STATUTORY RULES OF NORTHERN IRELAND

1996 No. 107

HEALTH AND PERSONAL SOCIAL SERVICES

Travelling Expenses and Remission of Charges (Amendment) Regulations (Northern Ireland) 1996

Made - - - -	*15th March 1996*
Coming into operation	*18th March 1996*

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 paragraph 1(b) 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) 1996 and shall come into operation on 18th March 1996.

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

Amendment of regulation 2 of the principal regulations

2.—(1) Regulation 2 of the principal regulations (interpretation) shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph (1) for the definition of "date of claim" there shall be substituted the following definition—

> ""date of claim" means the date on which a claim made under regulation 7(1) or regulation 8(2) is received in an appropriate office or by the Department;".

(3) After paragraph (3) there shall be added the following paragraph—

> "(4) The Note following paragraph 7 of Schedule 1A shall have effect for the purposes of the interpretation of that Schedule.".

(**1**) S.I.1972/1265 (N.I. 14); the relevant amending Instruments are S.I. 1988/594 (N.I. 2) Article 14(1) and (2)(a) and S.I. 1991/194 (N.I. 1) Article 34 and Part II of Schedule 5

(**2**) S.R. 1989 No. 348; relevant amending regulations are S.R. 1991 No. 224, S.R. 1993 No. 161 and S.R. 1995 Nos. 138 and 361

Amendment of regulation 4 of the principal regulations

3.—(1) Regulation 4(1) of the principal regulations (description of persons entitled to full remission and payment) shall be amended in accordance with the following provisions of this regulation.

(2) After sub-paragraph (a) there shall be added the following sub-paragraph—

"(aa) a person whose entitlement to income support is less than 10 pence, or".

(3) After sub-paragraph (b) there shall be added the following sub-paragraph—

"(bb) a member of the same family as a person whose entitlement to income support is less than 10 pence, or".

Amendment of regulation 7 of the principal regulations

4.—(1) Regulation 7 of the principal regulations (claims for remission or payment) shall be amended in accordance with the following provisions of this regulation.

(2) At the beginning of paragraph (1) there shall be inserted the words "Subject to paragraph (1A),".

(3) After paragraph (1) there shall be inserted the following paragraphs—

"(1A) Subject to paragraph (1B), where a person is unable for the time being to act, a claim may be made on his behalf by another person.

(1B) The Department may refuse to accept a claim made by one person on behalf of another where, in the Department's opinion—

(a) the person on whose behalf the claim is made is able to act; or

(b) the person making the claim is not a suitable person to act on behalf of that other person.".

(4) For paragraph (6) there shall be substituted the following paragraphs—

"(6) Subject to paragraphs (6A) and (8), a notice of entitlement issued under paragraph (4) shall be effective for a period of 6 months from the date of claim and shall specify the dates of commencement and expiry of that period.

(6A) Subject to paragraph (8), where a claimant or his partner is a person of a description specified in column (1) of Schedule 1A and the date of claim falls within any period specified in column (1), the notice of entitlement issued under paragraph (4) to that claimant shall be effective for the period specified in column (2) of that Schedule opposite the description in column (1) of that claimant or his partner.".

Amendment of regulation 8 of the principal regulations

5.—(1) Regulation 8 of the principal regulations (repayment) shall be amended in accordance with the following provisions of this regulation.

(2) At the beginning of paragraph (2) there shall be inserted the words "Subject to paragraph (2A),".

(3) After paragraph (2) there shall be inserted the following paragraphs—

"(2A) Subject to paragraph (2B), where a person is unable for the time being to act, a claim may be made on his behalf by another person.

(2B) The Department may refuse to accept a claim made by one person on behalf of another where, in the Department's opinion—

(a) the person on whose behalf the claim is made is able to act; or

(b) the person making the claim is not a suitable person to act on behalf of that other person.".

Amendment of Schedule 1 to the principal regulations

6.—(1) Table A of Part I of Schedule 1 to the principal regulations(**3**) (modifications of provisions of the Income Support (General) Regulations (Northern Ireland) 1987) shall be modified in accordance with the following provisions of this regulation.

(2) At the end of the entry corresponding to regulation 30 the following shall be added in column (2)—

"As if in sub-paragraph (1)(a) at the beginning there were inserted the words "except where sub-paragraph (b) or (c) applies,".

As if in sub-paragraph (1)(b) at the beginning there were inserted the words "except where sub-paragraph (c) applies,".

As if after sub-paragraph (1)(b) the word "or" and the following new sub-paragraph were inserted—

"(c) where the claimant provides in respect of the employment 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 terminates within the twelve months preceding the date of claim or, as the case may be, the date when he paid the relevant charge or travelling expenses, over that period.".

