
SCOTTISH STATUTORY INSTRUMENTS

2010 No. 319

NATIONAL HEALTH SERVICE

The National Health Service (Travelling Expenses and Remission of Charges) (Scotland) Amendment (No. 2) Regulations 2010

Made - - - - 7th September 2010
Laid before the Scottish Parliament - - - - 9th September 2010
Coming into force - - 2nd October 2010

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 75A, 105(7) and 108(1) of the National Health Service (Scotland) Act 1978(1) and all other powers enabling them to do so.

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 2010 and come into force on 2nd October 2010.

(2) In these Regulations—

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

Modifications of the Income Support Regulations in Schedule 1 to the 2003 Regulations

2.—(1) Table A of Schedule 1 to the 2003 Regulations is amended as follows.

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- (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 and Community Care Act 1990 (c.19), Schedule 9, paragraph 19(13), the National Health Service (Primary Care) Act 1997 (c.46), Schedule 2, Part I, paragraphs 32 and 50, the National Health Service Reform (Scotland) Act 2004 (asp 7), Schedule 1, paragraph 1 and by S.I. 1998/2385; section 105(7) was amended by the Health Services Act 1980 (c.53), Schedule 6, paragraph 5(1) and Schedule 7, the Health and Social Services and Social Security Adjudications Act 1983 (c.41), Schedule 9, Part I, paragraph 24 and 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; Amended by S.S.I. 2004/102 and 166, 2005/3 and 179, 2006/142, 183 and 440, 2007/225, 259 and 391, 2008/27, 147, 288 and 390, 2009/124 and 2010/94, S.S.I. 2006/142 was revoked by S.S.I. 2006/183.

(2) In the modifications of regulation 62 (calculation of grant income), for inserted paragraph (2C) substitute—

- “(2C) There shall also be disregarded from a student’s grant income—
- (a) any sum by way of maintenance grant available to a student under regulations 57 to 59 of the Education (Student Support) Regulations 2009⁽³⁾ which is not taken into account in the calculation of the maximum amount of a loan for living costs under Chapter 2 of Part 6 to those Regulations;
 - (b) any sum by way of maintenance grant available to a student under regulations 38 or 39 of the Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2009⁽⁴⁾ which is not taken into account in the calculation of the maximum amount of a loan for living costs under regulations 46 to 48 of those Regulations; and
 - (c) any sum by way of maintenance grant available to a student under regulation 58 of the Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009⁽⁵⁾ which is not taken into account in the calculation of the maximum amount of a loan for living costs under regulation 66 of those Regulations.”.

St Andrew’s House,
Edinburgh
7th September 2010

SHONA ROBISON
Authorised to sign by the Scottish Ministers

⁽³⁾ S.I. 2009/1555.

⁽⁴⁾ S.I. 2009/2737.

⁽⁵⁾ S.R. (NI) 2009 No. 373.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003 (“the 2003 Regulations”).

Regulation 2 updates references to student funding regulations in England, Wales and Northern Ireland. These set out the entitlement to grants and loans available to students. Certain amounts of student maintenance grants are disregarded in calculating the entitlement of students to the payment of travel expenses and the remission of charges under the 2003 Regulations.