

SCHEDULE 1

Regulations 15, 16 and 17

MODIFICATIONS OF THE INCOME SUPPORT (GENERAL) REGULATIONS 1987

TABLE A

<i>Column 1</i>	<i>Column 2</i>
Regulation 23	In paragraph (1) for “section 22(5) of the Act” substitute “ regulation 15(3) of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 ”.
Regulation 25	For the whole of regulation 25 (liable relative payments) substitute— <p style="margin-left: 40px;">“25.—(1) Where a claimant’s income consists of any payments made by a person, whether under a court order or not, for the maintenance of himself or any member of his family, and those payments are made or due to be made at regular intervals, his normal weekly income from those payments shall be determined—</p> <p style="margin-left: 80px;">(a) if before the relevant date those payments are made at regular intervals and in regular amounts, by reference to the normal weekly amount;</p> <p style="margin-left: 80px;">(b) if they are not so made, by reference to the average amount of such payments received in the 13 weeks immediately preceding the week which includes the relevant date.</p> <p style="margin-left: 40px;">(2) Any maintenance payment other than one to which paragraph (1) of this regulation applies shall be treated as capital.”.</p>
Regulation 25A	Omit this regulation.
Regulation 28	In paragraph (1) omit the words from “For the purposes” to “income support”. In paragraph (1)(a) for “the weekly amount of his income” substitute “ the normal weekly amount of his income at the relevant date ”.
Regulation 29	Omit this regulation.
Regulation 30	In paragraph (1) omit the words “Except where paragraph (2) applies”. In paragraph (1)(a) at the beginning insert the words “ except where sub-paragraph (b) or (c) applies, ”.

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In paragraph (1)(b) at the beginning insert the words “ except where sub-paragraph (c) applies, ”.

After paragraph (1)(b) insert the word “ or ” and the following sub-paragraph—

- “(c) where in respect of the employment the claimant provides a profit and loss account (and, where appropriate, a trading account or a balance sheet or both), and the profit and loss account is in respect of a period of at least 6 months but not exceeding 15 months and that period ends within the 12 months preceding the relevant date.”.

After paragraph (1) insert the following new paragraph—

- “(1A) In paragraph (1)(c)—
- (a) “balance sheet” means a statement of the financial position of the employment disclosing its assets, liabilities and capital at the end of the period in question;
  - (b) “profit and loss account” means a financial statement showing the net profit or loss of the employment for the period in question; and
  - (c) “trading account” means a financial statement showing the revenue from sales, the cost of those sales and the gross profit arising during the period in question.”.

Omit paragraph (2).

Omit this regulation.

In paragraph (1) for “regulation 29” substitute “ regulation 28 ” and for “subject to paragraphs (2) to (7)” substitute “ subject to paragraph (6) ”.

In paragraph (6) omit “and has changed more than once”.

Omit paragraphs (3)–(5), (6A) and (7).

Omit paragraphs (1)(c), (1)(g), (1)(i), (1A) and (2A).

In paragraph (1)(d) omit the words after “employment”.

In paragraph (2)(a) omit the words “subject to paragraph (2A)”.

Regulation 31

Regulation 32

Regulation 35

Regulation 36	In paragraph (1) for “regulation 29 (calculation of earnings of employed earners)” substitute “ regulation 28 (calculation of income) ”.
Regulation 38	<p>In paragraph (3) for “paragraph (9)” substitute “ paragraphs (3A) or (9) ”.</p> <p>After paragraph (3) insert—</p> <p>“(3A) For the purpose of paragraph (1)(a), in a case where earnings of the employment are calculated over a period determined under regulation 30(1)(c), the net profit of the employment shall, except where paragraph (9) applies, be calculated by taking into account the earnings of the employment relevant to that period (whether or not received in that period), less—</p> <ul style="list-style-type: none"><li>(a) subject to paragraphs (5) to (7), any expenses relevant to that period (whether or not defrayed in that period) and which were wholly and exclusively incurred for the purposes of that employment; and</li><li>(b) an amount in respect of—<ul style="list-style-type: none"><li>(i) income tax,</li><li>(ii) social security contributions payable under the Contributions and Benefits Act, calculated in accordance with regulation 39 (deduction of tax and contributions for self-employed earners), and</li><li>(iii) one half of any premium paid in the period that is relevant under regulation 30 in respect of a retirement annuity contract or a personal pension scheme.”.</li></ul></li></ul> <p>In paragraph (4) after “the net profit of the employment” insert “ , except where paragraph (3A) or (9) applies, ”.</p>
Regulations 39A–39D	Omit these regulations.
Regulation 40	<p>In paragraph (1) for “regulation 29 (calculation of income other than earnings)” substitute “ regulation 28 (calculation of income) ” and for “paragraphs (2) to (3B)” substitute “ paragraphs (2) and (3) ”.</p> <p>Omit paragraphs (3A) to (5).</p> <p>[<sup>F1</sup>For paragraph (6) substitute the following paragraphs—</p>

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“(6) Where—

- (a) the claimant is a member of a couple or a polygamous marriage;
- (b) the claimant or the claimant’s partner (or either or any of them if the claimant has more than one partner) is receiving a contributory employment and support allowance; and
- (c) that benefit has been reduced under regulation 63 of the Employment and Support Allowance Regulations, that reduction shall not affect the amount of benefit that is to be taken into account.

