STATUTORY INSTRUMENTS

2015 No. 124

SOCIAL SECURITY, ENGLAND
NATIONAL HEALTH SERVICE, ENGLAND

The Social Security (Information-sharing) (NHS Payments and Remission of Charges etc.) (England) Regulations 2015

Made - - - -	*4th February 2015*
Laid before Parliament	*10th February 2015*
Coming into force - -	*1st April 2015*

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by section 131(1), (3) and (11)(g), 132(8) and 133(1) and (2) of the Welfare Reform Act 2012(**1**).

Citation, commencement and application

1.—(1) These Regulations may be cited as the Social Security (Information-sharing) (NHS Payments and Remission of Charges etc.) (England) Regulations 2015 and come into force on 1st April 2015.

(2) These Regulations apply in relation to England only.

Interpretation

2. In these Regulations—

"the 2006 Act" means the National Health Service Act 2006(**2**);

"the 2012 Act" means the Welfare Reform Act 2012;

"the CA Regulations" means the National Health Service (Charges for Appliances) Regulations 1974(**3**);

"the CDA Regulations" means the National Health Service (Charges for Drugs and Appliances) Regulations 2000(**4**);

(**1**) 2012 c. 5. Section 133(1) is cited for the meaning of "prescribed".
(**2**) 2006 c. 41.
(**3**) S.I. 1974/284; amended by S.I. 1974/609, 1986/976, 2003/1937, 2004/696 and 2013/365.
(**4**) S.I. 2000/620; amended by S.I. 2000/3189, 2001/2287, 2002/548 and 2352, 2003/699 and 1084, 2004/663, 696 and 865, 2005/578, 2006/552, 675 and 913, 2007/ 1510 and 1975, 2008/571, 1687, 1700 and 2593, 2009/29, 411, 1166 and 2230, 2010/231 and 1727, 2011/518, 2012/470, 1479, 1909 and 1916, 2013/475 and 2014/545.

"the DC Regulations" means the National Health Service (Dental Charges) Regulations 2005(**5**);

"the NHSCB" means the National Health Service Commissioning Board established under section 1H(1) of the 2006 Act(**6**) (the National Health Service Commissioning Board and its general functions);

"the OCP Regulations" means the National Health Service (Optical Charges and Payments) Regulations 2013(**7**);

"the POS Regulations" means the Primary Ophthalmic Services Regulations 2008(**8**); and

"the TERC Regulations" means the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003(**9**).

Qualifying persons for the purposes of information-sharing by the Secretary of State for Work and Pensions

3.—(1) The following are prescribed as "qualifying persons" to whom the Secretary of State for Work and Pensions may supply relevant information for the purposes prescribed in regulations 4 to 7—

(a) the Secretary of State for Health;

(b) the NHSCB; and

(c) the NHS Business Services Authority established by the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) (Establishment and Constitution) Order 2005(**10**), where it is exercising functions of the Secretary of State for Health or the NHSCB in connection with the purposes prescribed in regulations 4 to 7.

(2) The persons who are required to make and recover charges from patients under the CDA Regulations are prescribed as "qualifying persons" to whom the Secretary of State for Work and Pensions may supply relevant information for the purposes prescribed in regulation 4.

(3) The persons other than the Secretary of State for Health or the NHSCB who are required to make a payment or repayment of NHS travel expenses under the TERC Regulations are prescribed as "qualifying persons" to whom the Secretary of State for Work and Pensions may supply relevant information for the purposes prescribed in regulation 5.

(4) The persons who are required to make and recover charges payable under the DC Regulations are prescribed as "qualifying persons" to whom the Secretary of State for Work and Pensions may supply relevant information for the purposes prescribed in regulation 6.

(5) The following persons are prescribed as "qualifying persons" to whom the Secretary of State for Work and Pensions may supply relevant information for the purposes prescribed in regulation 7—

(a) persons who are required under the POS Regulations to test the sight of eligible persons;

(b) persons who are required under the CA Regulations to make and recover a charge in respect of the supply or repair of an optical appliance; or

(c) persons who are required under the OCP Regulations to—

(i) make and recover a charge in respect of the supply of glasses or contact lenses,

(**5**) S.I. 2005/3477; amended by S.I. 2006/1837, 2007/544, 2008/547, 2009/407, 2011/519, 2012/502, 2013/364 and 475 and 2014/545.
(**6**) 2006 c. 41. Section 1H was inserted by the Health and Social Care Act 2012.
(**7**) S.I. 2013/461; amended by S.I. 2013/1856 and 2555 and 2014/545.
(**8**) S.I. 2008/1186; amended by S.I. 2008/1700 and 2449, 2009/409, 2010/634, 2013/365 and 2014/418 and 545.
(**9**) S.I. 2003/2382; amended by S.I. 2004/663, 696 and 936, 2005/26, 578 and 2114, 2006/562, 675, 1065 and 2171, 2007/1975 and 2590, 2008/571, 1697, 1700 and 2868, 2009/411 and 1599, 2012/620 and 1727, 2011/1587, 2012/1650, 2013/475 and 1600 and 2014/545.
(**10**) S.I. 2005/2414.

(ii) accept vouchers in substitution for payments for sight tests, or

(iii) issue vouchers to meet or contribute towards the costs of optical appliances.

