1973. No. 423 [C]

HEALTH AND PERSONAL SOCIAL SERVICES

Travelling Expenses

REGULATIONS, DATED 27TH SEPTEMBER 1973, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES IN CONJUNCTION WITH THE MINISTRY OF FINANCE UNDER THE HEALTH AND PERSONAL SOCIAL SERVICES (NORTHERN IRELAND) ORDER 1972.

The Ministry of Health and Social Services (hereinafter referred to as "the Ministry") on behalf of the Secretary of State, and in exercise of the powers conferred on it by Articles 45, 106 and 107 of the Health and Personal Social Services (Northern Ireland) Order 1972(a) (hereinafter referred to as "the Order") and of all other powers enabling it in that behalf and in conjunction with the Ministry of Finance hereby makes the following regulations:—

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PART I

Citation and commencement

1. These Regulations may be cited as the Health and Personal Social Services (Travelling Expenses, Etc., of Patients and Relatives of Patients) Regulations (Northern Ireland) 1973 and shall come into operation on 1st October 1973.

Interpretation

2. In these Regulations —

"Board" means a Health and Social Services Board established under Article 16 of the Order;

(a) S.I. 1972, No. 1265 (N.I. 14).

"Commission" means the Supplementary Benefits Commission for Northern Ireland;

"pupil" means a person who attends for instruction at a Training Centre;

"relative" means (i) a person related to a patient or pupil; or (ii) guardian of a patient or pupil;

"Training Centre" means a centre within the meaning of section 10(1) of the Mental Health Act (Northern Ireland) 1961(b);

"tuberculosis" means the disease caused by tubercle bacillus.

PART II

Travelling expenses of patients

3.—(1) Subject to the provisions of sub-paragraph (2), a Board shall, on request, pay the travelling expenses necessarily incurred or to be incurred by a person (including the travelling expenses of a companion) in attending a hospital vested in the Ministry or for the time being approved by the Ministry for the purpose of availing himself of health or personal social services, if it is determined by the Commission that, in the circumstances of the case, the payment of such expenses by the patient would involve hardship:

Provided that:

(*a*) if it is determined by the Commission that the patient may reasonably be required to bear a part of such expenses the balance only shall be payable by the Board; and

(*b*) the travelling expenses of a companion shall not be payable by the Board if they determine that, having regard to the age or health of the patient or other relevant circumstances, it was unnecessary for the patient to be accompanied.

(2) Notwithstanding the provisions of paragraph 1 of this Regulation, the Board shall, on request, pay the travelling expenses necessarily incurred or to be incurred by a person (including the travelling expenses of a companion) in attending a hospital, or other place approved by the Board for the purpose of receiving health or personal social services where the Ministry directs that the payment of such travelling expenses is in the interest of the public health.

PART III

Travelling expenses of relatives

4.—(1) Subject to the provisions of this Regulation the Board shall, on request by the relative, pay the whole or part of any travelling expenses incurred by a relative of a patient in visiting that patient while he is undergoing treatment in any hospital vested in the Ministry or for the time being approved by the Ministry.

(2) Payments under this Regulation shall be made only where—

(*a*) the expenses necessarily incurred exceed £0.25 in respect of each visit or £0.50 per week;

(*b*) the expenses are claimed within three months from the date on which they were incurred; and

(b) 1961. c. 15.

(*c*) the Commission are satisfied that in the circumstances of the case the payment of the whole of such expenses would involve hardship, and that where it is determined that payment of part of such expenses could be borne by the relative the Commission shall determine the amount to be borne and the payment by the Board in respect of such travelling expenses shall accordingly be reduced by that amount.

(3)(*a*) Payments under this Regulation shall be made only in respect of approved visits under this sub-paragraph and sub-paragraph 4(*c*) of this Regulation;

(*b*) For the purposes of this Regulation an "approved visit" means—

(i) a visit to a patient whose age does not exceed twelve years; or

(ii) a visit to a patient whose age exceeds twelve years and who has been undergoing treatment in a hospital or institution for a continuous period of not less than eight weeks or who has been undergoing treatment for tuberculosis for any length of time; or

(iii) a visit to a patient who has been certified by the medical officer in charge of his case to be suffering from a clinical condition of such a nature that the visit of the relative is necessary or expedient on medical grounds for the success of his treatment; or

(iv) a visit to a patient who has been certified by the medical officer in charge of his case to be dangerously ill.

(4) The maximum number of return journeys which may be paid for by the Board under this Regulation shall be—

(i) in the case of a patient referred to in sub-para 3(*b*)(i) one per day, or seven per week;

(ii) in the case of a patient referred to in sub-para 3(*b*)(ii) one per fortnight, or two per four weeks;

(iii) in the case of a patient referred to in sub-para 3(*b*)(iii) one per visit;

(iv) in the case of a patient referred to in sub-para 3(*b*)(iv) two per visit.

(5) Regulation 4(2)(*c*) shall not apply to the following visits made to patients undergoing treatment for tuberculosis—

(*a*) up to two visits per four weeks of any visits under sub-paragraph (3)(*b*)(i to iii) of this Regulation; and

(*b*) all visits under sub-paragraph 3(*b*)(iv) of this Regulation.

