
STATUTORY INSTRUMENTS

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**

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;

[^{F1}(d) in the case of a notice issued to a person mentioned in paragraph (5A) it is valid for the length of time specified in that paragraph.]

[^{F2}(5A) A notice of entitlement issued under paragraph (1) is valid for 5 years beginning on the date of the claim where the claimant is—

- (a) a single person aged not less than 65; or

(b) one of a couple where one partner is aged not less than 60 and one partner is aged not less than 65,

who does not receive any—

- (i) earnings;
- (ii) payments from an occupational pension scheme;
- (iii) payments from a personal pension scheme; or
- (iv) payments from an annuity contract.

(5B) Paragraph (5A) does not apply to a person who has a dependant child or young person as a member of his household.]

(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.

(7) Subject to paragraphs [F3(7A),] (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).

[F4(7A) A claimant who is issued with a notice of entitlement which falls under paragraph (5A) must notify the Secretary of State of any change in the composition of his family or household during the life of the notice of entitlement and the Secretary of State may withdraw the notice of entitlement or vary the amounts referred to in paragraph (3)(b) stated on the notice of entitlement if the claimant no longer meets the requirements of paragraphs (5A) and (5B).]

(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.

Textual Amendments

- F1** Reg. 8(5)(d) 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), **17(2)**
- F2** Reg. 8(5A)(5B) 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), **17(3)**
- F3** Word in reg. 8(7) 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), **17(4)**
- F4** Reg. 8(7A) 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), **17(5)**

Changes to legislation:

There are currently no known outstanding effects for the The National Health Service (Travel Expenses and Remission of Charges) Regulations 2003, Section 8.