As if after paragraph (1) the following new paragraph were inserted—

"(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.".".

(3) After the entries for regulation 36 the following entries shall be inserted—

"Regulation 38(**4**) As if in paragraph (3) for the words "paragraph (9)" there were substituted the words "paragraph (3A) or (9)".

As if after paragraph (3) there were inserted—

"(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—

(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;

(b) an amount in respect of—

(i) income tax;

(**3**) Relevant amending regulations are S.R. 1990 No. 313, S.R. 1991 No. 224 and S.R. 1995 No. 301
(**4**) Relevant amending regulations are S.R. 1993 No. 373, S.R. 1994 No. 327 and S.R. 1995 No. 367

(ii) social security contributions payable under the Social Security Contributions and Benefits (Northern Ireland) Act 1992, calculated in accordance with regulation 39 (deduction of tax and contributions for self-employed earners); and

(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,".

As if in paragraph (4) after the word "shall" there were inserted the words ", except where paragraph (4A) or (9) applies.".

As if after paragraph (4) there were inserted the following new paragraph—

"(4A) For the purposes of paragraph (1)(b), 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, subject to paragraphs (5) to (7), any expenses relevant to that period (whether or not defrayed in that period) and which were wholly or exclusively incurred for the purposes of that employment.".

As if in paragraphs (5), (6), (7) and (8) for the words "paragraph (3)(a) or (4)" there were substituted the words "paragraphs (3)(a), (3A)(a), (4) or (4A), as the case may be,".".

(4) After the fifth entry corresponding to Schedule 9 the following entry shall be inserted in column (2)—

"As if for sub-paragraph (1) of paragraph 29 the following sub-paragraph were substituted—

"(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 purpose of carrying out repairs and improvements to the dwelling occupied as the home;

(b) any amount due by way of premiums on that policy.".".

Further amendments to Schedule 1 to the principal regulations

7.—(1) Table B of Part II of Schedule 1 to the principal regulations shall be modified in accordance with the following provisions of this regulation.

(2) At the end of the entry corresponding to regulation 3 the following shall be added in column (2)—

"As if in paragraph (2B) the words "Subject to paragraph (2C)," were omitted.

As if paragraph (2C) were omitted.".

(3) In the first entry in column (2) corresponding to Schedule 2(**5**) for head (a) the following head shall be substituted—

"(a) except where heads (b) or (c) of this sub-paragraph apply, less than 18;".

(4) For the second entry in column (2) corresponding to Schedule 2 the following entry shall be substituted—

"As if in column 1 of that Table for both sub-paragraphs (1)(c) and (2)(c) there were substituted in each case the following sub-paragraph—

"(c) less than 18 who—

(**5**) Relevant amending regulation is S.R. 1995 No. 71

(i) satisfies the condition in paragraph 11;

(ii) is undergoing youth training; or

(iii) is in remunerative work;".".

(5) After the second entry in column (2) corresponding to Schedule 2 the following entry shall be inserted—

"As if for head (c) of sub-paragraph (3) in column 1 of that Table there were substituted the following head—

"(c) where both members are aged—

(i) not less than 18; or

(ii) less than 18 where—

(za) at least one of them is undergoing youth training;

(zb) at least one of them is in remunerative work;

(zc) in respect of at least one of them an amount is applicable under paragraph 2;

(zd) at least one of them satisfies the condition in paragraph 11; or

(ze) in respect of at least one of them an amount is applicable under Schedule 3;".".

(6) After the fifth entry in column (2) corresponding to Schedule 2 the following entry shall be inserted—

"As if in paragraph 11(b)(ii)(**6**) for the words "12(1)(a) or (c)" there were substituted the words "12(1)(a), (b) or (c).".".

(7) For the seventh entry in column (2) corresponding to Schedule 2 the following entry shall be substituted—

"As if in paragraph 12(1)(b)(**7**)—

(a) after the words "the claimant" there were inserted the words "or, as the case may be, his partner"; and

(b) for sub-head (ii) there were substituted the following sub-head—

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

(8) For the entries in column (2) corresponding to Schedule 3(**8**) the following entries shall be substituted—

"As if in paragraph 1—

(a) in sub-paragraph (1)(b) for the words "paragraphs 15 to 17" there were substituted the words "paragraph 17"; and

(b) for sub-paragraph (2), the following sub-paragraph were substituted—

"(2) In this Schedule "period of study" has the meaning specified in regulation 61 (student interpretation).".

As if in paragraph 2—

(a) in sub-paragraph (1) for head (c) the following head were substituted—

(**6**) Relevant amending regulation is S.R. 1988 No. 146
(**7**) Relevant amending regulation is S.R. 1995 No. 67
(**8**) Schedule 3 was substituted by S.R. 1995 No. 301