SCOTTISH STATUTORY INSTRUMENTS

2004 No. 102

NATIONAL HEALTH SERVICE

The National Health Service (Travelling Expenses and Remission of Charges) (Scotland) Amendment Regulations 2004

Made - - - - 8th March 2004
Laid before the Scottish Parliament - - - - 10th 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 Regulations 2004.

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

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

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

Amendment of the principal Regulations

2.—(1) The principal Regulations are amended as follows.

(2) In regulation 2 (interpretation)–

(**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. 2003/460.

(a) omit "unless the context otherwise requires";

(b) in the definition of "date of claim", omit "in an appropriate office or by the Secretary of State" and insert "by or on behalf of the Scottish Ministers";

(c) after the definition of "capital limit", insert ""child" means a person who has not attained the age of 16;"; and

(d) after the definition of "the relevant income" insert ""severe disability element" means the severe disability element of working tax credit as specified in section 11(6)(d) of the Tax Credits Act 2002(**3**);".

(3) In regulation 3 (entitlement to full remission and payment)–

(a) in paragraph (3) omit "under the care of a hospital consultant"; and

(b) omit paragraph (6).

(4) In regulation 4(2)(j) (description of persons entitled to full remission and payment)–

(a) in sub–paragraph (i)(bb) after "disability element" insert "or severe disability element"; and

(b) in sub–paragraph (ii) for "£14,200" substitute "£14,600".

(5) In regulation 7 (payment to persons resident in the Highlands and Islands)–

(a) in paragraph (1) omit "under the care of a hospital consultant";

(b) in paragraph (1)(a) for "home" substitute "normal place of residence"; and

(c) for (2)(b) substitute–

"(b) those of a companion in a case where–

(i) the person is a child; or

(ii) it is necessary on medical grounds for that person to be accompanied.".

(6) In regulation 8(2) (calculation of resources and requirements)–

(i) in sub–paragraph (a) after "requirements" insert "calculated as";

(ii) in sub–paragraph (b) after "requirements" insert "calculated as"; and

(iii) for "and in each case in accordance with the provisions of these Regulations in force at that date" substitute "in accordance with the provisions of these Regulations, as amended from time to time, which are in force at that date".

(7) In regulation 9(1) (claims for remission or payment)–

(a) omit–

(i) "who falls within sub–paragraph (a) or (b) below and"; and

(ii) "and processing"; and

(b) for "their" where it first occurs, substitute "the person's".

(8) In Table B in the Schedule, in the entry relating to Schedule 7, omit the words "After paragraph 10 insert" to the end and substitute–

"After paragraph 10 insert–

10ZA. A claimant who is a lone parent who is temporarily in accommodation provided by a care home service provider or by a local authority under section 21 to	**10ZA.** Any amount applicable to the claimant under paragraph 1(1) of Schedule 4A, determined as if he were a single claimant plus–

(**3**) 2002 c. 21.