
STATUTORY INSTRUMENTS

2003 No. 2382

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

PART III

PAYMENTS AND REPAYMENTS

Payment of NHS travel expenses

10.—^[F1](1) Subject to paragraphs (3) to (5), where a person is entitled in accordance with regulation 5 or 6 to a payment in respect of NHS travel expenses in relation to services which are provided by a provider pursuant to arrangements made under the 2006 Act with the provider by a health service body—

- (a) the person may make an application for payment to the provider or the health service body which made those arrangements; and
- (b) either the provider or that health service body may calculate the actual amount payable in accordance with these Regulations and make the payment.]

^[F2](2) Subject to paragraphs (3) to (5), where a person is entitled in accordance with regulation 5 or 6 to a payment in respect of NHS travel expenses in relation to services which are provided by a provider pursuant to arrangements made with the provider by a local authority in the exercise of the public health functions of the local authority under the 2006 Act—

- (a) if the provider is an NHS trust or NHS foundation trust, the person may make an application for payment to that NHS trust or NHS foundation trust and that NHS trust or NHS foundation trust must calculate the amount payable in accordance with these Regulations; or
- (b) if the provider is not an NHS trust or NHS foundation trust, the person may make an application for payment to the relevant CCG and the relevant CCG must calculate the amount payable in accordance with these Regulations and make the payment.]

^[F3](3) In a case falling within regulation 3(1)(b) (travel to a port), the application for payment may be made to, and the calculation and payment must be made by—

- (a) where the arrangements referred to in regulation 3(1)(b) were made by a health service body, the health service body which made those arrangements; or
- (b) where the arrangements referred to in regulation 3(1)(b) were made by a local authority, the relevant CCG.]

(4) A person who makes an application for payment in respect of NHS 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.

(5) Payment of NHS travel expenses may be made before the expenses are incurred.

Status: Point in time view as at 01/04/2013.

Changes to legislation: There are currently no known outstanding effects for the The National Health Service (Travel Expenses and Remission of Charges) Regulations 2003, PART III. (See end of Document for details)

[^{F4}(6) In this regulation, “relevant CCG” means the CCG in whose area the person making an application under this regulation was usually resident at the time the application was made.]

Textual Amendments

- F1** Reg. 10(1) 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), **20(2)**
- F2** Reg. 10(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), **20(3)**
- F3** Reg. 10(3) 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), **20(4)**
- F4** Reg. 10(6) 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), **20(5)**

Claims for repayment

11.—(1) A person who is entitled under these Regulations to full or partial remission of a NHS charge or to full or partial payment in respect of NHS 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 Secretary of State on a form provided for the purpose by him or approved by him.

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

(4) Paragraphs (2) to (5) of regulation 7 (claims to entitlement) apply to a claim under this regulation.

Repayments

12.—(1) Where the Secretary of State is satisfied that a claimant is entitled to any repayment under regulation 11, he must—

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

(i) in respect of a NHS charge made by an NHS trust [^{F5}or an NHS foundation trust], for an appliance specified in Schedule 1 to the Charges Regulations (fabric supports and wigs), calculate the amount payable and notify in writing the NHS trust [^{F6}or the NHS foundation trust] of the claimant’s entitlement and the amount to be paid,

[^{F7}(ia) in respect of a NHS charge made by a provider of NHS services under regulation 6B of the Charges Regulations (supply of drugs and appliances by other providers of NHS services) for an appliance specified in Schedule 1 to the Charges Regulations (fabric supports and wigs), calculate the amount payable and notify in writing the health service body which arranged with the provider for the provision of those services of the claimant’s entitlement and the amount to be paid,]

[^{F8}(ii) in a case falling within regulation 3(1)(a) where the services are provided by a provider pursuant to arrangements made under the 2006 Act with the provider by

a health service body, notify in writing the health service body which made those arrangements of the claimant's entitlement,]

[^{F9}(iii) in a case falling within regulation 3(1)(a) where the services are provided by a provider pursuant to arrangements made with the provider by a local authority in the exercise of the public health functions of the local authority under the 2006 Act—

(aa) if the provider is an NHS trust or NHS foundation trust, notify in writing that NHS trust or NHS foundation trust, or

(bb) if the provider is not an NHS trust or NHS foundation trust, notify in writing the relevant CCG of the claimant's entitlement, or]

[^{F10}(b) in a case falling within regulation 3(1)(b) (travel to a port) notify in writing—

(i) where the arrangements referred to in regulation 3(1)(b) were made by a health service body, the health service body which made those arrangements, or

(ii) where the arrangements referred to in regulation 3(1)(b) were made by a local authority, the relevant CCG.]

