STATUTORY INSTRUMENTS

1976 No. 1823

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

The National Health Service (Remission of Charges) Amendment Regulations 1976

Made - - - - 1*st November* 1976

Laid before Parliament 10*th November* 1976

Coming into Operation in accordance with Regulation 1

The Secretary of State for Social Services in exercise of powers conferred by section 3(2)(*b*) (as amended by section 39(1) of the Health Services and Public Health Act 1968(**a**) and section 57(1) of and paragraph 12(1) of Schedule 4 to the National Health Service Reorganisation Act 1973(**b**)) and section 44(1)(*b*) (as amended by the said section 39(1)) of the National Health Service Act 1946(**c**) and section 1(2) of the National Health Service Act 1952(**d**) and now vested in him(**e**) and of powers conferred on him by sections 50(1) and 56(4) of the said Act of 1973, and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the National Health Service (Remission of Charges) Amendment Regulations 1976 and shall come into operation immediately after the coming into operation of the Supplementary Benefits Act 1976.

Amendment to regulations

2. For regulation 6 of the National Health Service (Remission of Charges) Regulations 1974(**f**) (as amended)(**g**), there shall be substituted the following—

"*Calculation of requirements and resources*

6.—(1) For the purposes of regulation 4(*d*), the requirements and resources of a claimant shall be determined by the Secretary of State as if they fell to be determined in accordance with the provisions of paragraphs 3, 4(1)(*a*), 5, 6(1), 7, 8, 10, 11 and 13 to 22(1), 22(2) and 23 to 30 of Schedule 1 to the Supplementary Benefits Act 1976 and as if—

(*a*) in paragraph 22(1) of the said Schedule (calculation of weekly earnings) for the amount specified in sub-paragraph (*a*) there were substituted the amount specified in sub-paragraph (*c*); and

(**a**) 1968 c. 46. (**b**) 1973 c. 32. (**c**) 1946 c. 81. (**d**) 1952 c. 25.

(**e**) *See* Secretary of State for Social Services Order 1968 (S.I. 1968/1699 (1968 III, p. 4585)) Article 2.

(**f**) S.I. 1974/1377 (1974 II, p. 5282).

(**g**) The relevant amending instruments are S.I. 1975/1687, 1946 (1975 III, pp. 5767, 7239).

(*b*) the claimant's requirements were deemed to include—

(i) the sum of £2·50; and

(ii) an amount in respect of mortgage repayments as is reasonable in the circumstances.

(2) (*a*) In determining what, if any, amount to allow under paragraph 4(1)(*a*) of the said Schedule 1 regard shall be had to the provisions made by paragraphs 6(2) and 6(3) of that Schedule.

(*b*) Where by virtue of paragraph 3 of the said Schedule the requirements and resources of the claimant would be aggregated with those of some other person their requirements and resources when determined as aforesaid, shall be aggregated and shall be treated as if they were those of the claimant.".

David Ennals,
Secretary of State for Social Services.

1st November 1976.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations further amend the National Health Service (Remission of Charges) Regulations 1974 by increasing the amount by which earnings are to be disregarded for the purposes of calculating entitlement to remission of charges in the case of a parent in a one parent family by including paragraph 22(1)(*b*) of Schedule 1 to the Supplementary Benefits Act 1976 in the calculation of requirements and resources.

These Regulations also replace references to provisions of the Supplementary Benefit Act 1966 by reference to the corresponding provisions of the Supplementary Benefits Act 1976.

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