in reg. 3(6) substituted (1.4.2019) by *The Amendments Relating to the Provision of Integrated Care Regulations 2019* (S.I. 2019/248), regs. 1(1), **4(5)**

Remissible NHS charges

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

- (a) in accordance with regulations made under section 77(1) of the Act, for the supply of drugs, medicines, appliances and pharmaceutical services;
 - [^{F47}(b) in accordance with regulations made under section 79 of the Act in respect of charges for relevant dental services)]
- (2) A person who wishes to rely on entitlement under these Regulations to remission of a NHS 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 11; and
 - (b) provide any declaration or evidence of entitlement which is required under the Charges Regulations.

Textual Amendments

- F47** Reg. 4(1)(b) substituted for reg. 4(1)(b)(c) (1.4.2006) by [The General Dental Services, Personal Dental Services and Abolition of the Dental Practice Board Transitional and Consequential Provisions Order 2006 \(S.I. 2006/562\)](#), art. 1(1), **Sch. 1 para. 16(4)**

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