
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (“the 2003 Regulations”), the Primary Ophthalmic Services Regulations 2008 (“the 2008 Regulations”) and the National Health Service (Optical Charges and Payments) Regulations 2013 (“the 2013 Regulations”). They introduce thresholds for persons in receipt of universal credit if they are to qualify for reimbursement of travel expenses and full payment of certain health related costs.

Regulation 5 of the 2003 Regulations makes provision for England to enable people in receipt of certain state benefits, or on low incomes, to be reimbursed for travel expenses incurred in obtaining certain NHS services and to be exempt from paying certain NHS charges, without needing to make a claim. This includes, until 31st October 2015, persons who are in receipt of universal credit and certain dependent children and young persons.

Regulation 2 of these Regulations amends regulation 5(1)(f) of, and the interpretation provision in, the 2003 Regulations so that, after 31st October 2015, a person receiving universal credit without a child element, a limited capability for work element or a limited capability for work and work-related activity element to their award is entitled to the payment in full of certain travel expenses relating to NHS treatment and the full remission of certain NHS charges if that person has no earned income or earned income of £435 or less in the relevant universal credit assessment period. A person (or a child or qualifying young person for whom the recipient is responsible) will also be entitled to such payment and remission if that person is in receipt of universal credit with any of the aforementioned elements to the award and has no earned income or earned income of £935 or less in the relevant universal credit assessment period. Earned income is exclusive of income tax, National Insurance contributions and pension contributions.

Regulation 3 of the 2008 Regulations makes provision for England about who is entitled to primary ophthalmic services sight tests under the National Health Service Act 2006. Regulation 8 of the 2013 Regulations provides for a scheme for England for payments to be made, by means of a voucher system, in respect of costs incurred by certain categories of person in connection with the supply of optical appliances. In both regulations, entitlement is conferred, until 31st October 2015, on persons who are in receipt of universal credit. Regulations 3 and 4 of these Regulations amend regulation 3 of the 2008 Regulations and regulation 8 of the 2013 Regulations respectively, so that, after 31st October 2015, the same earnings thresholds as in the 2003 Regulations will apply for those in receipt of universal credit.

Regulations 5 to 7 make transitional provision to ensure that persons whose entitlement to reimbursement of a travel expense, remission of a charge or payment of a cost arose before 1st November 2015, can obtain reimbursement, remission or payment after that date, notwithstanding the changes made by these Regulations.

An assessment of the impact of this instrument on the private sector and civil society organisations has been made. A copy of this impact assessment is annexed to the Explanatory Memorandum which is available alongside the instrument on www.legislation.gov.uk. Copies may be obtained from the Department of Health, Richmond House, 79 Whitehall, London SW1A 2NS.