
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 440

NATIONAL HEALTH SERVICE

**The National Health Service (Travelling
Expenses and Remission of Charges) (Scotland)
Amendment (No. 3) Regulations 2006**

<i>Made</i>	- - - -	<i>30th August 2006</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>30th August 2006</i>
<i>Coming into force</i>	- -	<i>1st September 2006</i>

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 powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) Amendment (No. 3) Regulations 2006 and shall come into force on 1st September 2006.

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

2.—(1) Schedule 1 to the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003(2) is amended as follows.

(2) In Table A, in the entries relating to regulation 62—

(a) before the first entry, insert—

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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 (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, 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; amended by S.S.I. 2004/102, 2004/166, 2005/3 and 2005/179, 2006/142 and 2006/183.

“In paragraph (1) for “subject to paragraphs (2) and (2A)” substitute “subject to paragraphs (2), (2A) and (2C)”.

After paragraph (2B) insert–

“(2C) There shall also be disregarded from a student's grant income–

- (a) any sum in excess of the sum set out as the maintenance grant amount in regulation 57(4)(b) of the Education (Student Support) Regulations 2006 (new system students with full entitlement)(⁽³⁾) which forms part of a maintenance grant paid pursuant to regulation 48 of those Regulations (qualifying conditions for the maintenance grant);
 - (b) any sum in excess of the sum set out as the maintenance grant amount in regulation 33(4)(b) of the Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2006 (maximum amount of loans for new system eligible students with full entitlement)(⁽⁴⁾) which forms part of a maintenance grant paid pursuant to regulation 29 of those Regulations (maintenance grant); and
 - (c) any sum in excess of the sum set out as the maintenance grant amount in regulation 57(4)(b), (c) or (d), as appropriate, of the Education (Student Support) Regulations (Northern Ireland) 2006 (new system students with full entitlement)(⁽⁵⁾) which forms part of a maintenance grant paid pursuant to regulation 49 of those Regulations (qualifying conditions for the maintenance grant).”;
- (b) omit the entries that begin “In paragraph (3) from the beginning”, “In paragraph (3)(a)” and “In paragraph (3)(b)”;
- (c) after the entry inserted by sub paragraph (a) of this paragraph insert–
“For paragraph (3) substitute–
- “(3) In calculating the weekly amount of the grant to be taken into account as income–
- (a) except where sub paragraph (b) or paragraph (4) applies, the grant shall be apportioned equally between 52 weeks; and
 - (b) in the case of a grant which is payable in respect of the final academic year of the course or if the course is only of one academic year's duration, in respect of that year the grant shall be apportioned equally between the weeks in the period beginning with the start of the final academic year or, as the case may be, the single academic year and ending with the last day of the course;”;
- (d) for the entry that begins “In paragraph (3A)”, substitute “Omit paragraph (3A)”; and
- (e) for the entry that begins “In paragraph (4)”, substitute–
“In paragraph (4), for “weeks in the period beginning” to “last day of the period of study” substitute “remaining weeks in that period of study”.

St Andrew's House,
Edinburgh
30th August 2006

LEWIS MACDONALD
Authorised to sign by the Scottish Ministers

(3) S.I. 2006/119; amended by S.I. 2006/955 and S.I. 2006/1745.

(4) S.I. 2006/126 (w.19).

(5) S.R. (N.I.) 2006 No. 312.

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 principal Regulations”) to take account of changes to the provision of financial support to students made by the Education (Student Support) Regulations 2006 (“the 2006 England Regulations”), the Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2006 (“the 2006 Welsh Regulations”) and the Education (Student Support) Regulations (Northern Ireland) 2006 (“the 2006 N.I. Regulations”) and consequential changes to the way in which a student’s entitlement to income support will be calculated.

In calculating a person’s resources and requirements under the principal Regulations in order to establish whether a person can claim entitlement to the remission of NHS charges and the payment of NHS travel expenses, a modified version of the Income Support (General) Regulations 1987 is used as set out in Schedule 1 to the principal Regulations.

These Regulations further modify Schedule 1 to provide:

that any sum in excess of the sum set out in regulation 57(4)(b) of the 2006 England Regulations paid as part of a maintenance grant pursuant to regulation 48 of those Regulations should be disregarded in the calculation of a student’s grant income;

that any sum in excess of the sum set out in regulation 33(4)(b) of the 2006 Welsh Regulations paid as part of a maintenance grant pursuant to regulation 29 of those Regulations should be disregarded in the calculation of a student’s grant income;

that any sum in excess of the sum set out as the maintenance grant amount in paragraphs (b), (c) or (d) of regulation 57(4) of the 2006 N.I. Regulations (the amounts of which will differ according to the level of maintenance grant a student qualifies for under the 2006 N.I. Regulations) paid as part of a maintenance grant under regulation 49 of those Regulations should be disregarded in the calculation of a student’s grant income.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the cost of business, charities or voluntary bodies.