1995 No. 138

HEALTH AND PERSONAL SOCIAL SERVICES

Travelling Expenses and Remission of Charges (Amendment) Regulations (Northern Ireland) 1995

Made . . . . . *30th March 1995*

Coming into operation . . *1st April 1995*

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(**a**) 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) 1995 and shall come into operation on 1st April 1995.

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

Amendment of regulation 2 of the principal regulations

2. In regulation 2 of the principal regulations (interpretation)—

(*a*) after the definition of "date of claim" there shall be inserted the following definition—

" "disability working allowance" means disability working allowance under Part VII of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**c**);";

(*b*) for the definition of "family" there shall be substituted the following definition—

" "family" has the meaning assigned to it by section 133(1) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 as it applies to income support (**d**), except that—

(**a**) 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

(**b**) S.R. 1989 No. 348; relevant amending regulations are S.R. 1991 No. 224 and S.R. 1993 No. 161

(**c**) 1992 c. 7

(**d**) *See* S.R. 1987 No. 459, regulations 14 to 16; relevant amending regulations are S.R. 1988 No. 146, S.R. 1989 No. 139, S.R. 1990 Nos. 131 and 387 and S.R. 1993 Nos. 149 and 373

(*a*) in regulation 4(1)(*d*) it has the meaning assigned to it by section 133(1) of that Act as it applies to family credit(**a**), and

(*b*) in regulation 4(1)(*h*) it has the meaning assigned to it by section 133(1) of that Act as it applies to disability working allowance(**b**);".

Substitution of regulation 3 of the principal regulations

3. For regulation 3 of the principal regulations there shall be substituted the following regulation—

"**3.**—(1) Any person of a description prescribed by regulation 4 is entitled, in accordance with the following provisions, to the remission of the whole amount of any charges referred to in paragraph (2) which would otherwise be payable by him ("relevant charges") and payment, in accordance with regulation 5A, of the whole amount of the travelling expenses referred to in paragraphs (3) to (5) ("relevant travelling expenses").

(2) Paragraph (1) applies to the following charges—

(*a*) charges for drugs, medicines, appliances and pharmaceutical services payable in pursuance of Article 98(2) of and Schedule 15 to the Order;

(*b*) charges for dental appliances and dental treatment payable in pursuance of Article 61 of and Schedule 15 to the Order.

(3) Paragraph (1) applies in the case of travelling expenses necessarily incurred or to be incurred by a person—

(*a*) in attending a hospital in Northern Ireland for the purpose of availing himself of services provided under the care of a hospital consultant in pursuance of the Order, including the travelling expenses of a companion in a case where it is necessary on medical grounds that that person should be accompanied; or

(*b*) in attending a hospital or any other place for the provision of disablement services by a Health and Social Services Board or an HSS trust in pursuance of the Order or the 1991 Order, including the travelling expenses of a companion in a case where it is necessary on medical grounds that that person should be accompanied; or

(*c*) who is a relative of a person transferred to Great Britain for the purpose of availing himself of accommodation or services arranged under the Order; or

(*d*) who is a relative of a person transferred to the Republic of Ireland for the purpose of availing himself of accommodation or services arranged under the Order; or

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(**a**) *See* S.R. 1987 No. 463, regulations 6 to 9; relevant amending regulations are S.R. 1988 No. 131, S.R. 1990 Nos. 138 and 387 and S.R. 1993 No. 373

(**b**) S.R. 1992 No. 78, regulations 8 to 11 as amended by S.R. 1993 No. 373

(*e*) who is a relative of a person ordinarily resident in Northern Ireland who requires hospital treatment while in the Republic of Ireland. In such cases travelling expenses will be payable only where:—

(i) the patient has been certified by the medical officer in charge of his case to be dangerously ill; or

(ii) the patient, because of his medical condition, cannot be transferred to a hospital in Northern Ireland and the medical officer in charge of the case certifies that the visit of the relative is necessary or expedient on medical grounds for the success of his treatment.

(4) The travelling expenses to be taken into account for the purposes of paragraph (3)(*a*) and (*b*) are to be the cost of travelling by the cheapest appropriate means of transport available.

(5) The travelling expenses to be taken into account for the purposes of paragraph (3)(*c*), (*d*) and (*e*), are to be the cost of travelling by the cheapest appropriate means of transport available, and may include overnight expenses necessarily incurred.

(6) In this regulation, "disablement services" means—

(*a*) the provision (including fitting and repair) of artificial limbs, limb appurtenances and arm appliances;

(*b*) the provision (including repair and maintenance) of wheelchairs and of wheelchair accessories (including the provision of special seating); and

(*c*) the provision of other facilities, articles or appliances for use in the care of persons suffering from severe physical defect or disability.".

Amendment of regulation 4 of the principal regulations

4.—(1) 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 (*f*) the word "or" and the following paragraphs—

"(*g*) a person who is in receipt of disability working allowance and whose capital calculated in accordance with the regulations concerning entitlement to that allowance(**a**) did not exceed £8,000 at the date on which that allowance was claimed; or

(*h*) a member of the same family as a person described in head (*g*); or

(*i*) a person, not being a person described in head (*g*), who is in receipt of disability working allowance and whose capital resources calculated according to the provisions of regulation 6 and Schedule 1 do not exceed £8,000; or

(*j*) a member of the same family as a person described in head (*i*).".

(2) In paragraph (2) of regulation 4, for "3(3)(*b*)" there shall be substituted "3(3)(*c*)".

(a) S.R. 1992 No. 78