
SCOTTISH STATUTORY INSTRUMENTS

2004 No. 166

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

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(1).

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(2) 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(3);”.

(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—

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

(2) S.S.I. 2003/460; amended by S.S.I. 2004/102.

(3) 1995 c. 36.

- “(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”.

St Andrew’s House, Edinburgh
30th March 2004

MALCOLM CHISHOLM
A member of the Scottish Executive