STATUTORY RULES OF NORTHERN IRELAND

1997 No. 185

HEALTH AND PERSONAL SOCIAL SERVICES

Travelling Expenses and Remission of Charges (Amendment) Regulations (Northern Ireland) 1997

Made - - - -	*28th March 1997*
Coming into operation—	
except for the purposes of regulation 6(2)(a) . . .	*1st April 1997*
for the purposes of regulation 6(2)(a) . . .	*7th April 1997*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 45, 98, 106 and 107(6) of, and paragraphs 1(*b*) and 1B of Schedule 15 to, the Health and Personal Social Services (Northern Ireland) Order 1972(**1**) and with the approval of the Department of Finance and Personnel insofar as they relate to the remission of charges, and in conjunction with the Department of Finance and Personnel insofar as they relate to travelling expenses, and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Travelling Expenses and Remission of Charges (Amendment) Regulations (Northern Ireland) 1997 and shall come into operation—

(a) except for the purposes of regulation 6(2)(*a*), on 1st April 1997; and

(b) for the purposes of regulation 6(2)(*a*), on 7th April 1997 immediately after the coming into operation of regulation 2 of the Income-related Benefits and Jobseeker's Allowance (Personal Allowances for Children and Young Persons) (Amendment) Regulations (Northern Ireland) 1996(**2**) in so far as it amends provisions relating to income support and jobseeker's allowance.

(2) In these Regulations "the principal Regulations" means the Travelling Expenses and Remission of Charges Regulations (Northern Ireland) 1989(**3**).

(**1**) S.I.1972/1265 (N.I. 14); relevant amending Instruments are S.I. 1988/594 (N.I. 2) Article 14 and S.I. 1991/194 (N.I. 1) Article 34 and Part II of Schedule 5
(**2**) S.R. 1996 No. 476
(**3**) S.R. 1989 No. 348; relevant amending Regulations are S.R. 1991 No. 224, S.R. 1993 No. 161, S.R. 1995 No. 138 and S.R. 1996 Nos. 107 and 425

Amendment of regulation 2 of the principal Regulations

2. In regulation 2(1) of the principal Regulations (interpretation)—

(a) after the definition of "family credit" there shall be inserted the following definition:—

> ""full rate" means the rate determined under Article 36(3) of the Health and Personal Social Services (Northern Ireland) Order 1972(**4**);";

(b) after the definition of "income support" there shall be inserted the following definition:—

> ""nursing home" has the meaning assigned to it by regulation 19(2) of the Income Support (General) Regulations (Northern Ireland) 1987(**5**);";

(c) after the definitions of "relevant charges" and "relevant travelling expenses" there shall be inserted the following definitions:—

> ""residential care home" has the meaning assigned to it by regulation 19(2) of the Income Support (General) Regulations (Northern Ireland) 1987(**6**);
>
> "standard rate" means the standard rate determined under Article 99(2) of the Health and Personal Social Services (Northern Ireland) Order 1972(**7**);".

Amendment of regulation 4 of the principal Regulations

3. In regulation 4 of the principal Regulations (description of persons entitled to full remission and payment) in paragraph (1) there shall be added at the end of head (*l*)(**8**) the word "or" and the following sub-paragraph—

> "(m) a person who lives permanently in accommodation arranged under Article 15 or 36 of the Health and Personal Social Services (Northern Ireland) Order 1972(**9**) (General Social Welfare/ Provision of accommodation in premises maintained by voluntary organisations, etc.), and who has satisfied the Department that he is unable to pay for that accommodation at the standard rate or, as the case may be, the full rate, and for the purposes of this paragraph a person lives permanently in such accommodation if it is his principal place of abode.".