(6) Regulations 4(2)(*c*) and 4(4) shall not apply to visits made to—

(*a*) a patient not exceeding fifteen years of age who has been transferred by the Board to a hospital in Great Britain for treatment; or

(*b*) a patient liable to be detained under the Mental Health Act (Northern Ireland) 1961(**c**) who has been transferred by the Board to a hospital in Great Britain under section 79 of the Mental Health (Scotland) Act 1960(**d**) or section 87 of the Mental Health Act 1959(**e**) because suitable accommodation was not available in Northern Ireland:

Provided that the visits are—

(i) certified by the medical officer in charge of the patient's treatment to be essential for the patient's welfare; and

(ii) approved by the Ministry.

(**c**) 1961. c. 15.
(**d**) 8 & 9 Eliz. 2 c. 61.
(**e**) 7 & 8 Eliz. 2. c. 72.

(7) The amount to be paid to a relative under this Regulation shall not exceed—

(*a*) in respect of any one journey made wholly within Northern Ireland, the lowest possible return fare by train, omnibus or boat or any combination thereof;

(*b*) in respect of any one journey commencing in Northern Ireland and made partially outside Northern Ireland—

(i) the minimum return fare by train, omnibus or boat, or any combination thereof and expenses in respect of each night necessarily spent outside Northern Ireland at the lowest rate of the subsistence allowances for the time being authorised by the Board for such absences by their officers; or

(ii) the minimum return fare by air and, if appropriate, by train and/or omnibus and expenses in respect of each night necessarily spent outside Northern Ireland at the lowest rate of the subsistence allowances for the time being authorised by the Board for such absences by their officers, subject to the total amount paid not exceeding the total amount which would have been paid under sub-paragraph 7(*b*)(i) had the journey been otherwise undertaken.

Provided that, where the Board is satisfied that the use of public transport is not possible for the whole or part of a journey, the cost of hire of a taxi may be paid to the relative together with, where appropriate, any public transport fares for the rest of the journey.

PART IV

Travelling expenses of pupils attending Training Centres

5.—(1) Subject to the provisions of sub-paragraphs (2) (3) (4) (5) the Board shall, on request, pay the whole or part of the travelling expenses of a pupil in attending a Training Centre and of a relative accompanying such pupil.

(2) Travelling expenses may be paid by the Board in respect of—

(*a*) the pupil, if the Board are satisfied that he should not be expected to walk from his residence to the Training Centre which he attends;

(*b*) a relative accompanying the pupil, where the Board are satisfied that such expenses are incurred wholly and necessarily for the purpose of accompanying such pupil, unless the Board determine that having regard to the age and health of the pupil, the distance to be travelled, the mode of conveyance available and any other relevant circumstances, it is unnecessary for the pupil to be accompanied.

(3) Where public transport is available, and transport is not provided by the Board under Article 10(1)(*a*) of the Order, the amount of travelling expenses which may be paid shall be the amount actually expended on public transport fares, and shall not in any case exceed the cost of two daily return journeys by the most direct route between the pupil's residence and the Training Centre which he attends except that where the Board are satisfied that in the interests of the pupil the most direct route is unsuitable they may approve an alternative route. Full advantage shall be taken of available weekly, monthly, seasonal or other reductions in the cost of public transport.

(4) Where public transport is not available or is deemed by the Board to be unsuitable and transport is not provided by the Board under Article 10(1)(*a*) of the Order the Board may pay the whole or part of the cost of alternative means of transport, provided—

(*a*) that the amount payable by the Board shall not exceed a sum calculated at the public transport rate of mileage allowance currently in force in respect of officers of the Board, and

(*b*) that the mileage used in calculating the payment shall not exceed the mileage actually and necessarily incurred in order to enable the pupil to attend at the Training Centre and shall not in any case exceed the mileage necessary to permit two daily return journeys by the most direct suitable route between the pupil's residence and the Training Centre.

PART V

Revocation

6. The Regulations entitled Health Services (Travelling Expenses of Patients) (Hospital and Specialist Services) Regulations (Northern Ireland) 1951(**f**), Health Services (Hospital and Specialist Services) (Travelling Expenses Etc. of Relatives of Patients) Regulations (Northern Ireland) 1967(**g**), and the Health Services (Travelling Expenses of Patients) (Pupils attending Training Centres) Regulations (Northern Ireland) 1963(**h**), are hereby revoked.

Sealed with the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 27th day of September 1973.

(L.S.)

F. A. Elliott,
Assistant Secretary.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 27th day of September 1973.

(L.S.)

C. F. Darling,
Assistant Secretary.

(**f**) S.R.& O. (N.I.) 1951, No. 43.
(**g**) S.R. & O. (N.I.) 1967, No. 228.
(**h**) S.R. & O. (N.I.) 1963, No. 155.

EXPLANATORY NOTE

(This note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations consolidate with minor amendments the Health Services (Travelling Expenses of Patients) (Hospital and Specialist Services) Regulations (Northern Ireland) 1951, the Health Services (Hospital and Specialist Services) (Travelling Expenses &c. of Relatives and Patients) Regulations (Northern Ireland) 1967, and the Health Services (Travelling Expenses of Patients) (Pupils attending Training Centres) Regulations (Northern Ireland) 1963. They provide for the payment by Area Health and Social Service Boards of travelling expenses of persons availing themselves of services under the Health and Personal Social Services (Northern Ireland) Order 1972, for any necessary companion of such person, and for relatives of children, long-stay and dangerously ill patients, subject to the determination of hardship by the Supplementary Benefits Commission. They also provide for the payment by Area Health and Social Service Boards of travelling expenses incurred by persons attending Special Care Training Centres and for the payment of travelling expenses incurred by relatives who necessarily accompany such persons.