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STATUTORY INSTRUMENTS

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**2003 No. 2382**

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

**PART II**

**ENTITLEMENT TO PAYMENT OF NHS TRAVEL  
EXPENSES AND REMISSION OF NHS 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 NHS travel expenses and the full remission of a NHS 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
  - (iii) child tax credit, but is not eligible for working tax credit,

provided that the relevant income of the member or members 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 £14,200.

(2) Subject to paragraph (3), the following persons are entitled to the payment in full of NHS travel expenses and the remission in full of a NHS 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—
  - (i) a care home, or
  - (ii) accommodation provided by a local authority under sections 21 to 24 and 26 of the National Assistance Act 1948 (provision of accommodation),and who has satisfied the authority 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);

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- (d) a relevant child within the meaning of section 23A of the Children Act 1989 <sup>M1</sup> whom a responsible local authority is supporting under section 23B(8) of that Act;
  - (e) any other person who satisfies the Secretary of State in accordance with Part IV that his capital resources do not exceed the capital limit and that his requirements equal or exceed his income resources; and
  - (f) a member of the same family as a person described in sub-paragraph (e).
- (3) A person's 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 NHS 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.

#### Marginal Citations

**M1** 1989 c. 41.

#### 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 NHS travel expenses and remission in part of a NHS 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 NHS 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 (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 NHS 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 travelling expenses, subject to regulation 9 (travel expenses of persons resident in the Isles of Scilly), 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 NHS charge—
- (a) for dental treatment or for the supply of a dental appliance under Part II of the Act (general dental services), or

- (b) for dental treatment under Part I of the National Health Service (Primary Care) Act 1997 (personal dental services),

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(2) (entitlement to full remission and payment) or regulation 6(1) (entitlement to partial remission and payment) must make a claim to the Secretary of State on a form either provided for the purpose by him or approved by him.

(2) On a claim under paragraph (1), the claimant must provide such evidence and information as the Secretary of State may reasonably request within such time as the Secretary of State 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 Secretary of State's requests in respect of evidence, information and timing mentioned in paragraph (2), the Secretary of State may notify the claimant that the claim will not be determined and must be regarded as closed.

### Notices of entitlement

8.—(1) Where the Secretary of State determines, on a claim made under regulation 7 (claims to entitlement), that the claimant and any member of his family are entitled to any remission of a NHS charge or any payment in respect of NHS travel expenses, he must issue a notice of entitlement to the claimant.

(2) Where a person is entitled to full remission of a NHS charge and payment in full of NHS travel expenses because he is a member of a family described in regulation 5(1)(e) (tax credit families), the Secretary of State must issue a notice of entitlement to that family and in such a case the notice shall apply to all the 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; and  
(b) in the case of partial remission or payment, the amount of any NHS charge or NHS 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 of the claim 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 relevant child, it is valid for 12 months or until the child's 18th birthday, whichever is the later; and  
(c) 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 Secretary of State may determine.

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(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 Secretary of State 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.

### **Travel expenses of persons resident in the Isles of Scilly**

9.—(1) Any person who—

- (a) is resident in the Isles of Scilly;
- (b) incurs NHS travel expenses; and

(c) is not entitled to payment in full of those travel expenses in accordance with regulation 5, is entitled to payment of his NHS travel expenses but is required to make a contribution in accordance with paragraphs (2) and (3).

(2) A person who would be entitled to payment in part of NHS travel expenses in accordance with regulation 6(1) is required to contribute either the amount which he would have been required to pay under regulation 6(3)(b) or £5, whichever is the less.

(3) Any other person is required to contribute £5.

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