STATUTORY INSTRUMENTS

1980 No. 1659

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

The National Health Service (Remission of Charges) Amendment Regulations 1980

Made - - - -	*3rd November* 1980
Laid before Parliament	*10th November* 1980
Coming into Operation	*1st December* 1980

The Secretary of State for Social Services, in exercise of the powers conferred upon him by paragraphs 1 and 5 of Schedule 12 to the National Health Service Act 1977(a) and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the National Health Service (Remission of Charges) Amendment Regulations 1980 and shall come into operation on 1st December 1980.

Amendment to regulations

2. The National Health Service (Remission of Charges) Regulations 1974(b) shall be further amended as follows:—

(*a*) In regulation 4 (Application of remission) in sub-paragraph (*d*) for the word "calculated" in both places where that word occurs, there shall be substituted the word "determined";

(*b*) In regulation 5 (Restrictions on remission) for sub-paragraph (*a*) of paragraph (2) there shall be substituted—

"(2) (*a*) In a case to which regulation 4(*d*) applies and subject to the provisions of paragraph (1), the remission of charges for which regulation 3 provides shall, if the resources of the claimant as determined by the Secretary of State in accordance with the provisions of regulation 6 exceed his requirements as so determined, be limited in respect of him to the amount by which the sum of his claims (including those of any person whose requirements and resources are, pursuant to the determination hereinafter referred to, aggregated with his) in a claims period exceeds three times the amount by which his resources determined as aforesaid exceed his requirements as so determined.";

(*c*) For regulation 6 there shall be substituted the following—

"*Determination of requirements and resources*

6.—(1) For the purposes of regulation 4(*d*), the requirements and resources of a claimant shall, subject to the following provisions of this regulation, be determined pursuant to the provisions of Schedule 1 to the Supplementary Benefits Act 1976(c) (provisions for determining right to and amount of supplementary benefit).

(a) 1977 c. 49.

(b) S.I. 1974/1377, amended by S.I. 1975/1687, 1946, 1976/1823, 1977/434.

(c) 1976 c. 71; the Act as amended (other than sections 31, 32, 35 and 36 and Schedules 4 and 6 to 8) is set out in Part II of Schedule 2 to the Social Security Act 1980 (c.30).

(2) The requirements and resources of the claimant for the purposes of the determination for which paragraph (1) provides shall be determined—

(*a*) as if sections 5 (power to require registration for employment), 6 (exclusion of certain employed persons and pupils), 8 (persons affected by trade disputes) and 10 (modification of right to supplementary allowance in certain cases) of and paragraphs 2(5) and 3(2)(*b*) of Schedule 1 to that Act did not apply, and

(*b*) as if his requirements included—

(i) the sum of £2.50;

(ii) such amount in respect of repayment of mortgage capital as is reasonable in the circumstances;

(iii) such amount in respect of life insurance premiums payable by and in respect of a policy on the life of the claimant as is reasonable in the circumstances;

(iv) such amount in respect of hire purchase payments under a hire purchase agreement for such essential items as would be provided pursuant to the Supplementary Benefit (Single Payments) Regulations 1980(**a**) as if the claimant were in receipt of a supplementary pension or allowance under the Supplementary Benefits Act 1976 and as if paragraph 15(*d*) of Schedule 3 to the Supplementary Benefit (Requirements) Regulations 1980(**b**) did not apply.".

Patrick Jenkin,
Secretary of State for Social Services.

3rd November 1980.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

The Regulations amend the National Health Service (Remission of Charges) Regulations 1974 to take account of amendments made by the Social Security Act 1980 to provisions of the Supplementary Benefits Act 1976 referred to in those Regulations.

(**a**) S.I. 1980/985. (**b**) S.I. 1980/1299.

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