

2005 No. 386

HEALTH AND PERSONAL SOCIAL SERVICES

**Travelling Expenses and Remission of Charges (Amendment
No.2) Regulations (Northern Ireland) 2005**

Made - - - - - *11th August 2005*

Coming into operation - *1st September 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 No.2) Regulations 2005 and shall come into operation on 1st September 2005.

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

Amendment of regulation 5 of the principal Regulations

2.—(1) Regulation 5 of the principal Regulations (Entitlement to full remission and payment)^(d) shall be amended in accordance with the following provision of this regulation.

(2) For sub-paragraph (2) there shall be substituted—

“(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;

(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

(d) Regulation 5 was amended by S.R. 2004 No. 162 and S.R. 2005 No. 107

- (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) a relevant child within the meaning of Article 34B of the Children (Northern Ireland) Order 1995^(a) whom a responsible authority is supporting under Article 34C of that Order;
- (e) 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 income resources do not exceed his requirements or exceed his requirements by fifty per cent or less of the amount of the charge specified in regulation 3(1)(b) (supply of drugs and appliances by chemists) of the Charges Regulations; and
- (f) a member of the same family as a person described in sub-paragraph (e).”.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 11th August 2005.



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 11th August 2005



Mary McIvor
A Senior Officer of the Department of Finance and Personnel

(a) S.I. 1995/755 (N.I. 2) as amended by the Children (Leaving Care) Act (Northern Ireland) 2002 (c. 11 (N.I.))

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 5 of the principal Regulations extending entitlement to payment in full of travel expenses and full remission of charges to a relevant child within the meaning of section 34B of the Children (Northern Ireland) Order 1995 whom a responsible authority is supporting under section 34C of that Order.

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