(6A) Where—

- (a) the claimant is a single claimant or a lone parent;
- (b) the claimant is receiving a contributory employment and support allowance; and
- (b) that benefit has been reduced under regulation 63 of the Employment and Support Allowance Regulations, that reduction shall not affect the amount of benefit that is to be taken into account.”]

Regulation 41

In paragraph (1) for “on the first day” to “the date of that supersession” substitute “ at the relevant date ”.  
Omit paragraphs (3) and (4).

Regulation 42

In paragraph (4) omit the words from “and in any case” to “(trade disputes) applies”.

Regulation 44

In paragraph (1) for “on the first day” to “the date of that supersession” substitute “ at the relevant date ”.  
Omit paragraphs (2), (3), (8), and (9).

Regulation 45

For this regulation substitute—

**“Capital Limit**

**45.** For the purposes of Regulations 5(2)(e) and 6(1)(a) of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 the capital limit is—

- [<sup>F2</sup>(a) for a claimant permanently residing in accommodation

	as defined in Regulation 19A— <sup>[F3]</sup> £23,000]
	(b) in any other case—£16,000.”].
Regulation 46	In paragraph (1) omit the words from “For the purposes” to “income support”.
Regulation 48	In paragraph (2) omit the words from “Except” to “applies”. In paragraph (5) omit the words “Subject to paragraph (6),”. Omit paragraphs (6) and (10)(a) and (b).
Regulation 49	In sub-paragraph (b)(i) for “first day” to “date of that supersession” substitute “ relevant date ”.
Regulation 51	Omit sub-paragraph (1)(b).
Regulation 51A	Omit this regulation.
Regulation 53	In paragraph (1A) for “£10,000” on each occasion it appears substitute “ <sup>[F4]</sup> £14,000] and for “£16,000” substitute “ <sup>[F5]</sup> £23,000].  For paragraph (1B) substitute— “(1B) For the purposes of paragraph (1A) and regulation 45, the prescribed circumstances are that the claimant lives permanently in accommodation as set out in Regulation 19A.”. In paragraph (3) for the reference to “regulation 60” substitute reference to “ regulation 25. ”
Regulations 54 to 60E	Omit these regulations.
Regulation 61	In paragraph (1) in the definition of “academic year” after “September” insert “ , or 1st August in the case of a student attending a course in Scotland. ”
Regulation 62	<sup>[F6]</sup> In paragraph (1) for “subject to paragraphs (2) and (2A)” substitute “subject to paragraphs (2), (2A) and (2C)”]  <sup>[F7]</sup> After paragraph (2B) insert— “(2C) There shall also be disregarded from a student’s grant income— (a) any sum in excess of the sum set out as the maintenance grant amount in regulation 57(4)(b) of the Education (Student Support) Regulations 2006 (new system students with full entitlement) which forms part of a maintenance grant paid pursuant to

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regulation 48 of those Regulations (qualifying conditions for the maintenance grant);

- (b) any sum in excess of the sum set out as the maintenance grant amount in regulation 33(4)(b) of the Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2006 (maximum amount of loans for new system eligible students with full entitlement) which forms part of a maintenance grant paid pursuant to regulation 29 of those Regulations (maintenance grant); and
- (c) any sum in excess of the sum set out as the maintenance grant amount in regulation 57(4)(b), (c) or (d), as appropriate, of the Education (Student Support) Regulations (Northern Ireland) 2006 (new system students with full entitlement) which forms part of a maintenance grant paid pursuant to regulation 49 of those Regulations (qualifying conditions for the maintenance grant).”]

[<sup>F8</sup>For paragraph (3) substitute—

“(3) In calculating the weekly amount of the grant to be taken into account as income—

- (a) except where sub-paragraph (b) or paragraph (4) applies, the grant shall be apportioned equally between 52 weeks; and
- (b) in the case of a grant which is payable in respect of the final academic year of the course or if the course is only of one academic year’s duration, in respect of that year the grant shall be apportioned equally between the weeks in the period beginning with the start of the final academic year or, as the case may be, the single academic year and ending with the last day of the course.”]

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[<sup>F10</sup>Omit paragraph (3A)].

Omit paragraph (3B).

	<p>[<sup>F11</sup>In paragraph (4), for “weeks in the period beginning” to “last day of the period of study” substitute “remaining weeks in that period of study.”]</p>
Regulation 63	<p>In paragraph (2) omit the words “or, if there are 53 benefit weeks (including part-time weeks) in the year, 53”.</p>
Regulation 64	<p>In paragraph (1)(c) omit the words “or if there are 53 benefit weeks (including part-time weeks) in the year, 53”.</p>
Regulation 65	<p>For the words “No part” substitute “ (1) Subject to paragraph (2), no part ”.</p> <p>After paragraph (1) insert the following paragraph—</p> <p>“(2) For the purposes of this regulation and paragraph 15 of Schedule 9, “voluntary payment” shall not include any payment made by a person whose income a Minister of the Crown or an education authority—</p> <ul style="list-style-type: none"><li>(a) would take into account in assessing the amount of a student’s grant or student’s loan if an application for it were to be made; or</li><li>(b) has taken into account in assessing the amount of a student’s grant or student’s loan and which is in excess of contributions as assessed by a Minister of the Crown or an education authority.”.</li></ul>
Regulation 66A	<p>[<sup>F12</sup>For paragraph (1), substitute—</p> <p>“(1) A student loan shall be treated as income unless it is—</p> <ul style="list-style-type: none"><li>(a) a hardship loan; or</li><li>(b) an additional loan, as described in the [<sup>F13</sup>Student Support Information Guide 2009-2010 issued by the Student Awards Agency for Scotland], paid pursuant to an application for a loan made under regulation 5(1) or (9) of the Education (Student Loans) (Scotland) Regulations 2007 (applications for loans),</li></ul> <p>in which case it shall be disregarded.”]</p> <p>For paragraph (2) substitute—</p>

