STATUTORY RULES OF NORTHERN IRELAND

2000 No. 339

HEALTH AND PERSONAL SOCIAL SERVICES

Travelling Expenses and Remission of Charges (Amendment No. 2) Regulations (Northern Ireland) 2000

Made . . . . . 9th November 2000

Coming into operation . . 11th December 2000

The Department of Health, Social Services, and Public Safety(**a**), in exercise of the powers conferred on it by Articles 45, 98, 106 and 107(6) of, and paragraphs (1)(*b*) and 1B of Schedule 15 to, the Health and Personal Social Services (Northern Ireland) Order 1972(**b**) and with the approval of the Department of Finance and Personnel in so far as they relate to the remission of charges, and in conjunction with the Department of Finance and Personnel in so far 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 No. 2) Regulations (Northern Ireland) 2000 and shall come into operation on 11th December 2000.

(2) In these Regulations—

"the Income Support Regulations" means the Income Support (General) Regulations (Northern Ireland) 1987(**c**);

"the principal Regulations" means the Travelling Expenses and Remission of Charges Regulations (Northern Ireland) 1989(**d**).

Amendment of regulation 4 of the principal Regulations

2.—(1) Regulation 4 of the principal Regulations (description of persons entitled to full remission and payment) is amended by substituting, for the words "Subject to paragraph (2) regulation 3(1) applies to any person who, at the time when the relevant charge is made or when the relevant travelling expenses are incurred, is", the following words:

"**4.**—(1) Subject to paragraph (3) regulation 3(1) applies—

(**a**) *See* S.I. 1999/283 (N.I. 1) Article 3(6)

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

(**c**) S.R. 1987 No. 459

(**d**) S.R. 1989 No. 348; relevant amending Regulations are S.R. 1990 No. 313, S.R. 1991 No. 224, S.R. 1995 No. 138, S.R. 1996 Nos. 107 and 425, S.R. 1997 Nos. 185 and 440, S.R. 1999 Nos. 166 and 395, and S.R. 2000 No. 102

(*a*) in the case of the charges for dental appliances and dental treatment mentioned in regulation 3(2)(*b*)—

(i) to any person who, either, at the time the arrangements for the treatment are made or at the time the charge is made, is a person described in paragraph (2), and

(ii) as respect the course of treatment to which the charges relate;

(*b*) in any other case to any person mentioned in paragraph (2) who, at the time when the relevant charge is made or when the relevant travelling expenses are incurred, is a person described in paragraph (2).

(2) The persons described in this paragraph are—".

(2) For paragraph (2) substitute—

"(3) Regulation 3(3)(*c*) applies to any person who, at the time when the relevant travelling expenses are incurred, is—

(*a*) a person of a description prescribed in paragraph 2(*c*), (*d*), (*e*), (*f*), (*g*),(*h*), (*i*), (*j*), (*k*), (*l*), (*m*), (*n*) or (*o*); or

(*b*) a person of a description prescribed in paragraph 2(*a*), (*aa*), (*b*) or (*bb*) who has been refused payment of travelling expenses from the social fund established under Part IV of the Social Security (Northern Ireland) Order 1986 because his total capital resources exceed the limit determined in accordance with Article 34(10) of that Order.".

Amendment of Schedule 1 to the principal Regulations

3. Schedule 1 to the principal Regulations is amended as follows—

(*a*) in Part I, Table A (modifications of provisions of the Income Support Regulations for purpose of calculating claimants' resources under the principal Regulations), after the entry modifying regulations 54 to 60 there is inserted—

"Regulation 61	As if, in the case of a student supported by the Student Awards Agency for Scotland, for "1st September" there were substituted "1st August"..";

(*b*) in Part I, Table A, for the entry modifying regulations 62(3A), 63(2) and 64(1)(*c*) there is substituted—

"Regulation 62	As if in paragraph (3) from the beginning to the words "shall be apportioned" there were substituted "Subject to paragraph (3A), a student's grant income shall be apportioned". As if in paragraph (3A) the words "under the provisions referred to in paragraph (3)" and the words "or, if there are 53 benefit weeks (including part-time weeks) in the year, 53" were omitted. As if paragraph (3B) were omitted.

Regulation 63	As if in paragraph (2) the words “or, if there are 53 benefit weeks (including part-time weeks) in the year, 53” were omitted.
Regulation 64	As if in paragraph 1(*c*) the words “or, if there are 53 benefit weeks (including part-time weeks) in the year, 53” were omitted.”;

(*c*) in Part I, Table A in the entry modifying regulation 66A of the Income Support Regulations, for the sub-paragraph beginning with the words “As if in paragraph (2)” there is substituted—

“As if for paragraph (2) there were substituted—

(2) In calculating the weekly amount of the loan to be taken into account as income—

(*a*) except where sub-paragraph (*b*) applies, the loan shall be apportioned equally between the 52 weeks in the academic year;

(*b*) in the case of a loan which is payable in respect of the final academic year of the course or if the course is only of one academic year’s duration, in respect of that year the loan shall be apportioned equally between the weeks in the period beginning with the start of the final academic year, or as the case may be, the single academic year and ending with the last day of the course,

and, in the case of a person to whom paragraph (2A), (2B) or (2C) applies, from the weekly amount so apportioned there shall be disregarded £10.”;

(*d*) in Part II, Table B (modifications of provisions of the Income Support Regulations for the purpose of calculating claimants’ requirements under the principal Regulations) in the entry modifying Schedule 2 and beginning with the words “As if in paragraph 2” there is substituted for sub-paragraph (*b*)—

“(*b*) for column (1) there were substituted—

“Persons aged—

(*a*) less than 16 years;

(*b*) not less than 16 years but less than 19 years” ”;

(*e*) in Part II, Table B after the entry modifying paragraph 2A of Schedule 2 of the Income Support Regulations, there is inserted—

“As if in paragraph (3)—

(*a*) in sub-paragraph (1)(*a*) the words “to whom the conditions in both sub-paragraphs (2) and (3) apply” were omitted;

(*b*) sub-paragraphs (2) to (6) were omitted.”.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 9th November 2000.

(L.S.) *D. A. Baker*
Senior Officer of the Department of
Health, Social Services and Public Safety

Sealed with the Official Seal of the Department of Finance and Personnel insofar as the foregoing Regulations relate to Travelling Expenses on 9th November 2000.

(L.S.) *D. Sterling*
Senior Officer of the Department of
Finance and Personnel

The Department of Finance and Personnel hereby approves the foregoing Regulations insofar as they relate to the Remission of Charges.

Sealed with the Official Seal of the Department of Finance and Personnel on 9th November 2000.

(L.S.) *D. Sterling*
Senior Officer of the Department of
Finance and Personnel

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations further amend the Travelling Expenses and Remission of Charges Regulations (Northern Ireland) 1989 ("the principal Regulations") which provide for remission and repayment of certain charges which would otherwise be payable under the Health and Personal Social Services (Northern Ireland) Order 1972 and for the payment by the Department of travelling expenses incurred in attending a hospital.

In particular

— regulation 4 of the principal Regulations is amended by providing for the remission of dental charges to be determined by reference to the patient's circumstances either at the time the arrangements for treatment are made or at the time the charge for treatment is made and by providing for remission to apply in respect of the whole course of treatment concerned.

— the Schedule to the principal Regulations is amended to modify the application of the Income Support Regulations in relation to the treatment of students and in relation to the calculation of personal allowances and family premiums. Under the principal Regulations, the resources and requirements of claimants are calculated by reference to the Income Support (General) Regulations (Northern Ireland) 1987, as modified.

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