1993 No. 161

HEALTH AND PERSONAL SOCIAL SERVICES

Travelling Expenses and Remission of Charges (Amendment) Regulations (Northern Ireland) 1993

Made . . . . . *31st March 1993*

Coming into operation . . *1st April 1993*

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(**b**) 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) 1993 and shall come into operation on 1st April 1993.

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

Amendment of the principal regulations

2.—(1) The principal regulations shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 3 (entitlement to full remission and payment)—

(*a*) in paragraph (1) after "payment" there shall be inserted ", in accordance with regulation 5A,";

(*b*) after paragraph (3)(*a*) there shall be inserted the following sub-paragraph—

"(*aa*) 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";

(**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**) Formerly Department of Finance: *see* S.I. 1982/338 (N.I. 6) Art. 3

(**c**) S.R. 1989 No. 348; relevant amending regulations are S.R. 1991 No. 224 and S.R. 1992 No. 234

(*c*) after paragraph (4) there shall be added the following paragraph—

"(5) 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.".

(3) In regulation 5(1) (persons entitled to remission in part or payment in part) after "payment" there shall be inserted ", in accordance with regulation 5A,".

(4) After regulation 5 there shall be inserted the following new regulation—

"*Payment of travelling expenses*

5A. Where a payment falls to be made under regulation 3(1) or 5(1) in respect of relevant travelling expenses, that payment shall be made—

(*a*) in a case where the travelling expenses are incurred or to be incurred by a person in attending a hospital which is managed by an HSS trust, by that HSS trust;

(*b*) in any other case, by the Department.".

(5) In regulation 8 (repayment) for paragraph (4) there shall be substituted the following paragraphs—

"(4) Where the Department is satisfied that a claimant is entitled to any repayment under paragraph (1) it shall—

(*a*) in the case of a repayment to be made—

(i) in respect of a relevant charge made by an HSS trust, other than a charge for drugs or for appliances mentioned in regulation 7 of the Health and Personal Social Services (Charges for Drugs and Appliances) Regulations (Northern Ireland) 1973(**a**), or

(ii) in respect of relevant travelling expenses incurred by a person in attending a hospital managed by an HSS trust,

authorise in writing the repayment of the amount in question to the claimant by the HSS trust; or

(*b*) in any other case, cause a repayment to be made to the claimant in such manner as appears to the Department to be appropriate in the circumstances of the particular case.

(5) On receipt of an authorisation given under paragraph (4)(*a*), the HSS trust shall pay the amount in question to the claimant.".

(a) S.R. 1973 No. 419; relevant amending regulations are S.R. 1974 No. 83, S.R. 1984 No. 66 and S.R. 1992 No. 154

(6) In Table B in Part II of Schedule 1 (calculation of requirements)—

(*a*) in the entry in column 2 corresponding to the entry "regulation 17"(**a**) in column 1, for "paragraph (1)(*g*)" there shall be substituted "sub-paragraphs (*bb*) and (*g*) of paragraph (1)";

(*b*) in the entry in column 2 corresponding to the entry "regulation 18"(**b**) in column 1, for "paragraph (1)(*h*)" there shall be substituted "sub-paragraphs (*cc*) and (*h*) of paragraph (1)";

(*c*) for the entry "regulations 19(**c**) and 21(**d**)" in column 1 and the corresponding entry in column 2, there shall be substituted the following entries—

"regulation 19	As if for paragraph (1) there were substituted the following paragraph— "(1) Where— (*a*) the claimant lives in a residential care home or nursing home; or (*b*) if the claimant is a member of a family, he and the members of his family live in such a home, his weekly applicable amount shall, except in a case to which Part II of Schedule 4 (persons to whom regulation 19 does not apply) applies, be calculated in accordance with Part I of that Schedule.". As if paragraphs (1ZB) to (1ZH) were omitted. As if in the definition of "residential care home" in paragraph (2) there were added at the end— "(*d*) in which accommodation is provided under Articles 15, 36, 36A and 99 of the Order(**e**) (provision of accommodation);".

(**a**) Relevant amending regulations are S.R. 1988 Nos. 190 and 318, S.R. 1989 No. 395 and S.R. 1993 No. 149

(**b**) Relevant amending regulations are S.R. 1988 Nos. 274 and 318, S.R. 1989 Nos. 139 and 249 and S.R. 1993 No. 149

(**c**) Relevant amending regulations are S.R. 1988 Nos. 146 and 318, S.R. 1989 No. 395, S.R. 1991 No. 170 and S.R. 1993 No. 149

(**d**) Relevant amending regulations are S.R. 1989 No. 139, S.R. 1990 No. 131, S.R. 1991 Nos. 46, 170 and 345, S.R. 1992 No. 403 and S.R. 1993 No. 149

(**e**) Article 15 was amended by Article 34 of, and Part II of Schedule 5 to, S.I. 1991/194 (N.I. 1), and Article 37 of, and 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 Article 37 of, and Schedule 1 to, S.I. 1992/3204 (N.I. 20); Article 36A was inserted by Article 26 of S.I. 1991/194 (N.I. 1) and amended by Article 37 of, and Schedule 1 to, S.I. 1992/3204 (N.I. 20); Article 99 was substituted by Article 27 of S.I. 1991/194 (N.I. 1)