

2001 No. 3065

NATIONAL HEALTH SERVICE, ENGLAND

**The National Health Service (Travelling Expenses and
Remission of Charges) Amendment (No. 2) Regulations
2001**

Made - - - - - *10th September 2001*
Laid before Parliament *10th September 2001*
Coming into force - - *1st October 2001*

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

Citation, commencement, interpretation and extent

- 1.—(1) These Regulations may be cited as the National Health Service (Travelling Expenses and Remission of Charges) Amendment (No. 2) Regulations 2001.
- (2) These Regulations shall come into force on 1st October 2001.
- (3) In these Regulations “the principal Regulations” means the National Health Service (Travelling Expenses and Remission of Charges) Regulations 1988(b).
- (4) These Regulations extend to England only.

Amendment of regulation 4 of the principal Regulations

2. In regulation 4 of the principal Regulations (description of persons entitled to full remission and payment), there shall be added at the end the following—

“or

- (p) a relevant child within the meaning of section 23A of the Children Act 1989 whom a responsible local authority is supporting under section 23B(8) of that Act(c)”.

(a) 1977 c. 49; *see* section 128(1) as amended by the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”) section 26(2)(g) and (i); and by the Health Act 1999 (c. 8) (“the 1999 Act”), Schedule 4, paragraph 38(2), for the definitions of “prescribed” and “regulations”. Section 83A was inserted by section 14(1) of the Social Security Act 1988 (c. 7) and amended by paragraph 6 of Schedule 2 to the Health and Medicines Act 1988 (c. 49), by paragraph 18(5) of Schedule 9 to the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”) and by paragraph 40 of Schedule 1 to the Health Authorities Act 1995 (c. 17). Section 126(4) was amended by section 65(2) of the 1990 Act and by the Health Act 1999 (c. 8) (“the 1999 Act”), Schedule 4 paragraph 37(6). The functions of the Secretary of State under the National Health Service Act 1977 are, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2(a) of the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672 as amended by section 66(5) of the 1999 Act; these Regulations, therefore, do not extend to Wales.

(b) S.I. 1988/551 Relevant amending instruments are S.I. 1995/642, 1996/410, 1996/2362, 1997/748, 1999/767, 1999/2507, 2000/621, 2000/2870, 2001/742.

(c) 1989 c. 41; sections 23A and 23B were inserted by section 2 of the Children (Leaving Care) Act 2000 c. 35; an additional category of relevant children was added by S.I. 2001/2874.

Amendment of regulation 7 of the principal Regulations

3. In paragraph 1(a)(ii) of regulation 7 of the principal Regulations (claims for remission or payment) for “or (o)” substitute “, (o) or (p)”.

Amendment of Schedule 1A to the principal Regulations

4. In Schedule 1A to the principal Regulations (periods of validity of notices of entitlement) after paragraph 9 there shall be added the following entry—

“10. A relevant child within the meaning of section 23A of the Children Act 1989 whom a responsible local authority is supporting under section 23B(8) of that Act	12 months or until the child’s 18th birthday whichever is longer.”
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Signed by authority of the Secretary of State for Health.

10th September 2001

John Hutton
Minister of State,
Department of Health

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 the payment of travelling expenses incurred in attending hospital.

Regulation 2 enables 16 and 17 year old children leaving the care of a local authority (as well as certain other 16 and 17 year old children who have been looked after by a local authority for at least thirteen weeks since they were 14) who are being wholly or partly maintained by a responsible local authority to benefit from full remission of charges and payment of travelling expenses.

Regulation 3 makes consequential amendments.

Regulation 4 provides for the period for which such children will benefit from the full remission of charges and payment of travelling expenses.

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