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“(2) In calculating the weekly amount of the loan to be taken into account as income—

- (a) except where sub-paragraph (b) applies, the loan shall be apportioned equally between the 52 weeks in the academic year;
- (b) in the case of a loan which is payable in respect of the final academic year of the course or if the course is only of one academic year’s duration, in respect of that year the loan shall be apportioned equally between the weeks in the period beginning with the start of the final academic year, or as the case may be, the single academic year and ending with the last day of the course,

and, in the case of a person to whom paragraph (2A), (2B) or (2C) applies, from the weekly amount so apportioned there shall be disregarded £10.”.

After paragraph (2) insert the following paragraphs—

“(2A) This paragraph applies to a student whose applicable amount includes any premium specified in Parts II and III of Schedule 2.

(2B) This paragraph applies where the claimant is a student to whom paragraph 12 of Schedule 1B applies.

(2C) This paragraph applies where the student is a partner of a claimant and the claimant is not also a student.”.

Schedule 8

[<sup>F14</sup>For paragraph 4(3) substitute the following paragraph—

- “(3) This paragraph applies where—
- (a) the claimant is aged not less than 60;
  - or
  - (b) the claimant is a member of a couple, where at least one partner is aged not less than 60.”]

[<sup>F15</sup>In paragraph 4 omit sub- paragraphs (4) and (7).]

[<sup>F16</sup>After paragraph 4 insert—

“4A.—(1) Income is disregarded under this sub-paragraph where—



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- (a) the claimant is undertaking work which falls within the categories in regulation 45(2) to (4) of the Employment and Support Allowance Regulations;
- (b) the partner of a claimant is in receipt of employment and support allowance and is undertaking work which falls within the categories in paragraphs (2) to (4) of regulation 45 of the Employment and Support Allowance Regulations but paragraph (c) is not applicable; or
- (c) both a claimant and the partner of the claimant are in receipt of employment and support allowance and both are undertaking work which falls within the categories in regulation 45(2) to (4) of the Employment and Support Allowance Regulations.

(2) Where sub-paragraph (1)(a) or (b) applies, income is disregarded to the same extent as it would be disregarded under paragraphs 5 and 6 of Schedule 7 to the Employment and Support Allowance Regulations.

(3) Where sub-paragraph (1)(c) applies, the aggregate income of the claimant and the partner is disregarded to the same extent as it would be disregarded under paragraphs 5 and 6 of that Schedule in the case of an individual.

(4) The other disregards in paragraphs 4 to 9 are not applicable where income is disregarded under this paragraph.

(5) In this paragraph “employment and support allowance” means an employment and support allowance under Part 1 of the Welfare Reform Act.”]

In paragraph 6A(1) for “none of paragraphs 4 to 6 applies” substitute “ paragraph 4 does not apply ”.

In paragraph 7 for the words “none of paragraphs 4 to 6B” substitute “ none of paragraphs 4 or 5 or 6A or 6B ”.

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Schedule 9

In paragraph 8 omit “part-time”.

After paragraph 8 insert the following paragraph—

“**8A.** In a case in which none of paragraphs 4 to 8 applies to the claimant and he is one of a married or unmarried couple and a member of that couple is engaged in employment, £10; but if this paragraph applies to a claimant it shall not apply to his partner except where, and to the extent that, the earnings of the claimant which are to be disregarded under this paragraph are less than £10.”.

In paragraph 9 for “8” substitute “ 8A ”.

Omit paragraphs 6, 10, 13 and 16.

In paragraph 15, in sub-paragraph (1) omit the reference to “paragraph 37”, and

Omit sub-paragraph (3)(b).

In paragraph 16 for “paragraphs 36 and 37” substitute “ paragraph 36 ”.

In paragraph 19 for “£4.00” substitute “ £20.00 ” and omit sub-paragraph (b).

For paragraph 21(1) substitute “ Subject to paragraph (2), any income in kind. ”. omit paragraph 21(3).

In paragraph 28 omit the words from “Except” to “return to work”.

For paragraph 29(1) substitute the following paragraph—

“(1) Subject to sub-paragraph (2), any payment received under an insurance policy taken out to insure against the risk of being unable to maintain payments of housing costs which qualify under paragraph 17(1)(zb) or (zc) of Schedule 3, or for repairs or improvements to the dwelling occupied as the home to the extent that it is used to meet—

- (a) repayments of unsecured loans for the purposes of carrying out repairs and improvements to the dwelling occupied as the home; or
- (b) any amount due by way of premiums on that policy.”.

Omit paragraphs 30, 34 and 37.

