
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 179

The National Health Service (Travelling Expenses and Remission of Charges) (Scotland) Amendment (No. 2) Regulations 2005

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 2005.

(2) Subject to paragraph (3), these Regulations shall come into force on 1st April 2005.

(3) Regulation 3 shall come into force on 6th April 2005 and regulation 5 shall come into force on 11th April 2005.

(4) In these Regulations—

“the Income Support Regulations” means the Income Support (General) Regulations 1987(1);
and

“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 in accordance with paragraph (2) and regulations 3 to 5.

(2) In regulation 2 (interpretation)—

(a) after the definition of “the Act” insert—

““annuity contract” means a contract that provides for periodic payments starting from a stated or contingent date and continuing for a fixed period or for the life of the annuity holder;”;

(b) after the definition of “date of claim” insert—

““dependant child or young person” means any child or young person who is treated as the responsibility of the claimant or that claimant’s partner, where that child or young person is a member of the claimant’s household;”;

(c) after the definition of “disability element” insert—

““earnings” has the meaning given in regulations 35 and 37 of the Income Support Regulations;”;

(d) after the definition of “full rate” insert—

““household” means—

(1) S.I.1987/1967.

(2) S.S.I. 2003/460, as amended by S.S.I. 2004/102, S.S.I. 2004/166 and S.S.I. 2005/3.

- (i) a group of people who have a common address as their only or main residence and who either share one meal a day or share the living accommodation at that residence; or
 - (ii) the only or main residence of a single person who does not share either one meal a day or the living accommodation at that residence with another person;”;
- (e) after the definition of “income support” insert–
 ““the Income Support Regulations” means the Income Support (General) Regulations 1987;
 “occupational pension scheme” has the meaning given by section 1 of the Pension Schemes Act 1993(3);”;
- (f) after the definition of “pension credit guarantee credit” insert–
 ““pension credit savings credit” shall be construed in accordance with sections 1 and 3 of the State Pension Credit Act 2002(4);”;
- (g) after the definition of “pension credit savings credit” insert–
 ““personal pension scheme” means a personal pension scheme–
 (i) as defined in section 1 of the Pension Schemes Act 1993; or
 (ii) as defined in section 1 of the Pension Schemes (Northern Ireland) Act 1993(5);”;
- (h) after the definition of “severe disability element” insert–
 ““single person” means a person who does not have a partner and is not responsible for, and is not a member of the same household as, a child or young person;”;
- (i) –
 (i) after the definition of “week” omit “and”; and
 (ii) at the end of the definition of “working tax credit” insert–
 “; and
 “young person” has the meaning prescribed in regulation 14 of the Income Support Regulations.”.
3. In regulation 4(2)(j)(ii) (description of persons entitled to full remission and payment) for “£14,600”(6) substitute “£15,050”.
4. In regulation 10 (notices of entitlement)–
 (a) –
 (i) after paragraph (5)(b), omit “and”(7); and
 (ii) at the end of paragraph (5)(c) insert–
 “; and
 (d) in the case of a notice issued to a person mentioned in paragraph (5A) it is valid for the length of time specified in that paragraph.”; and
 (b) after paragraph (5) insert–

(3) 1993 c. 48.

(4) 2002 c. 16.

(5) 1993 c. 49.

(6) This amount was substituted by S.S.I. 2004/102, regulation 2(4)(b).

(7) This word and regulation 10(5)(c) was inserted by S.S.I. 2004/166.

“(5A) A notice of entitlement issued under paragraph (1) is valid for 5 years beginning on the date of the claim where the claimant is–

- (a) a single person aged not less than 65; or
- (b) one of a couple where one partner is aged not less than 60 and one partner is aged not less than 65,

and the claimant does not receive any–

- (i) earnings;
- (ii) payments from an occupational pension scheme;
- (iii) payments from a personal pension scheme; or
- (iv) payments from an annuity contract.

(5B) Paragraph (5A) does not apply to a person who is a member of the same household as a dependant child or young person.”

5. In Table A of the Schedule, in the modifications of–

- (a) regulations 45 and 53 of the Income Support Regulations, for “£20,000”(8), in each place where it occurs, substitute “£20,500”; and
- (b) regulation 53 of the Income Support Regulations, for “£12,250”(9) substitute “£12,500”.

Transitional provision

6. A notice of entitlement falling under regulation 10(5A) (notices of entitlement) shall only be issued in respect of claims made under regulation 9 (claims for remission or payment) which are received on or after 1st April 2005.

St Andrew’s House, Edinburgh
24th March 2005

ANDREW P KERR
A member of the Scottish Executive

(8) This amount was substituted by [S.S.I. 2005/3](#), regulation 3(2).

(9) This amount was substituted by [S.S.I. 2005/3](#), regulation 3(2).