



THE NATIONAL HEALTH SERVICE ACT 2001

THE NATIONAL HEALTH SERVICE (EXPENSES IN ATTENDING HOSPITALS) REGULATIONS 2004

Approved by Tynwald

13th July 2004

Coming into operation

1st August 2004

In exercise of the powers conferred on the Department of Health and Social Security by section 35(2) of the National Health Service Act 2001¹, and of all other enabling powers, and after consultations required by section 42(5) of that Act, the following Regulations are hereby made:-

1. Citation commencement and interpretation

(1) These Regulations may be cited as the National Health Service (Expenses in Attending Hospitals) Regulations 2004, and shall come into operation on the 1st August 2004.

(2) In these Regulations —

“escort” means a person authorised by the Department to accompany a patient;

“patient” means a person for whom the Department provides hospital and specialist services under Part 3 of the Act;

“visitor” means a person authorised by the Department to visit a patient whilst they are receiving hospital or specialist services outside the Island;

2. Expenses of patient etc. travelling within the Island

(1) Subject to paragraph 2, the Department may pay the travelling allowances incurred in the Island, where the patient —

(a) is under 16 years of age;

(b) is under 19 years of age and is receiving qualifying full-time education;

(c) is pregnant or has given birth within the previous 12 months;

¹ 2001 c.14

- (d) is in receipt of income support under the Social Security Contributions and Benefits Act 1992 (an Act of Parliament)², as applied to the Island by the Social Security Act 2000³, or a dependent of such a person;
- (e) has been accepted for the award of a war disablement pension; and,
- (f) attends a hospital or clinic in the United Kingdom on three or more occasions in any 12 month period and travelling allowances are incurred in making these journeys.

(2) The travelling allowances are those set out in the Travelling Allowances Order 2002⁴, made under the Payment of Members' Expenses Act 1989⁵.

3. Expenses of patient etc. travelling outside the Island

(1) The Department shall pay the travelling expenses reasonably and necessary incurred by a patient, escort or visitor whilst travelling from, to and outside the Island.

(2) The Department may pay an accommodation allowance as a contribution towards accommodation expenses reasonably and necessarily incurred by a patient, escort or visitor requiring accommodation outside the Isle of Man.

(3) The Department shall determine a sum which will be a daily amount payable as an accommodation allowance for patients.

4. Entitlement

(1) A person who makes an application for payment in respect of travelling or accommodation allowances must sign a declaration of entitlement and provide such evidence of his entitlement and of his expenses as may be required.

(2) Payment of travelling allowances may be made before the expenses are incurred.

5. Expenses of return of bodies

The Department shall pay the expenses reasonably incurred in removing to the Island the body of a deceased person who was resident in the Island and has died while availing himself of hospital and specialist services in the United Kingdom, after deducting the following amount -

² 1992 c.4

³ SD 505/94

⁴ SD 536/02


⁵ 1989 c.4

- (a) where any person is entitled by reason of the death to claim an increase under regulation 9(1) of the Maternity and Funeral Expenses (General) (Isle of Man) Regulations 2002⁶ in a funeral payment under that regulation, so much of the amount of that payment as is payable by virtue of regulation 10(2)(d);
- (b) in any other case, the difference between the amounts specified in regulation 8(a) and (b)

6. Revocation

The National Health Service (Expenses in Attending Hospitals) Regulations 2002⁷ are revoked.

Made 3/6/04



Minister for Health and Social Security.

EXPLANATORY NOTE
(This note is not part of the Regulations)

The Regulations restate and replace the National Health Service (Expenses in Attending Hospitals) Regulations 2002.

The regulations allow the Department to provide a travel allowance towards the cost of on-Island travel expenses of eligible persons (regulation 2) and the travel expenses and an accommodation allowance for patients, escorts and visitors from the Island and in the United Kingdom. (regulation 3).

Regulation 5 allows the Department to make a contribution towards the cost of returning deceased patients to the Island.

⁶ SD 320/02

⁷ SD806/01