After paragraph 77 insert the following paragraph—

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“77A. Any payment of State Pension Credit Savings Credit as defined under sections 1 and 3 of the State Pensions Credit Act 2002.”.

Schedule 10

In paragraph 17 for the words from “Except” to “payment” substitute the words “ Any payment ”.

**Textual Amendments**

- F1** Words in Sch. 1 Table A inserted (1.12.2008) by The National Health Service (Travel Expenses and Remission of Charges) Amendment (No. 2) Regulations 2008 (S.I. 2008/2868), regs. 1(1), **3(a)**
- F2** Words in Sch. 1 Table A substituted (1.5.2006) by The National Health Service (Travel Expenses and Remission of Charges) Amendment Regulations 2006 (S.I. 2006/1065), regs. 1(1), **2(2)(a)**
- F3** Sum in Sch. 1 Table A substituted (7.4.2009) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2009 (S.I. 2009/411), regs. 1(1)(c), **5(2)(a)**
- F4** Sum in Sch. 1 Table A substituted (7.4.2009) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2009 (S.I. 2009/411), regs. 1(1)(c), **5(2)(b)(i)**
- F5** Sum in Sch. 1 Table A substituted (7.4.2009) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2009 (S.I. 2009/411), regs. 1(1)(c), **5(2)(b)(ii)**
- F6** Words in Sch. 1 Table A inserted (1.9.2006) by The National Health Service (Travel Expenses and Remission of Charges) Amendment (No.2) Regulations 2006 (S.I. 2006/2171), regs. 1(1), **2(2)(a)**
- F7** Words in Sch. 1 Table A inserted (1.9.2006) by The National Health Service (Travel Expenses and Remission of Charges) Amendment (No.2) Regulations 2006 (S.I. 2006/2171), regs. 1(1), **2(2)(b)**
- F8** Words in Sch. 1 Table A inserted (1.9.2006) by The National Health Service (Travel Expenses and Remission of Charges) Amendment (No.2) Regulations 2006 (S.I. 2006/2171), regs. 1(1), **2(2)(d)**
- F9** Words in Sch. 1 Table A omitted (1.9.2006) by virtue of The National Health Service (Travel Expenses and Remission of Charges) Amendment (No.2) Regulations 2006 (S.I. 2006/2171), regs. 1(1), **2(2)(c)**
- F10** Words in Sch. 1 Table A substituted (1.9.2006) by The National Health Service (Travel Expenses and Remission of Charges) Amendment (No.2) Regulations 2006 (S.I. 2006/2171), regs. 1(1), **2(2)(e)**
- F11** Words in Sch. 1 Table A substituted (1.9.2006) by The National Health Service (Travel Expenses and Remission of Charges) Amendment (No.2) Regulations 2006 (S.I. 2006/2171), regs. 1(1), **2(2)(f)**
- F12** Words in Sch. 1 Table A substituted (1.9.2007) by The National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2007 (S.I. 2007/1975), regs. 1(1), **4(2)**
- F13** Words in Sch. 1 Table A substituted (1.8.2009) by The National Health Service (Travel Expenses and Remission of Charges) Amendment Regulations 2009 (S.I. 2009/1599), regs. 1, **2(2)**
- F14** Sch. 1 entry substituted (1.2.2005) by The National Health Service (Travel Expenses and Remission of Charges) Amendment Regulations 2005 (S.I. 2005/26), regs. 1(1), **3(2)(a)**
- F15** Words in Sch. 1 substituted (1.2.2005) by The National Health Service (Travel Expenses and Remission of Charges) Amendment Regulations 2005 (S.I. 2005/26), regs. 1(1), **3(2)(b)**
- F16** Words in Sch. 1 Table A inserted (1.12.2008) by The National Health Service (Travel Expenses and Remission of Charges) Amendment (No. 2) Regulations 2008 (S.I. 2008/2868), regs. 1(1), **3(b)**

TABLE B

*Column 1*

*Column 2*

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

- Regulation 3
- In paragraph (1) omit the words “or with whom a claimant normally resides”.
- In paragraph (2B) omit the words “subject to paragraph (2C)”.
- Omit paragraph (2C).
- Regulation 17
- In paragraph (1) for the words from “18 to 22A” to “urgent cases” substitute “ 18, 19A and 21 ”.
- Omit paragraphs (1)(bb) and (g).
- In paragraph (1)(e) omit the words “mortgage interest payments or” and “other”.
- Regulation 18
- In paragraph (1) for the words from “regulations 21 to 22A” to “urgent cases” substitute “ regulations 19A and 21 (special cases) ”.
- [<sup>F17</sup>For regulation 18(1) (a) and (b) substitute—
- “(a) where each member of the marriage is aged less than 60—
    - (i) the amount applicable to the claimant plus the amount applicable to one of the other members of the marriage determined in accordance with sub-paragraph (5) of paragraph 1 of Schedule 2; and
    - (ii) an amount equal to the difference between the amounts specified in sub-paragraphs (5) and (1) of paragraph 1 of that Schedule in respect of each of the members of the marriage who were not taken into account in determining the amount under (i) above;
  - (b) where any member of the marriage is aged 60 or more—
    - (i) the amount applicable to the claimant plus the amount applicable to one of the other members of the marriage determined in accordance with sub-paragraph (6) of paragraph 1 of Schedule 2; and
    - (ii) an amount equal to the difference between the

amounts specified in sub-paragraphs (6) and (2) of paragraph 1 of that Schedule in respect of each of the members of the marriage who were not taken into account in determining the amount under (i) above;”]

Omit paragraph (1)(cc) and (h).

