S T A T U T O R Y I N S T R U M E N T S

2002 No. 580

NATIONAL HEALTH SERVICE, ENGLAND

The National Health Service (Travelling Expenses and Remission of Charges) Amendment Regulations 2002

Made - - - -	*18th March 2002*
Laid before Parliament	*18th March 2002*
Coming into force	*8th April 2002*

The Secretary of State for Health, in exercise of the powers conferred by sections 83A, 126(4) and 128(1) of the National Health Service Act 1977**(a)**, and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement, interpretation, and extent

1.—(1) These Regulations may be cited as the National Health Service (Travelling Expenses and Remission of Charges) Amendment Regulations 2002 and shall come into force on 8th April 2002.

(2) In these Regulations "the principal Regulations" means the National Health Service (Travelling Expenses and Remission of Charges) Regulations 1988**(b)**.

(3) These Regulations extend to England only.

Amendment of regulation 8 of the principal Regulations

2.—(1) Regulation 8 of the principal Regulations (repayment) shall be amended as follows.

(2) Paragraph (4)(a)(iii) shall be omitted.

(3) After paragraph (4)(a) there shall be inserted—

"(aa) in a case falling within regulation 3(3)(d) authorise in writing the repayment of the amount in question to the claimant by the body which made the arrangements referred to in that provision; or".

(a) 1977 c.49; section 83A was inserted by section 14(1) of the Social Security Act 1988 (c.7) and amended by paragraph 6 of Schedule 2 to the Health and Medicines Act 1988 (c.49), by paragraph 18(5) of Schedule 9 to the National Health Service and Community Care Act 1990 (c.19) ("the 1990 Act"), by paragraph 40 of Schedule 1 to the Health Authorities Act 1995 (c.17), by paragraph 19 of Schedule 2 to the National Health Service (Primary Care) Act 1997 (c.46) and by S.I. 1998/2385 and 2000/90. Section 126(4) was amended by section 65(2) of the 1990 Act, by the Health Act 1999 (c.8) ("the 1999 Act"), Schedule 4, paragraph 37(6) and by the Health and Social Care Act 2001 (c.15) ("the 2001 Act") Schedule 5, paragraph 5(13). Section 128(1) is an interpretation provision and is cited because of the meanings assigned to the words "prescribe" and "regulations"; section 128(1) was amended by section 26(2)(g) and (i) of the 1990 Act. The functions of the Secretary of State under the National Health Service Act 1977 are, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2(a) of the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672 as amended by section 66(5) of the 1999 Act; are also section 68 of the 2001 Act; these Regulations, therefore, do not extend to Wales.

(b) S.I. 1988/551; relevant amending instruments are S.I. 1991/557, 2000/621, 2001/742, and 2001/4043.

Amendment of Schedule 1 to the principal Regulations

3. In Table A of Part I of Schedule 1 to the principal Regulations (modification of provisions of the Income Support (General) Regulations 1987)**(a)** in the entry relating to "regulation 53" for "£11,500" there shall be substituted "£11,750" and for "£18,500" there shall be substituted "£19,000".

Signed by authority of the Secretary of State for Health

Hazel Blears
Parliamentary Under Secretary of State,
Department of Health

18th March 2002

(a) S.I. 1987/1967.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the National Health Service (Travelling Expenses and Remission of Charges) Regulations 1988 ("the principal Regulations") which provide for the remission and repayment of certain charges which would otherwise be payable under the National Health Service Act 1977 and for the payment of travelling expenses incurred in attending hospital.

Regulation 2 amends regulation 8 of the principal Regulations to set out the arrangements for repayment in respect of expenses incurred in travelling to a port in accordance with regulation 3(3)(d) of the principal Regulations.

Regulation 3 amends Table A of Schedule 1 to the principal Regulations to uprate the capital limits used in remission and repayment calculations relating to people living permanently in residential care or nursing homes. It brings those limits into line with those used by local authorities under the National Assistance Act 1948 to determine such people's liability to pay for their care.

STATUTORY INSTRUMENTS

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