

2005 No. 107

HEALTH AND PERSONAL SOCIAL SERVICES

**Travelling Expenses and Remission of Charges
(Amendment) Regulations (Northern Ireland) 2005**

Made - - - - - *15th March 2005*

Coming into operation –

Regulations 2, 4 and 6 *1st April 2005*

Regulation 3 *6th April 2005*

Regulation 5 *11th April 2005*

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) Regulations 2005 and shall come into operation –

- (a) regulations 2, 4 and 6 on 1st April 2005;
- (b) regulation 3 on 6th April 2005; and
- (c) regulation 5 on 11th April 2005.

(2) In these Regulations “the principal Regulations” means the Travelling Expenses and Remission of Charges Regulations (Northern Ireland) 2004^(c).

Amendments of regulation 2 of the principal Regulations

2.—(1) Regulation 2 of the principal Regulations (Interpretation) is amended as follows.

(2) Before the definition of “appropriate office” insert –

““annuity contract” means a contract that provides for periodic payments starting from a stated or contingent date and continuing for a fixed period or for the life of the annuity;”.

(3) After the definition of “capital limit” insert –

““child” means a person under the age of 16;”.

(4) After the definition of “date of claim” insert –

(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. 2004 No. 91; relevant amending Regulations are S.R. 2004 Nos. 156 and 162

““dependant child or young person” means any child or young person who is treated as the responsibility of the claimant or his partner, where that child or young person is a member of the claimant’s household;”.

(5) After the definition of “disability element” insert –

““earnings” has the meaning given in regulations 35 and 37 of the Income Support Regulations”.

(6) After the definition of “health care professional” insert –

““household” means –

(a) a group of people who have a common address as their only or main residence and who either share one meal a day or share the living accommodation at that residence;
or

(b) the only or main residence of a single person who does not share either one meal a day or the living accommodation at that residence with another person;”.

(7) After the definition of “nursing home” insert –

““occupational pension scheme” has the meaning given by section 1 of the Pension Schemes (Northern Ireland) Act 1993(a);”.

(8) After the definition of “pension credit savings credit” insert –

““personal pension scheme” has the meaning given by section 1 of the Pension Schemes (Northern Ireland) Act 1993;”.

(9) After the definition of “severe disability element” insert –

““single person” means a person who does not have a partner and is not responsible for, and is not a member of the same household as, a child or young person;”.

(10) After the definition of “working tax credit” insert –

““young person” has the meaning prescribed in regulation 14 of the Income Support Regulations;”.

Amendment of regulation 5 of the principal Regulations

3. In regulation 5(1)(e) of the principal Regulations (Entitlement to full remission and payment) for “£14,600” there shall be substituted “£15,050”.

Amendment of Regulation 8 of the principal Regulations

4.—(1) Regulation 8 of the principal Regulations (Notices of entitlement) is amended as follows.

(2) After paragraph (5)(b) insert –

“(c) in the case of a notice issued to a person mentioned in paragraph (5A) it is valid for the length of time specified in that paragraph.”.

(3) After paragraph (5) insert –

“(5A) A notice of entitlement issued under paragraph (1) is valid for 5 years beginning on the date of the claim where the claimant is –

(a) a single person aged not less than 65; or

(b) one of a couple where one partner is aged not less than 60 and one partner is aged not less than 65;

who does not receive any –

(i) earnings;

(ii) payments from an occupational pension scheme;

(a) 1993 (c. 49); section 1 was amended by paragraph 2(1) of Schedule 2 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11))

- (iii) payments from a personal pension scheme; or
- (iv) payments from annuity contracts.

(5B) Paragraph (5A) does not apply to a person who has a dependant child or young person as a member of his household.”.

(4) In paragraph (7) after “Subject to paragraphs” insert “(7A),”.