After Regulation 18 insert the following Regulation—

**“Care Homes.**

**19A** Where the claimant lives permanently in—

- (a) a care home within the meaning of Section 3 of the Care Standards Act 2000; or
- (b) in accommodation provided by a local authority under sections 21 to 24 and 26 of the National Assistance Act 1948,

and he is a resident of such accommodation due to his personal circumstances and not as a carer, then his weekly applicable amount shall be calculated in accordance with Part 1 of Schedule 4A.”.

Regulation 21

In paragraph (1) omit the words from “Subject to” to “amounts)”.

In paragraph (3) omit the definition of “partner of a person subject to immigration control”.

In paragraph (3) omit the definition of “person from abroad”.

Omit paragraphs (1B), (2), (3A), (3B), (3C), (3D), (3E), (3F), (4), (4A), (4B) and (5).

Regulations 21ZB and 22A

Omit these regulations.

Schedule 2

[<sup>F18</sup>In column (1) of the Table for [<sup>F19</sup>sub-paragraphs (1) to (3)] substitute—

- (1) Single person or lone parent aged not less than 25;
- (2) Single person [<sup>F20</sup>or lone parent] aged not less than 60;
- (3) Lone Parent [<sup>F21</sup>aged less than 60];
- (4) Single person aged less than 25;
- (5) Couple;
- (6) Couple, where at least one partner is aged not less than 60.]

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- [<sup>F22</sup>In column (2) of the Table (amounts) substitute—
- (a) against sub-paragraph (1) of column (1), the amount prescribed in paragraph (1) (e) of column (2) in the unmodified regulations;
  - (b) against sub-paragraph (2) of column (1), the amount prescribed in regulation 6(1) (b) of the State Pension Credit Regulations;
  - (c) against sub-paragraph (3) of column (1), the amount prescribed in paragraph (1) (e) of column (2) in the unmodified regulations;
  - (d) against sub-paragraph (4) of column (1), the amount prescribed in paragraph (1) (d) of column (2) in the unmodified regulations;
  - (e) against sub-paragraph (5) of column (1), the amount prescribed in paragraph (3) (d) of column (2) in the unmodified regulations.
  - (f) against sub-paragraph (6) of column (1), the amount prescribed in regulation 6(1) (a) of the State Pension Credit Regulations.]

[<sup>F23</sup>After paragraph 1 (personal allowances) insert—

“**1ZA.**—(1) A single claimant or lone parent aged less than 25 who—

- (a) is entitled to an ESA component; or
- (b) is incapable of work and has been incapable of work for a continuous period of not less than 28 weeks which begins no earlier than 27th October 2008,

has a personal allowance equal to the amount of the personal allowance which would apply if that person were not less than 25 years old.

(2) In sub-paragraph (1) “ESA component” means a support component or a work-related activity component within the meaning of section 4 of the Welfare Reform Act.”]

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[<sup>F24</sup>Omit paragraphs 1A, 2A, 6(2), 9, 9A, 10, 12(1)(c), 12(4), 15(2), 15(2A) and 15(3).]

In paragraph 2(1) omit “for the relevant period specified in column (1)”.

In paragraph 3(1)(a) omit the words from “to whom” to “(3) apply” and omit sub-paragraphs (2) to (7).

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F25 “.....”

[<sup>F26</sup>For paragraph 11(1) substitute the following entries—

“**11.**—(1) Subject to sub-paragraph (2), the condition is that—

- (a) where the claimant is a person aged less than 60 who is a single claimant or a lone parent, an additional condition specified in paragraph 12 is satisfied; or
- (b) where the claimant has a partner and both the claimant and the partner are aged less than 60, an additional condition specified in paragraph 11A(1) or 12 is satisfied by at least one of them; or
- (c) where the claimant is a person aged less than 60 who is a single claimant or a lone parent, an additional condition specified in paragraph 11A(2) is satisfied.”.

After paragraph 11 insert—

“**11A.**—(1) The additional conditions referred to in paragraph 11(1)(b) are—

- (a) the claimant is a member of a couple and a member of that couple has been awarded employment and support allowance which includes an ESA component; or
- (b) the claimant is a member of a couple and a member of that couple has been in receipt of employment and support

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allowance for 28 weeks, or is incapable of work and has been incapable of work for a continuous period of not less than 28 weeks which starts no earlier than 27th October 2008.

(2) The additional conditions referred to in paragraph 11(1)(c) are—

- (a) the claimant is a single claimant or lone parent who is in receipt of an employment and support allowance which includes a support component;
- (b) the claimant is a single claimant or lone parent who is in receipt of an employment and support allowance which includes a work-related activity component;
- (c) the claimant is a single claimant or lone parent who has been in receipt of employment and support allowance for a period of 28 weeks, or is incapable of work and has been incapable of work for a continuous period of not less than 28 weeks which starts no earlier than 27<sup>th</sup> October 2008;
- (d) the claimant is a—
  - (i) single claimant or lone parent;
  - (ii) severely disabled person within the meaning of paragraph 13(2)(a)(i); and
  - (iii) person who has been in receipt of employment and support allowance for a period of not less than 28 weeks, or is incapable of work and has been incapable of work for a continuous period of not less than 28 weeks which starts no earlier than 27<sup>th</sup> October 2008.

