SCOTTISH STATUTORY INSTRUMENTS

2005 No. 179

NATIONAL HEALTH SERVICE

The National Health Service (Travelling Expenses and Remission of Charges) (Scotland) Amendment (No. 2) Regulations 2005

Made - - - - 24th March 2005
Laid before the Scottish Parliament - - - - 29th March 2005
Coming into force in accordance with regulation 1(2) and (3)

The Scottish Ministers, in exercise of the powers conferred by sections 75A, 105(7) and 108(1) of the National Health Service (Scotland) Act 1978(**1**) and of all other powers enabling them in that behalf, hereby make 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) (Scotland) Amendment (No. 2) Regulations 2005.

(2) Subject to paragraph (3), these Regulations shall come into force on 1st April 2005.

(3) Regulation 3 shall come into force on 6th April 2005 and regulation 5 shall come into force on 11th April 2005.

(4) In these Regulations–

"the Income Support Regulations" means the Income Support (General) Regulations 1987(**2**); and

"the principal Regulations" means the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003(**3**).

(**1**) 1978 c. 29; section 75A was inserted by the Social Security Act 1988 (c. 7), section 14(2), and amended by the Health and Medicines Act 1988 (c. 49), Schedule 2, paragraph 13, the National Health Service (Primary Care) Act 1997 (c. 46), Schedule 2, Part I, paragraphs 32 and 51, the National Health Service and Community Care Act 1990 (c. 19), Schedule 9, paragraph 19(13), and by S.I.1998/2385; section 105(7) was amended by the Health Services Act 1980 (c. 53), Schedule 6, paragraph 5, and Schedule 7, the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), Schedule 9, paragraph 24, and by the Health Act 1999 (c. 8), Schedule 4, paragraph 60; section 108(1) contains definitions of "prescribed" and "regulations" relevant to the exercise of the statutory powers under which these Regulations are made. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(**2**) S.I. 1987/1967.

(**3**) S.S.I. 2003/460, as amended by S.S.I. 2004/102, S.S.I. 2004/166 and S.S.I. 2005/3.

Amendment of the principal Regulations

2.—(1) The principal Regulations are amended in accordance with paragraph (2) and regulations 3 to 5.

(2) In regulation 2 (interpretation)–

(a) after the definition of "the Act" insert–

""annuity contract" means a contract that provides for periodic payments starting from a stated or contingent date and continuing for a fixed period or for the life of the annuity holder;";

(b) after the definition of "date of claim" insert–

""dependant child or young person" means any child or young person who is treated as the responsibility of the claimant or that claimant's partner, where that child or young person is a member of the claimant's household;";

(c) after the definition of "disability element" insert–

""earnings" has the meaning given in regulations 35 and 37 of the Income Support Regulations;";

(d) after the definition of "full rate" insert–

""household" means–

(i) a group of people who have a common address as their only or main residence and who either share one meal a day or share the living accommodation at that residence; or

(ii) the only or main residence of a single person who does not share either one meal a day or the living accommodation at that residence with another person;";

(e) after the definition of "income support" insert–

""the Income Support Regulations" means the Income Support (General) Regulations 1987;

"occupational pension scheme" has the meaning given by section 1 of the Pension Schemes Act 1993(**4**);";

(f) after the definition of "pension credit guarantee credit" insert–

""pension credit savings credit" shall be construed in accordance with sections 1 and 3 of the State Pension Credit Act 2002(**5**);";

(g) after the definition of "pension credit savings credit" insert–

""personal pension scheme" means a personal pension scheme–

(i) as defined in section 1 of the Pension Schemes Act 1993; or

(ii) as defined in section 1 of the Pension Schemes (Northern Ireland) Act 1993(**6**);";

(h) after the definition of "severe disability element" insert–

""single person" means a person who does not have a partner and is not responsible for, and is not a member of the same household as, a child or young person;"; and

(i) –

(**4**) 1993 c. 48.
(**5**) 2002 c. 16.
(**6**) 1993 c. 49.