Amendment of regulation 7 of the principal Regulations

4. For paragraph (1) of regulation 7 of the principal Regulations (claims for remission or payment) there shall be substituted—

> "(1) Subject to paragraph (1A), a person who falls within sub-paragraph (*a*) or (*b*) and who wishes to claim his entitlement under regulation 3(1) or 5(1) (full or partial remission of relevant charges or payment of relevant travelling expenses) shall, if he is a person—
>
> (a) within a description prescribed by regulation 4(*aa*), (*bb*), (*k*) or (*l*), make a claim to the Department in writing; or
>
> (b) within a description prescribed by regulation 4(*e*), (*f*) or (*m*), or 5(*l*), make a claim to the Department on a form provided by or on behalf of the Department for that purpose,

(**4**) S.I. 1972/1265 (N.I. 14); Article 36(3) was substituted by Article 25 of S.I. 1991/194 (N.I. 1)
(**5**) The definition of "nursing home" was substituted by paragraph 6(5)(*b)* of Schedule 2 to S.R. 1993 No. 149
(**6**) The definition of "residential care home" was inserted by paragraph 1(3)(*a*) of Schedule 1 to S.R. 1993 No. 149 and amended by regulation 4(9)(*d*) of S.R. 1993 No. 373 and paragraph 1(*e*) of Schedule 12 to S.R. 1994 No. 65
(**7**) S.I. 1972/1265 (N.I. 14); Article 99(2) was substituted by Article 27 of S.I. 1991/194 (N.I. 1)
(**8**) Sub-paragraphs (*g*) to (*j*) were added by S.R. 1995 No. 138 and sub-paragraphs (*g*), (*i*) and (*j*) were substituted and (*k*) and (*l*) were added by S.R. 1996 No. 425
(**9**) S.I. 1972/1265 (N.I. 14); Article 15 was amended by Part II of Schedule 5 to S.I. 1991/194 (N.I. 1) and paragraph 2(2) of Schedule 1 to S.I. 1992/3204 (N.I. 20); Article 36 was substituted by Article 25 of S.I. 1991/194 (N.I. 1) and amended by paragraph 2(4) and (5) of Schedule 1 to S.I. 1992/3204 (N.I. 20)

and shall send or deliver that claim in writing or, as the case may be, that form, to an appropriate office.".

Amendment of Schedule 1 to the principal Regulations

5.—(1) Table A of Part I of Schedule 1 to the principal Regulations (modification of provisions of the Income Support (General) Regulations (Northern Ireland) 1987(**10**)) shall be amended in accordance with the following provisions of this regulation.

(2) The following entries shall be inserted in the appropriate places—

(a) in column (1) "regulations 62(3A), 63(2), and 64(1)(*c*)", and

(b) in column (2) opposite the entry referred to in sub-paragraph (*a*) above "As if the words "or, if there are 53 benefit weeks (including part-weeks) in the year, 53" were omitted.".

(3) In the corresponding entries in column (2) relating to the entry "Schedule 8" in column (1) there shall be inserted in the appropriate places the following entries—

(a) "As if in paragraph 4(2) after the words "disability premium" the words "or higher pensioner premium" were inserted.";

(b) "As if sub-paragraphs (3), (4), (5), (6) and (7) of paragraph 4 were omitted.";

(c) "As if in paragraph 5 after the words "or but for the" the word "higher" were inserted.";

(d) "As if in paragraph 8 the words "part time" were omitted."; and

(e) "As if paragraph 16 were omitted.".

Further amendments of Schedule 1 to the principal Regulations

6.—(1) Table B of Part II of Schedule 1 to the principal Regulations (further modification of provisions in the Income Support (General) Regulations (Northern Ireland) 1987) shall be amended in accordance with the following provisions of this regulation.

(2) In the corresponding entries in column (2) relating to the entry "Schedule 2" in column (1) there shall be inserted in the appropriate places the following entries—

"(a) As if in paragraph 2—

(a) in sub-paragraph (1) the words "for the relevant period specified in column (1)" were omitted;

(b) for column (1) there were substituted—

"Person aged—

(a) less than 11;

(b) not less than 11 but less than 16;

(c) not less than 16 but less than 19";

(c) sub-paragraph (2) were omitted.";

(b) "As if paragraph 9 were omitted.";

(c) "As if paragraph 9A(**11**) were omitted.";

"(d) As if for paragraph 10 there were substituted—

"**10.**—(1) Where the claimant is a single claimant or a lone parent, the condition is that he is aged not less than 60;

(**10**) S.R. 1987 No. 459

(**11**) Paragraph 9A was substituted by regulation 5(*a*) of S.R. 1989 No. 139