(3) In this paragraph—  
“employment and support allowance” means an employment



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and support allowance under Part 1 of the Welfare Reform Act; “ESA component” means either a support component or a work related activity component; and “support component” and “work-related activity component” have the same meanings as in section 4 of that Act.”]

In cross heading to paragraph 12, omit “Higher Pensioner and”.

In paragraph 12(1)(a)(i) for the words “long term incapacity benefit” substitute “ incapacity benefit, where the claimant or partner has been in receipt of that benefit for at least 28 weeks, ” and omit the words from “but, in the case” to “in respect of him”.

In paragraph 12(1)(b) after the words “the claimant” insert “ or, as the case may be, his partner ” and for sub-head (ii) substitute the following sub-head—

“(ii) has been so entitled or so incapable for a continuous period of at least 28 weeks.”.

[<sup>F27</sup>In paragraph 12(1)(d)(ii) delete “higher pensioner premium or.”]

In paragraph 12(6) after “sub-paragraph (1)(a)(i)” delete “or (c)(i)” and for “long-term incapacity benefit” substitute “ incapacity benefit, notwithstanding the requirement that the claimant or his partner has been in receipt of that benefit for at least 28 weeks, ”.

In paragraph 13(2)(a)(ii) and 13(2)(b)(iii) for “normally residing” substitute the words “residing with him ” and delete “or with whom he is normally residing”.

[<sup>F28</sup>For paragraph 13A(1) (enhanced disability premium) substitute—

“**13A.—**(1) Subject to sub-paragraph (2), the conditions are that—

- (a) the claimant is aged less than 60 and, where the claimant is a member of a couple, the claimant’s partner is aged less than 60; and
- (b) the claimant or, as the case may be, the claimant’s partner is—

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- (i) in receipt of employment and support allowance which includes a support component; or
- (ii) in receipt of the care component of disability living allowance at the highest rate prescribed under section 72(3) of the Contributions and Benefits Act or would be in receipt of that component at that rate but for either a suspension of benefit in accordance with regulations made under section 113(2) of that Act or an abatement as a consequence of hospitalisation.”

After 13A(2) insert—

“(3) In this paragraph “employment and support allowance” means an employment and support allowance under Part 1 of the Welfare Reform Act and “support component” has the same meaning as in section 4 of that Act.”

In paragraph 15(4)(a) (weekly amount of disability premium) for the entry in the left column substitute—

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“(a) where the condition in paragraph 11(1)(a) is satisfied or the condition in paragraph 11(1)(c) and an additional condition in paragraph 11A(2)(b) or (c) are satisfied;”

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After paragraph 15(4)(a) insert the following entry—

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“(aa) where the condition in paragraph 11(1) is satisfied, an amount equal to the support component in

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(c) and an paragraph 13 of  
additional Schedule 4 to the  
condition in Employment and  
paragraph 11A(2) Support  
(a) or (d) are Allowance  
satisfied; Regulations.”

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In paragraph 15(4)(b) (weekly amount of premium) for the entry in the left column substitute—

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“(b)Where the  
condition in  
paragraph 11(1)(b)  
and an additional  
condition in  
paragraph 11A(1)  
or paragraph 12 are  
satisfied.”]

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Schedule 3

In paragraph 1(1)(b) for “paragraphs 15 to 17” substitute “ paragraph 17 ”.

For paragraph 1(2) substitute—

“(2) In this Schedule “period of study” has the meaning specified in regulation 61 (Interpretation).”

For paragraph 1(3) substitute—

“(3) For the purposes of this Schedule a disabled person is a person—

- (a) who satisfies a condition specified in paragraph 12(1)(a) or (b) of Schedule 2 and whose capital does not exceed the capital limit; or
- (b) who is aged 75 or over and whose capital does not exceed the capital limit; or
- (c) in respect of whom a disabled child premium is included in his applicable amount or the applicable amount of a person living with him.”.

For paragraph 2(1)(c) substitute—

“(c) he in practice shares the housing costs with other members of the household where no member of that household who is liable to meet those costs is a close relative of the claimant or his partner and it is reasonable in the circumstances

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that the claimant should be treated as sharing responsibility for those costs.”.

Omit paragraphs 1A, 2(2), 3(7) to (10), 6 to 16 and 18(7)(e).

In paragraph 3(12) for “not exceeding” substitute “ is not likely to exceed ”;

For paragraph 4 substitute—

“4. No amount may be met under the provision of this Schedule where the claimant is in accommodation which is a care home or accommodation provided by a local authority under sections 21 to 24 and 26 of the National Assistance Act except where he is in such accommodation during a temporary absence from the dwelling he occupies as his home and, in so far as they relate to temporary absences, the provisions of paragraphs 3(11) and (12) apply to him for those absences.”.

In paragraph 17—

- (a) in the cross heading for the word “Other” substitute the word “ Qualifying ”;
- (b) in sub-paragraph (1) omit head (f) and immediately before (a) insert—

“(za) any periodical payment which a person is liable to make by way of rent in respect of a dwelling he occupies as his home;

(zb) payments of interest and capital—

- (i) of a mortgage or loan secured on the dwelling occupied as the home,
- (ii) under a hire purchase agreement or other loan to buy the dwelling occupied as the home,
- (iii) in respect of a loan taken out to adapt the dwelling occupied as the home for the special needs of a disabled person;

(zc) payments in respect of an endowment policy

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in connection with the purchase of the dwelling occupied as the home;”.

