SCOTTISH STATUTORY INSTRUMENTS

1999 No. 63

NATIONAL HEALTH SERVICE

The National Health Service (Travelling Expenses and Remission of Charges) (Scotland) Amendment Regulations 1999

Made - - - -	*14th September 1999*
Laid before the Scottish Parliament - - - -	*14th September 1999*
Coming into force - -	*5th October 1999*

The Scottish Ministers, in exercise of the powers conferred on them by section 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 1999 and shall come into force on 5th October 1999.

(2) In these Regulations "the principal Regulations" means the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) Regulations 1988(**2**).

Amendment of regulation 2 of the principal Regulations

2. In regulation 2(1) of the principal Regulations (interpretation)—

(a) after the definition of "the Act" there is inserted—

> ""amount withdrawn" means the amount by which the appropriate maximum disabled person's tax credit or working families' tax credit, as the case may be, determined in accordance with section 129(8) or 128(5) of the Social Security

(**1**) 1978 c. 29; section 75A was inserted by the Social Security Act 1988 (c. 7), section 14(2), and amended by the National Health Service and Community Care Act 1990 (c. 19), Schedule 9, paragraph 19(13); section 105(7) which contains provisions relevant to the making of regulations 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.I.1988/546; relevant amending instruments are S.I.1995/700 and 1996/2391.

Contributions and Benefits Act 1992(**3**), as the case may be, is reduced by virtue of the claimant's income exceeding the applicable amount;";

(b) for the definition of "disability working allowance"(**4**) there is substituted—

""disabled person's tax credit" means disabled person's tax credit under section 129 of the Social Security Contributions and Benefits Act 1992;";

(c) the definition of "family credit" is omitted;

(d) after the definition of "week" there is inserted—

""working families' tax credit" means working families' tax credit under section 128 of the Social Security Contributions and Benefits Act 1992;".

Amendment of regulation 4 of the principal Regulations

3. Regulation 4 of the principal Regulations (description of persons entitled to full remission and payment)(**5**)—

(a) for paragraph (c) there is substituted—

"(c) a person who is in receipt of working families' tax credit with an amount withdrawn of £70 or less,";

(b) for paragraph (d) there is substituted—

"(d) a member of the same family as a person described in paragraph (c) of this regulation,";

(c) for paragraph (g) there is substituted—

"(g) a person who is in receipt of disabled person's tax credit with an amount withdrawn of £70 or less,".

Amendment of Schedule 1 to the principal Regulations

4.—(1) Table A of Part I of Schedule 1 to the principal Regulations (modification of provisions of the Income Support (General) Regulations 1987(**6**)) shall be amended in accordance with the following provision of this regulation.

(2) In the entry in column 2 relating to the entry "regulation 65"(**7**) in column 1, after the words "student's grant" in both places where they occur, there is inserted "or student's loan".

Transitional provision

5. Where before 5th October 1999 a person was entitled to remission of charges by virtue of regulation 4(c) or (d) of the principal Regulations (remission by reference to entitlement to family credit) or by virtue of regulation 4(g) or (h) of those Regulations (remission by reference to entitlement to disability working allowance), that entitlement shall continue for so long as family credit or disability working allowance, as the case may be, remains in payment.

(**3**) 1992 c. 4; sections 128 and 129 were amended by the Tax Credits Act 1999 (c. 10), Schedule 1, paragraph 2(g) and (h).
(**4**) The definition of "disability working allowance" was inserted by S.I.1995/700.
(**5**) Relevant amending instruments are S.I.1995/700 and 1996/2391.
(**6**) S.I.1987/1967.
(**7**) The entry relating to regulation 65 was inserted by S.I.1996/2391.