SCOTTISH STATUTORY INSTRUMENTS

2004 No. 166

NATIONAL HEALTH SERVICE

The National Health Service (Travelling Expenses and Remission of Charges) (Scotland) Amendment (No. 2) Regulations 2004

Made - - - - 30th March 2004
Laid before the Scottish Parliament - - - - 31st March 2004
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 2004.

(2) Subject to paragraph (3) these Regulations shall come into force on 1st April 2004.

(3) Regulation 2(4) shall come into force on 6th April 2004.

(4) In these Regulations "the 2001 Regulations" means the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 2001(**2**).

(**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, and 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, and by 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.S.I. 2001/430; amended by S.S.I. 2002/100, 2003/130 and 2004/66.

Amendment of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003

2.—(1) The National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003(**3**) are amended as follows.

(2) In regulation 2 (interpretation) after the definition of "relevant charges" and "relevant travelling expenses", insert

> ""relevant child" means a person who is being supported by a local authority under section 29(1) of the Children (Scotland) Act 1995(**4**);".

(3) In regulation 4(2)(c) for "requirements equal or exceed that person's income resources" substitute "income resources do not exceed that person's requirements or exceed requirements by fifty per cent or less of the amount of the charge specified in regulation 3(1)(b) (supply of drugs and appliances by chemists) of the 2001 Regulations.

(4) In regulation 4(2) (description of persons entitled to full remission and payment) in sub paragraph (l) at the end omit "." and insert–

";

(m) a relevant child".

(5) For regulation 6 (payment of relevant travelling expenses) substitute–

> "**6.** Where a payment falls to be made under regulations 3(1) or 5(1) in respect of relevant travelling expenses, that payment shall be made by the Health Board in whose area the hospital attended is situated".

(6) For regulation 7(4) (payment to persons resident in Highlands and Islands) substitute–

> "(4) Where a payment falls to be made under paragraph (1) in respect of relevant travelling expenses, that payment shall be made by the Health Board in whose area the hospital is situated.".

(7) In regulation 10(5) (notices of entitlement)–

(a) omit "and" where it appears at the end of paragraph (a); and

(b) omit "." at the end of paragraph (b) and insert–

> "; and
>
> (c) in the case of a notice issued to a relevant child, it is valid for 12 months or until the child's 18th birthday, whichever is the later.".

(8) For regulation 11(6)(a) (repayment) substitute–

"(a) in the case of a repayment to be made in respect of–

(i) relevant charges made by a Health Board, other than a charge for drugs or appliances mentioned in sub-paragraphs (a) or (b) of regulation 5(1) of the 2001 Regulations; and

(ii) relevant travelling expenses incurred by a person in attending a hospital managed by a Health Board,

authorise in writing the repayment of the amount in question to the claimant by the Health Board;".

(9) In regulation 11(7) omit "the NHS trust or".

(10) In regulation 12(1) (reimbursement of payments made in respect of relevant travelling expenses) omit "or an NHS trust".

(**3**) S.S.I. 2003/460; amended by S.S.I. 2004/102.
(**4**) 1995 c. 36.