In sub-paragraph (2) omit head (c) and for “Subject to” to “amounts” substitute “ Subject to sub-paragraphs (3), (3A) and (3B), the deductions to be made from the weekly amounts in respect of the housing costs specified in heads (za) and (a) to (e) of sub-paragraph (1) ” and in head (a) omit the words from “unless the claimant” to the end of the head.

After sub-paragraph (3) insert the following new sub-paragraphs—

“(3A) Subject to sub-paragraph (3B), where arrangements are made for the housing costs mentioned in heads (za) and (a) to (e) of sub-paragraph (1) payable in respect of a period of study, to be paid irregularly or so that—

- (a) no such costs are payable for or collected in the Christmas or Easter vacation within a period of study, or
- (b) the costs in respect of the Christmas or Easter vacations within a period of study vary from those in the rest of that period of study,

the weekly amount shall be the amount payable in respect of a period of study divided by the number of weeks in that period of study.

(3B) Where the housing costs, to be calculated in accordance with sub-paragraph (3A), are subject to a deduction in accordance with sub-paragraph (2)(a) or (b), as the case may be, the weekly amount of the deduction shall be the proportion of the deduction calculated in accordance with sub-paragraph (2)(a) or (b), as the number of weeks in the period of study, excluding Christmas and Easter vacations, bears to the number of weeks in the period of study.”.

For paragraph 18(7)(f) substitute—

- “(f) to whom paragraph (2B) of regulation 3 (definition of non-dependant) would apply;”.

Schedule 3B

After Schedule 3B insert the following schedule—

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“Schedule 4A

Applicable amounts of a person  
in accommodation within the  
meaning of Regulation 19A.

1.—(1) The applicable amount of a  
claimant to whom regulation 19A applies  
shall be the aggregate of—

- (a) subject to paragraphs 1(2) and  
2, the weekly charge for the  
accommodation, including all  
meals and services provided for  
him or, if he is a member of a  
family, for him and his family  
increased, where appropriate, in  
accordance with paragraph 2;  
and
- (b) a weekly amount for personal  
expenses for him and, if he  
is a member of a family, for  
each member of his family  
determined in accordance with  
paragraph 2.

(2) Except where otherwise provided,  
no amount shall be included in respect of  
a child or young person who is a member  
of the claimant’s family if the capital of  
that child or young person calculated in  
accordance with Part V in like manner as  
for the Claimant would exceed £3,000.

2.—(1) The allowance for personal  
expenses for the claimant and his partner  
(where appropriate) shall be that set out  
in Schedule 9 of the Social Security  
Claims and Payments Regulations 1987 at  
paragraph 4(2A)(a).

(2) Where the claimant has a  
dependant child or children residing with  
him, the personal expenses allowed for  
each dependant shall be those set out  
in Schedule 9 of the Social Security  
Claims and Payments Regulations 1987 at  
paragraph 4 (2A)(a).”.

Schedule 7

Omit the references in paragraph 1 to sub-  
paragraph (g) of regulation 17(1) and sub-  
paragraph (h) of regulation 18(1).  
Omit both columns of paragraphs 6, 7, 10A,  
10B, 10C, 16A, 17 and 19A.

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In the first column of paragraph 9 for sub-paragraphs (a)(i) and (ii) substitute the following—

“9

(a)

- (i) in a care home, or
- (ii) is in accommodation provided by a local authority under sections 21 to 24 and 26 of the National Assistance Act 1948”.

In the first column of paragraphs 9(b)(iii) and (iv) substitute—

“9

(b)

- (iii) in a care home, or
- (iv) is in accommodation provided by a local authority under sections 21 to 24 and 26 of the National Assistance Act 1948.”.

### Textual Amendments

- F17** Sch. 1 Table B entry inserted (1.12.2008) by The National Health Service (Travel Expenses and Remission of Charges) Amendment (No. 2) Regulations 2008 (S.I. 2008/2868), regs. 1(1), **4(a)**
- F18** Words in Sch. 1 Table B substituted (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), **6(3)(a)**
- F19** Words in Sch. 1 substituted (1.2.2005) by The National Health Service (Travel Expenses and Remission of Charges) Amendment Regulations 2005 (S.I. 2005/26), regs. 1(1), **3(3)(a)**
- F20** Words in Sch. 1 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), **3(3)(b)**
- F21** Words in Sch. 1 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), **3(3)(c)**
- F22** Words in Sch. 1 Table B substituted (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), **6(3)(b)**
- F23** Words in Sch. 1 Table B inserted (1.12.2008) by The National Health Service (Travel Expenses and Remission of Charges) Amendment (No. 2) Regulations 2008 (S.I. 2008/2868), regs. 1(1), **4(b)(i)**
- F24** Words in Sch. 1 Table B substituted (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), **6(3)(c)**
- F25** Words in Sch. 1 Table B omitted (6.4.2004) by virtue of 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), **6(3)(d)**

