

EXECUTIVE NOTE

THE NATIONAL HEALTH SERVICE (TRAVELLING EXPENSES AND REMISSION OF CHARGES) (SCOTLAND) AMENDMENT REGULATIONS 2007 SSI/2007/ 225

1 The above instrument was made in exercise of the powers conferred on Scottish Ministers by sections 75A, 105(7) and 108(1) of the National Health Service (Scotland) Act 1978 and of all powers enabling them in that behalf. The instrument is subject to negative resolution procedure.

Policy Objectives

2 The purpose of these regulations is to amend the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No.2) Regulations 2003 (the principal Regulations) (SSI 2003 No. 460) in respect of the provisions set out below:-

The NHS Low Income Scheme

Disregard of Students' Additional Loan Income

3 The principal Regulations are amended to provide that means-tested Additional Loan income is disregarded in the assessment of students' entitlement to help under the Low Income Scheme (LIS). The policy of the Executive is to introduce this disregard in line with LIS assessment provisions for other means-tested elements of student funding. Provision is made for application of this disregard with effect from 1 September 2006. This validates the disregard of Additional Loans in respect of LIS claims received up to 4 December 2006, during which period the disregard was applied in error, and to allow for reassessment of claims received after 5 December, in respect of which no disregard was applied.

Amount of Patients' Assets to be Taken into Account

6 The amounts of capital assets to be taken into account in the assessment of patients' LIS claims under these regulations are uprated with effect from 9 April 2007. The effect of these amendments is to keep the amounts at the same level for LIS claimants across Great Britain.

Consultation

7 There has been no consultation in respect of these regulations. This is normal practice when regulations are introduced to take account of changes to the benefit regime, which applies in respect of the increase of capital assets allowed in the assessment of entitlement to help under the LIS.

8 Amendments to provide for the application of an income disregard in respect of means-tested Additional Loans have been made to regularise the position of students whose claims benefited from ultra vires assessment, and to allow the same potential benefit to students who applied for help with health charges from 5 December 2006 onwards. The effect is to ensure that no claimant is disadvantaged in comparison with his or her peers.

Financial Effects

9 The financial effect of these amendments is unlikely to be significant. LIS claimants who benefit from the adjustment of capital limits or Additional Loan disregards will receive more help with health charges and the effect will be a reduction in charge income, spread across NHS Boards. The number of people who will benefit from these changes is very difficult to predict, as it depends on the financial circumstances declared by individual claimants. The loss of income to NHS Boards will depend on the extent to which their LIS certificates are used by these claimants.

Scottish Executive Health Department
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