Prescribed purposes relating to NHS prescription charges

4.—(1) The purposes set out in paragraph (2) are prescribed—

(a) under section 131(3) of the 2012 Act (information-sharing in relation to welfare services etc.) as purposes for which information may be held by a qualifying person mentioned in regulation 3(1) or (2);

(b) under section 131(3)(a) of the 2012 Act as purposes for which information may be used by a qualifying person as mentioned in regulation 3(1) or (2); and

(c) under section 131(3)(b) of the 2012 Act as purposes for which the information may be supplied by a qualifying person to another qualifying person as mentioned in regulation 3(1) or (2).

(2) The purposes are—

(a) identifying persons in receipt of a relevant social security benefit, or who are members of a family one member of which is in receipt of a relevant social security benefit, for the purposes of—

(i) ascertaining entitlement to remission of a charge payable under the CDA Regulations on the grounds of receiving a relevant social security benefit, and

(ii) providing appropriate advice, assistance and support in relation to entitlement to remission of a charge payable under the CDA Regulations on the grounds of receiving a relevant social security benefit; and

(b) identifying persons who—

(i) are not in receipt of a relevant social security benefit, and are not members of a family one member of which is in receipt of a relevant social security benefit, or

(ii) are in receipt of a relevant social security benefit, or are members of a family one member of which is in receipt of a relevant social security benefit, but from whom a charge is recoverable under the CDA Regulations,

but who have claimed, are claiming or are proposing to claim entitlement to remission of a charge payable by them under the CDA Regulations on the grounds of receiving a relevant social security benefit, in order to perform as appropriate the functions set out in paragraph (3).

(3) The functions are—

(a) providing the persons mentioned in paragraph (2)(b) with advice, assistance and support in relation to entitlement to remission of a charge payable under the CDA Regulations on the grounds of receiving a relevant social security benefit;

(b) making and recovery of charges payable by the persons mentioned in paragraph (2)(b) under section 192 of the 2006 Act (recovery of charges and payments in relation to goods and services);

(c) making and recovery of penalty charges from persons mentioned in paragraph (2)(b) under section 193 of the 2006 Act (penalties relating to charges); and

(d) conducting proceedings in relation to persons mentioned in paragraph (2)(b) under section 194 of the 2006 Act(**11**) (offences relating to charges).

(**11**) Section 194 has been amended by the Legal Services Act 2007 (c. 29), Schedule 21, paragraph 54, and Schedule 23.

Prescribed purposes relating to payment of NHS travelling expenses

5.—(1) The purposes set out in paragraph (2) are prescribed—

(a) under section 131(3) of the 2012 Act (information-sharing in relation to welfare services etc.) as purposes for which information may be held by a qualifying person mentioned in regulation 3(1) or (3);

(b) under section 131(3)(a) of the 2012 Act as purposes for which information may be used by a qualifying person mentioned in regulation 3(1) or (3); and

(c) under section 131(3)(b) of the 2012 Act as purposes for which information may be supplied by a qualifying person to another qualifying person mentioned in regulation 3(1) or (3).

(2) The purposes are—

(a) identifying persons in receipt of a relevant social security benefit, or who are members of a family one member of which is in receipt of a relevant social security benefit, for the purposes of—

(i) ascertaining entitlement to payment in full or in part of NHS travel expenses under the TERC Regulations on the grounds of receiving a relevant social security benefit, and

(ii) providing appropriate advice, assistance and support in relation to entitlement to payment in full or in part of NHS travel expenses under the TERC Regulations on the grounds of receiving a relevant social security benefit; and

(b) identifying persons who—

(i) are not in receipt of a relevant social security benefit, or are not members of a family one member of which is in receipt of a relevant social security benefit, or

(ii) are in receipt of a relevant social security benefit, or are members of a family one member of which is in receipt of a relevant social security benefit, but who are not entitled to payment in full or in part of NHS travel expenses under the TERC Regulations on the grounds of receiving a relevant social security benefit,

but who have been paid or have claimed, are claiming or are proposing to claim entitlement to payment in full or in part of NHS travel expenses under the TERC Regulations on the grounds of receiving a relevant social security benefit, in order to perform as appropriate the functions set out in paragraph (3).

(3) The functions are—

(a) providing the persons mentioned in paragraph (2)(b) with advice, assistance and support in relation to entitlement to payment in full or in part of NHS travel expenses under the TERC Regulations on the grounds of receiving a relevant social security benefit;

(b) recovery of payments from the persons mentioned in paragraph (2)(b) under section 192 of the 2006 Act (recovery of charges and payments in relation to goods and services);

(c) making and recovery of penalty charges payable by persons mentioned in paragraph (2)(b) under section 193 of the 2006 Act (penalties relating to charges); and

(d) conducting proceedings in relation to persons mentioned in paragraph (2)(b) under section 194 of the 2006 Act (offences relating to charges).

Prescribed purposes relating to NHS dental charges

6.—(1) The purposes set out in paragraph (2) are prescribed—

(a) under section 131(3) of the 2012 Act (information-sharing in relation to welfare services etc.) as purposes for which information may be held by a qualifying person mentioned in regulation 3(1) or (4);