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

<b>F26</b>	Sch. 1 Table B entry substituted (1.12.2008) by The National Health Service (Travel Expenses and Remission of Charges) Amendment (No. 2) Regulations 2008 (S.I. 2008/2868), regs. 1(1), <b>4(b)(ii)</b>
<b>F27</b>	Words in Sch. 1 Table B 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), <b>6(3)(e)</b>
<b>F28</b>	Words in Sch. 1 Table B inserted (1.12.2008) by The National Health Service (Travel Expenses and Remission of Charges) Amendment (No. 2) Regulations 2008 (S.I. 2008/2868), regs. 1(1), <b>4(b)(iii)</b>

After paragraph 10 insert the following paragraph—

**“10ZA..** A claimant who is a lone parent who temporarily in a care home or accommodation provided by a local authority under sections 21 to 24 and 26 of the National Assistance Act 1948. Any amount applicable to the claimant under paragraphs 1(1) (a), (b) and (c) of Schedule 4A, determined as if he were a single claimant plus—

(a) in respect of each child who is a member of his family, the appropriate amount in respect of him prescribed in paragraph 2 Schedule 2 or under this Schedule as appropriate; and

(b) any amount which would be applicable to the claimant, if he were not living away from home, under regulation 17(1) (c) or (d) in so far as it relates to the <sup>F29</sup>... family premium under [<sup>F30</sup>paragraph 3] of Schedule 2.”.

**Textual Amendments**

- F29** Words in Sch. 1 Table B omitted (6.4.2004) by virtue of 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), **6(4)(a)**
- F30** Words in Sch. 1 Table B substituted (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), **6(4)(b)**

SCHEDULE 2

Regulation 19

REVOCATIONS

*Column 1*

*Column 2*



National Health Service (Travelling Expenses and Remission of Charges) Regulations 1988, S.I. 1988/551.	The whole regulations
The National Health Service (Travelling Expenses and Remission of Charges) Amendment Regulations 1990, S.I. 1990/548.	The whole regulations
The National Health Service (Travelling Expenses and Remission of Charges) Amendment No. 2 Regulations 1990, S.I. 1990/1661.	The whole regulations
The National Health Service (Travelling Expenses and Remission of Charges) Amendment Regulations 1991, S.I. 1991/557.	The whole regulations
The National Health Service (Travelling Expenses and Remission of Charges) Amendment Regulations 1992, S.I. 1992/1104.	The whole regulations
The National Health Service (Travelling Expenses and Remission of Charges) Amendment Regulations 1993, S.I. 1993/608.	The whole regulations
The National Health Service (Travelling Expenses and Remission of Charges) Amendment Regulations 1995, S.I. 1995/642.	The whole regulations
The National Health Service (Travelling Expenses and Remission of Charges) Amendment No. 2 Regulations 1995, S.I. 1995/2352.	The whole regulations
The National Health Service (Travelling Expenses and Remission of Charges) Amendment Regulations 1996, S.I. 1996/410.	The whole regulations
The National Health Service (Travelling Expenses and Remission of Charges) Amendment (No. 2) Regulations 1996, S.I. 1996/1346.	The whole regulations
The National Health Service (Travelling Expenses and Remission of Charges) Regulations 1996, Amendment (No. 3) S.I. 1996/2362.	The whole regulations
The National Health Service (Travelling Expenses and Remission of Charges) Amendment Regulations 1997, S.I. 1997/748.	The whole regulations
The National Health Service (Travelling Expenses and Remission of Charges) Amendment (No. 2) Regulations 1997, S.I. 1997/2393.	The whole regulations

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The National Health Service (Travelling Expenses and Remission of Charges) Amendment Regulations 1998, S.I. 1998/2417.	The whole regulations
The National Health Service (Travelling Expenses and Remission of Charges) Amendment Regulations 1999, S.I. 1999/767.	The whole regulations
The National Health Service (Travelling Expenses and Remission of Charges) Amendment Regulations 1999, S.I. 1999/2507.	The whole regulations
The National Health Service (Travelling Expenses and Remission of Charges) Amendment Regulations 2000, S.I. 2000/621.	The whole regulations
The National Health Service (Travelling Expenses and Remission of Charges) Amendment No. 2 S.I. 2000/837.	The whole regulations
The National Health Service (Travelling Expenses and Remission of Charges) Amendment (No. 3) Regulations 2000, S.I. 2000/2870.	The whole regulations
The National Health Service (Travelling Expenses and Remission of Charges) Amendment Regulations 2001, S.I. 2001/742.	The whole regulations
The National Health Service (Travelling Expenses and Remission of Charges) Amendment (No. 2) Regulations 2001, S.I. 2001/3065.	The whole regulations
The National Health Service (Travelling Expenses and Remission of Charges) Amendment (No. 3) Regulations 2001, S.I. 2001/4043.	The whole regulations
The National Health Service (Travelling Expenses and Remission of Charges) Amendment Regulations 2002, S.I. 2002/580.	The whole regulations
The National Health Service (Travelling Expenses and Remission of Charges) Amendment Regulations 2003, S.I. 2003/671.	The whole regulations
The National Health Service (Dental Charges) Regulations S.I. 1989/394.	Regulation 7(2)
The National Health Service (Miscellaneous Dental Charges Amendments) Regulations 2002 S.I. 2353.	Regulations 2–6

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**Changes to legislation:**

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