

---

STATUTORY RULES OF NORTHERN IRELAND

---

**2004 No. 91**

**Travelling Expenses and Remission of  
Charges Regulations (Northern Ireland) 2004**

**PART II**

**ENTITLEMENT TO PAYMENT OF HS TRAVEL  
EXPENSES AND REMISSION OF HS CHARGES**

**Entitlement to full remission and payment**

**5.—(1)** Subject to paragraph (3), a person is entitled, without making a claim under regulation 7 (Claims to entitlement), to the payment in full of HS travel expenses and the full remission of a HS charge if –

- (a) he is receiving income support;
- (b) he is receiving income based jobseeker's allowance;
- (c) he is receiving pension credit guarantee credit;
- (d) he is a member of the same family as a person who is receiving income support, income based jobseeker's allowance or pension credit guarantee credit; or
- (e) he is a member of a family one member of which is receiving –
  - (i) working tax credit and child tax credit,
  - (ii) working tax credit which includes a disability element or severe disability element,  
or
  - (iii) child tax credit, but is not eligible for working tax credit,

provided that the relevant income of the member to whom the tax credit is made under section 14 of the Tax Credits Act 2002 is determined at the time of the award not to exceed £14,600.

(2) Subject to paragraph (3), the following persons are entitled to the payment in full of HS travel expenses and the remission in full of a HS charge but are required to make a claim for such payment or remission in accordance with regulation 7 (Claims to entitlement) –

- (a) a person who lives permanently in accommodation arranged under Article 15 (General Social Welfare) or Article 36 (Provision of accommodation in premises maintained by voluntary organisations, etc.) of the Order, and who has satisfied the Department that he is unable to pay for that accommodation at the standard rate or, as the case may be, the full rate;
- (b) an asylum-seeker for whom support is provided under Part VI of the Immigration and Asylum Act 1999;
- (c) a member of the same family as an asylum seeker described in sub-paragraph (b);

- (d) any other person who satisfies the Department in accordance with Part V that his capital resources do not exceed the capital limit and that his requirements equal or exceed his income resources; and
  - (e) a member of the same family as a person described in sub-paragraph (d).
- (3) A persons entitlement under paragraph (1) or (2) arises only where he is of a description mentioned in either of those paragraphs at the time when –
- (a) the charge is made;
  - (b) the HS travel expenses are incurred; or
  - (c) in the case of a charge for the supply of a denture or other dental appliance mentioned in regulation 4(1)(b) or for dental treatment mentioned in regulation 4(1)(c), either –
    - (i) the arrangements for the treatment or course of treatment are made, or
    - (ii) the charge is made.

### **Entitlement to partial remission and payment**

6.—(1) Subject to paragraphs (2) to (4), a person is entitled to the payment in part of any HS travel expenses and remission in part of a HS charge provided that at the time the travel expenses are incurred or the charge is made –

- (a) his capital resources do not exceed the capital limit; and
- (b) either –
  - (i) his income resources exceed his requirements by less than a third of the charge or, as the case may be, by less than the travel expenses, or
  - (ii) he is a member of the family of a person described in sub-paragraph (b)(i),
 but is required to make a claim for such remission or payment in accordance with regulation 7 (Claims to entitlement).

(2) In the case of a HS charge mentioned in regulation 4(1)(a), the entitlement under paragraph (1) to partial remission applies only to a charge for the supply of an appliance specified in Schedule 1 to the Charges Regulations (Charges for Fabric Supports and Wigs) and not to a charge for any other appliance or for drugs, medicines or pharmaceutical services.

- (3) Subject to paragraph (4), the amount to which a person is entitled under paragraph (1) is –
- (a) in the case of a HS charge, the difference between the charge and three times the amount by which his income resources exceed his requirements; and
  - (b) in the case of recoverable travel expenses, the difference between the amount of the expenses incurred and the amount by which his income resources exceed his requirements.
- (4) In the case of a HS charge –
- (a) for dental treatment or for the supply of a dental appliance provided as general dental services under Part VI of the Order, or
  - (b) for dental treatment provided as personal dental services under Part II of the Health Services (Primary Care) Order (Northern Ireland) 1997,

the charge which is partially remissible under this regulation and which must be used for the purposes of the calculation required under paragraph (3)(a) is the charge made for one course of treatment, including any charge made for a dental appliance supplied in that course of treatment.

### **Claims to entitlement**

7.—(1) Subject to paragraph (3), a person who wishes to claim entitlement under regulation 5 (entitlement to full remission and payment) or regulation 6 (entitlement to partial remission and payment) must make a claim to the Department on a form provided or approved for the purpose by the Department.

(2) On a claim under paragraph (1), the claimant must provide such evidence and information as the Department may reasonably request within such time as the Department may reasonably request.

(3) A claim may be made on behalf of another person where that person is unable, by reason of mental or physical incapacity, to make the claim himself.

(4) Where a claimant does not comply with the Department's requests in respect of evidence, information and timing mentioned in paragraph (2), the Department may notify the claimant that the claim will not be determined and must be regarded as closed.

### **Notices of entitlement**

8.—(1) Where the Department determines, on a claim made under regulation 7 (Claims to entitlement), that the claimant and any member of his family is entitled to any remission of a HS charge or any payment in respect of HS travel expenses, it must issue a notice of entitlement to the claimant.

(2) Where a person is entitled to full remission of a HS charge and payment in full of HS travel expenses on the grounds only that he is a member of a family described in regulation 5(1)(d) (tax credit families), the Department must issue a notice of entitlement to that family and in such a case the notice shall apply to all members of that family.

(3) A notice of entitlement issued under paragraph (1) applies to all members of the claimant's family and must state –

- (a) whether those persons are entitled to full or partial remission or payment;
- (b) in the case of partial remission or payment, the amount of any HS charge or HS travel expenses for which there is no entitlement to remission or payment.

(4) A notice of entitlement issued under paragraph (1) or paragraph (2) must state the length of time for which it is valid and the dates on which that time begins and ends.

(5) A notice of entitlement issued under paragraph (1) is valid for 12 months beginning on the date on which the claim was made except that –

- (a) in the case of a notice issued to a full time student in the final or only year of a course of study, it is valid from the date of the claim until the last day of that course;
- (b) in the case of a notice issued to a person mentioned in regulation 5(2)(b) (asylum seeker), it is valid for 6 months beginning on the date of the claim.

(6) A notice of entitlement issued under paragraph (2) is valid from such date and for such period as the Department may determine.

(7) Subject to paragraphs (9) and (10), any change in the financial or other circumstances of a claimant, or of any member of his family, during the life of a notice of entitlement shall not affect its validity in respect of that period or, in the case of partial remission or payment, the amounts referred to in paragraph (3)(b).

(8) A claimant who is issued with a notice of entitlement to partial remission may make a further claim in accordance with regulation 7 at any time during the life of the notice if he considers that by reason of a change in his financial circumstances or those of any member of his family the amounts referred to in paragraph (3)(b) should be reduced.

---

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

---

(9) A claimant to whom a notice of entitlement has been issued under this regulation must return it to the Department in any case where his claim is subsequently found to have been based on a false representation.

(10) A notice of entitlement issued under this regulation is effective only for the purpose of entitlement to remission of charges and payment of travel expenses in accordance with these Regulations.