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STATUTORY INSTRUMENTS

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**1988 No. 594**

**The Social Security (Northern Ireland) Order 1988**

*Health service*

**Payment of travelling expenses, etc., and remission of charges**

**14.—(1)** In Article 45 of the Health and Personal Social Services (Northern Ireland) Order 1972(1) (travelling expenses of patients, etc.)—

- (a) in paragraph (a) (person availing himself of prescribed services), after the words “any person” there shall be inserted the words “of a prescribed description”; and
- (b) in paragraph (c) (visiting relative), after the words “any relative” there shall be inserted the words “being a person of a prescribed description,”; and
- (c) at the end of paragraph (c) there shall be added the following paragraph—

“(2) Paragraph 1B of Schedule 15 (powers to prescribe descriptions of persons) shall have effect in relation to paragraph (1) as it has effect in relation to paragraph 1(b) of that Schedule.”.

**(2)** In Schedule 15 to the Health and Personal Social Services (Northern Ireland) Order 1972(2) (charges in respect of certain services, and other related matters)—

- (a) in paragraph 1(b) (remission or repayment of charges) for the words from “any such prescribed charge” to “classes of persons” there shall be substituted the words “such charges in respect of persons of such descriptions”;
- (b) after paragraph 1A there shall be inserted the following paragraph—

“**1B.—(1)** Descriptions of persons may be prescribed for the purposes of paragraph 1(b) by reference to any criterion and, without prejudice to the generality of this subparagraph, by reference to any of the following criteria—

- (a) their age;
- (b) the fact that a prescribed person or a prescribed body accepts them as suffering from a prescribed medical condition;
- (c) the fact that a prescribed person or a prescribed body accepts that a prescribed medical condition from which they suffer arose in prescribed circumstances;
- (d) their receipt of benefit in money or in kind under any transferred provision or their entitlement to receive any such benefit;
- (e) the receipt of any such benefit by other persons satisfying prescribed conditions or the entitlement of other persons satisfying prescribed conditions to receive such benefits; and
- (f) the relationship, as calculated in accordance with the regulations by a prescribed person, between their resources and their requirements.

(2) Regulations under this paragraph may direct how a person's resources and requirements are to be calculated and, without prejudice to the generality of this subparagraph, may direct that they shall be calculated—

- (a) by a method set out in the regulations; or
- (b) by a method described by reference to a method of calculating or estimating income or capital specified in a transferred provision other than this paragraph or by reference to such a method but subject to prescribed modifications; or
- (c) by reference to an amount applicable for the purposes of a payment under a transferred provision; or
- (d) by reference to the person's being or having been entitled to payment under a transferred provision.

(3) Regulations under this paragraph which refer to a transferred provision may direct that the reference is to be construed as a reference to that provision—

- (a) as it has effect at the time when the regulations are made; or
- (b) both as it has effect at that time and as amended subsequently.”.