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

(2) Where an NHS trust^{F11}, an NHS foundation trust], [^{F12}a relevant CCG] or other health service body receives notification as mentioned in paragraph (1), it must calculate any amount payable in respect of NHS travel expenses in accordance with these Regulations and make any repayment due to a claimant in respect of such travel expenses or NHS charge.

(3) A person who is entitled to repayment in respect of NHS 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.

[^{F13}(4) In this regulation—

“provider of NHS services” has the same meaning as in regulation 2 of the Charges Regulations; and

“relevant CCG” means the CCG in whose area the claimant was usually resident at the time the claim was made.]

^{F14}(4)

Textual Amendments

F5 Words in reg. 12(1)(a)(i) 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), **21(2)(a)(i)**

F6 Words in reg. 12(1)(a)(i) 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), **21(2)(a)(ii)**

F7 Reg. 12(1)(a)(ia) 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), **21(2)(b)**

F8 Reg. 12(1)(a)(ii) 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), **21(2)(c)**

F9 Reg. 12(1)(a)(iii) 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), **21(2)(d)**

Status: Point in time view as at 01/04/2013.

Changes to legislation: There are currently no known outstanding effects for the The National Health Service (Travel Expenses and Remission of Charges) Regulations 2003, PART III. (See end of Document for details)

- F10** Reg. 12(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), **21(2)(e)**
- F11** Words in reg. 12(2) inserted (1.4.2004) by The Health and Social Care (Community Health and Standards) Act 2003 (Supplementary and Consequential Provision) (NHS Foundation Trusts) Order 2004 (S.I. 2004/696), arts. 1(1)(b), 3(4), **Sch. 4**
- F12** Words in reg. 12(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), **21(3)**
- F13** Reg. 12(4) 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), **21(4)**
- F14** Reg. 12(4) omitted (1.4.2006) by virtue of 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. 2 para. 3**

Reimbursement of payments made in respect of NHS travel expenses

13. Where a provider makes a payment under regulation 10(1) ^{F15}... in respect of NHS 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.

Textual Amendments

- F15** Words in reg. 13 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), **22**

Payment and repayment of NHS foreign travel expenses

14.—(1) [^{F16}Subject to paragraph (1A), a] person who wishes to claim entitlement to payment or repayment for NHS foreign travel expenses must apply in writing to the health service body which arranged the services referred to in regulation 3(2) within 3 months of the expenses having been incurred or such further period as that body may for good cause allow.

[^{F17}(1A) A person who wishes to claim entitlement to payment or repayment of NHS foreign travel expenses, where the services in question are provided pursuant to arrangements made under the 2006 Act by a local authority, must apply in writing to the relevant CCG within 3 months of the expenses having been incurred or such further period as the relevant CCG may for good cause allow.]

[^{F18}(2) Paragraphs (2) to (4) of regulation 7 apply to a claim (whether for payment or repayment) made under this regulation as if the references to the Secretary of State in those paragraphs were—

- (a) in the case of a claim made under paragraph (1), references to the health service body which arranged the services referred to in regulation 3(2); or
- (b) in the case of a claim made under paragraph (1A), references to the relevant CCG.]

[^{F19}(3) In this regulation, “relevant CCG” means the CCG in whose area the claimant was usually resident at the time the claim was made.]

Textual Amendments

- F16** Words in reg. 14(1) 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), **23(2)**
- F17** Reg. 14(1A) 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), **23(3)**
- F18** Reg. 14(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), **23(4)**
- F19** Reg. 14(3) 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), **23(5)**

Status:

Point in time view as at 01/04/2013.

Changes to legislation:

There are currently no known outstanding effects for the The National Health Service (Travel Expenses and Remission of Charges) Regulations 2003, PART III.