(5) After paragraph (7) insert –

“(7A) A claimant who is issued with a notice of entitlement which falls under paragraph (5A) must notify the Department of any change in the composition of his family or household during the life of the notice of entitlement and the Department may withdraw the notice of entitlement or vary the amounts referred to in paragraph (3)(b) stated on the notice of entitlement if the claimant no longer meets the requirements of paragraphs (5A) and (5B).”.

Amendment of Schedule 1 to the principal Regulations

5.—(1) Schedule 1 to the principal Regulations (Modifications of the Income Support Regulations) is amended in accordance with paragraph (2).

(2) In Table A, in the modifications of –

- (a) regulation 23 of the Income Support Regulations for “Article 25(5) of the Order” there shall be substituted “section 132 of the Contributions and Benefits Act”;
- (b) regulation 32 of the Income Support Regulations for “regulation 29” there shall be substituted “regulation 29 (calculation of earnings derived from employed earner’s employment and income other than earnings)”;
- (c) regulation 40 of the Income Support Regulations for “paragraph (2) to (3B)” there shall be substituted “paragraphs (2) to (3B)”;
- (d) regulation 41 of the Income Support Regulations for “Omit paragraphs (3) and (4)” there shall be substituted “Omit paragraph (4)”;
- (e) regulation 44 of the Income Support Regulations for “In paragraph (1)(a)” to “Omit paragraphs (2), (3), (8) and (9)” there shall be substituted “Omit this regulation”;
- (f) regulation 45 of the Income Support Regulations for “Regulation 19A” in each place where it occurs, there is substituted “Regulation 21(3)”;
- (g) regulations 45 and 53 of the Income Support Regulations for “£20,000” in each place where it occurs, there is substituted “£20,500”;
- (h) regulation 48 of the Income Support Regulations for “Omit paragraphs (6) and (10)(a) and (b).” there is substituted “Omit paragraphs (6) and (10)(a).”;
- (i) regulation 53 of the Income Support Regulations for “£12,250” there is substituted “£12,500”; and
- (j) Schedule 9 of the Income Support Regulations for “after paragraph 73”, “73A” and “State Pensions Credit Act” there shall be substituted “after paragraph 72”, “72A” and “State Pension Credit Act” respectively.

Transitional provision relating to the principal Regulations

6. A notice of entitlement falling under regulation 8(5A) (Notices of entitlement) shall only be issued in respect of claims made under regulation 7 (Claims to entitlement) which are received on or after 1st April 2005.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 15th March 2005.

(L.S.)

Dr. J. F. Livingstone
Senior Officer of the Department of Health, Social Services and Public Safety

Sealed with the Official Seal of the Department of Finance and Personnel on 15th March 2005.

(L.S.)

Dr. Mary McIvor
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) 2004 (“the principal Regulations”), which provide for remission and payment 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.

Regulation 2 amends regulation 2 of the principal Regulations to make provisions for the insertion of several definitions.

Regulation 3 amends regulation 5 of the principal Regulations to increase the income level at which recipients of tax credits are entitled to a full remission and payment of Health Service Travel Expenses and a remission of Health Service charges.

Regulation 4 amends regulation 8 of the principal Regulations to extend to 5 years the time period for which a notice of entitlement to remission of Health Service charges and the payment of Health Service Travel Expenses is valid where issued to a single person aged 65 or over, or to one of a couple where one partner is aged 60 or over and the other partner is aged 65 or over, where that person does not have certain types of income or a dependant child or young person in his household. It also provides that a person issued with a 5-year notice of entitlement must notify the Department of any changes in the composition of his family or household during the life of the notice and enables the Department to withdraw or vary the notice if the person no longer fulfils the necessary criteria to be issued with that notice.

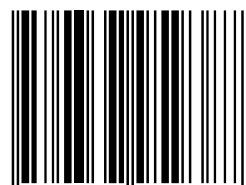
Regulation 5 amends Schedule 1 to the principal Regulations to increase the capital limits for entitlement under these regulations for people living in care and makes some small transitional amendments.

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