
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.—(1) Subject to paragraphs (2) to (5), where a person is entitled in accordance with regulation 5 or 6 to a payment in respect of NHS travel expenses—

- (a) he must make an application for payment to the provider; and
- (b) the provider must calculate the actual amount payable in accordance with these Regulations and make the payment.

(2) Where services are provided pursuant to arrangements made under section 23 of the Act or paragraph 13 of Schedule 2 to the 1990 Act, the application for payment may be made to, and the calculation and payment may be made by, either the provider or the health service body which made those arrangements.

(3) In a case falling within regulation 3(1)(b) (travel to a port) the application for payment must be made to, and the calculation and payment must be made by, the health service body which made the arrangements referred to in that provision.

(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.

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 or a Primary Care 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 or the Primary Care Trust of the claimant's entitlement and the amount to be paid,
 - (ii) in respect of NHS travel expenses incurred by a person in attending a hospital or any other place managed by an NHS trust or a Primary Care Trust notify in writing the NHS trust or the Primary Care Trust of the claimant's entitlement; or
- (b) in a case falling within regulation 3(1)(b) (travel to a port) notify in writing the health service body which made the arrangements referred to in that provision of the claimant's entitlement; or
- (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, a Primary Care Trust 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.

(4) The Dental Practice Board, constituted under section 37 of the Act, is authorised to carry out any activity of the Secretary of State under paragraph (1)(a) or (c) of this regulation relating to the repayment of charges for dental appliances and dental treatment described in regulation 4(1)(b) or (c), including repayment of any amount due to a claimant.

Reimbursement of payments made in respect of NHS travel expenses

13. Where a provider makes a payment under regulation 10(1) or (2) or a repayment under regulation 12(a) 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.

Payment and repayment of NHS foreign travel expenses

14.—(1) 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.

(2) Paragraphs (2) and (3) of regulation 11 (claims for repayment) apply to claims (whether for payment or repayment) made under this regulation as if the references to the Secretary of State in those paragraphs were references to the health service body which arranged the services referred to in regulation 3(2).