
STATUTORY INSTRUMENTS

1991 No. 557

**NATIONAL HEALTH SERVICE,
ENGLAND AND WALES**

**The National Health Service (Travelling Expenses and
Remission of Charges) Amendment Regulations 1991**

<i>Made</i>	- - - -	<i>8th March 1991</i>
<i>Laid before Parliament</i>		<i>11th March 1991</i>
<i>Coming into force</i>	- -	<i>1st April 1991</i>

The Secretary of State for Health, in exercise of powers conferred by sections 83A and 126(4) of the National Health Service Act 1977(1) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the National Health Service (Travelling Expenses and Remission of Charges) Amendment Regulations 1991 and shall come into force on 1st April 1991.

(2) In these Regulations, “the principal Regulations” means the National Health Service (Travelling Expenses and Remission of Charges) Regulations 1988(2).

Amendment of the principal Regulations

2.—(1) The principal Regulations shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 2(1) (interpretation) after the definition of “income support” there shall be inserted the following definitions:—

““NHS contract” has the meaning assigned by section 4(1) of the National Health Service and Community Care Act 1990(3);

(1) 1977 c. 49. Section 83A was inserted by section 14(1) of the Social Security Act 1988 (c. 7), and amended by paragraph 18(5) of Schedule 9 to the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”). Section 126(4) was amended by section 65(2) of the 1990 Act. *See*, for the definitions of “prescribed” and “regulations”, section 128(1), as amended by section 26(2)(g) and (i) of the 1990 Act.

(2) S.I. 1988/551, as amended by S.I. 1989/517, 614, 1990/548, 1661.

(3) 1990 c. 19.

“NHS trust” has the meaning assigned by section 5 of the National Health Service and Community Care Act 1990;”.

- (3) In regulation 3 (entitlement to full remission and payment)—
- (a) in paragraph (1) after the word “payment” there shall be inserted the words “, in accordance with regulation 5A,”;
- (b) for paragraph (3)(b) there shall be substituted the following sub-paragraph:—
- “(b) in attending a hospital or any other place for the provision of disablement services by a health authority or an NHS trust in pursuance of the Act.”;
- (c) after paragraph (4) there shall be added the following paragraph:—
- “(5) In this regulation, “disablement services” means—
- (a) the provision (including fitting and repair) of artificial limbs, limb appurtenances and arm appliances;
- (b) the provision (including repair and maintenance) of wheelchairs and of wheelchair accessories (including the provision of special seating); and
- (c) the provision of other facilities, articles or appliances for use in the care of persons suffering from severe physical defect or disability.”.
- (4) In regulation 5(1) (persons entitled to remission in part or payment in part) after the word “payment” there shall be inserted the words “, in accordance with regulation 5A,”.
- (5) After regulation 5 there shall be inserted the following new regulation:—

“Payment of travelling expenses

5A. Where a payment falls to be made under regulation 3(1) or 5(1) in respect of relevant travelling expenses, that payment shall be made—

- (a) in a case where the travelling expenses are incurred or to be incurred by a person in attending a hospital which is managed by an NHS trust, by that NHS trust;
- (b) in any other case, by the Secretary of State.”.
- (6) In regulation 8 (repayment)—
- (a) in paragraph (2) after the word “expenses” there shall be inserted the words “, or within such further period as the Secretary of State may for good cause allow,”;
- (b) for paragraph (4) there shall be substituted the following paragraphs:—
- “(4) Where the Secretary of State is satisfied that a claimant is entitled to any repayment under paragraph (1) he shall—
- (a) in the case of a repayment to be made—
- (i) in respect of a relevant charge made by an NHS trust, other than a charge for drugs or for appliances mentioned in sub-paragraphs (a), (c) or (d) of regulation 5(1) of the National Health Service (Charges for Drugs and Appliances) Regulations 1989(4), or
- (ii) in respect of relevant travelling expenses incurred by a person in attending a hospital managed by an NHS trust,
- authorise in writing the repayment of the amount in question to the claimant by the NHS trust; or

- (b) in any other case, cause a repayment to be made to the claimant in such manner as appears to the Secretary of State to be appropriate in the circumstances of the particular case.
- (5) On receipt of an authorisation given under paragraph (4)(a), the NHS trust shall pay the amount in question to the claimant.”
- (7) After regulation 8 there shall be inserted the following new regulation:—

“Reimbursement of payments made in respect of relevant travelling expenses

8A. Where a District Health Authority⁽⁵⁾ or an NHS trust (“the provider”) makes a payment under regulation 3(1) or 5(1), or a repayment under regulation 8(4)(b) or (5), In respect of relevant travelling expenses incurred or to be incurred by a person who is receiving services from the provider under the terms of an NHS contract, the amount of the payment or repayment in question shall be reimbursed to the provider by the District Health Authority in whose district that person resides.”

- (8) In Table B in Part II of Schedule 1 (calculation of requirements), in the entry in column (2) corresponding to the entry “Schedule 3”⁽⁶⁾ in column (1) after the words “paragraph (1)(c) to (h) and (k)” in the item relating to paragraph 9 there shall be added the words“; and as if paragraph 9(2)(c) were omitted”.

Signed by authority of the Secretary of State for Health.

8th March 1991

Virginia Bottomley
Minister of State,
Department of Health

(5) See S.I. 1991/554, under which District Health Authorities exercise functions of the Secretary of State.

(6) See S.I. 1987/1967; paragraph 9 of Schedule 3 was amended by S.I. 1990/547 and 1776.

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the National Health Service (Travelling Expenses and Remission of Charges) Regulations 1988 (“the principal Regulations”) which provide for the remission and repayment of certain charges which would otherwise be payable under the National Health Service Act 1977, and for payments to be made in respect of travelling expenses incurred by a person attending a hospital, or attending a centre, for treatment disablement services, under the National Health Service (“the NHS”). The amendments are made principally in consequence of the introduction of NHS contracts and the provision of NHS services by NHS trusts from 1st April 1991 under the National Health Service and Community Care Act 1990.

Amendments are made to regulations 3, 5 and 8 of, and a new regulation 5A is inserted in, the principal Regulations to provide for payments by an NHS trust in respect of travelling expenses incurred by a patient in attending for NHS treatment at a hospital managed by the trust (regulation 2(3)(a), (4), (5) and (6)(b)). A new regulation 8A is inserted in the principal Regulations to provide for the reimbursement, by a patient’s District Health Authority to an NHS trust or to another District Health Authority, of payments made in respect of the travelling expenses incurred by the patient in attending hospital to receive NHS services from that trust, or from that other District Health Authority, under the terms of an NHS contract with another health service body (regulation 2(7)).

These Regulations also substitute a new sub-paragraph (b) in regulation 3(3) of the principal Regulations to provide, following the dissolution of the Disablement Services Authority, for payments to be made in respect of travelling expenses incurred by persons in attending for the provision of “disablement services”, as defined in a new paragraph (5) (regulation 2(3)(b) and (c)). Regulation 8(2) of the principal Regulations is amended to enable the Secretary of State to extend, in a case where there is good cause for so doing, the period within which a claim for repayment of a relevant charge or relevant travelling expenses must be made (regulation 2(6)(a)). An amendment is also made in Table B of Schedule I to the principal Regulations (which modifies the Income Support (General) Regulations 1987 for the purpose of calculating a person’s requirements under the principal Regulations) to remove the exclusion of certain household repairs and improvements from the assessment of a person’s housing costs (regulation 2(8)).

Other amendments of a minor nature are made, and definitions are inserted, in the principal Regulations in consequence of the other changes mentioned in this Note (regulation 2(2)).