
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 revoke the National Health Service (Exemptions from Charges, Payments and Remission of Charges) (Amendment and Transitional Provision) Regulations 2015 and substitute new criteria for determining the eligibility of persons who are in receipt of universal credit for the reimbursement of their travel expenses and assistance in respect of certain health related costs.

Regulation 5 of the 2003 Regulations makes provision 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. Since 1st November 2015, this has included people who are in receipt of universal credit with income below defined thresholds, and certain dependent children and young persons.

Regulation 2 of these Regulations replaces regulation 5(1A) of the 2003 Regulations with a revised definition of a “relevant universal credit recipient” and makes provision for the income thresholds to apply to the combined earnings of joint claimants to universal credit, for those assessed as having limited capability for work to be subject to the higher threshold, and in respect of the period by reference to which a person’s relevant income is calculated. It also ensures that those who pay a charge or travel expenses while their universal credit entitlement is being determined will be able to claim back the relevant costs if they are later shown to be entitled. Regulation 2(4) amends the 2003 Regulations to provide that in the case of a 2016 cohort student, for the purposes of the Education (Student Support) Regulations 2011, where a student loan is available to that student under those Regulations which exceeds the maximum amount of such a loan available to an equivalent 2012 cohort student, that excess amount is to be disregarded as income in a calculation for Help with Health Costs.

Regulation 3 of the 2008 Regulations makes provision 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 voucher to be issued to an eligible person which reduces the cost of the supply of an optical appliance. In both regulations, entitlement has been conferred, since 1st November 2015, on recipients of universal credit with income below defined thresholds, and certain dependent children and young persons. Regulations 3 and 4 of these Regulations amend regulation 3 of the 2008 Regulations and regulation 8 of the 2013 Regulations respectively, so that the same definition of “relevant universal credit recipient”, and equivalent refund provisions for universal credit recipients, as in the 2003 Regulations, will apply.

Regulations 5 and 6 make transitional provision to ensure that persons, whose entitlement to the reimbursement of a travel expense, remission of a charge or assistance with a cost arose between 1st November 2015 and 30th November 2016, can obtain reimbursement or repayment after that period, notwithstanding the changes made by these Regulations.

Regulation 7 revokes the National Health Service (Exemptions from Charges, Payments and Remission of Charges) (Amendment and Transitional) Regulations 2015.

An impact assessment has not been prepared for this instrument as it is not considered that it will have any additional impact to that addressed in the impact assessment prepared when the use of thresholds to determine entitlement to Help with Health Costs was introduced in 2015.