
STATUTORY INSTRUMENTS

1996 No. 2391 (S.188)

NATIONAL HEALTH SERVICE, SCOTLAND

The National Health Service (Travelling
Expenses and Remission of Charges) (Scotland)
Amendment (No.2) Regulations 1996

<i>Made</i>	- - - -	<i>12th September 1996</i>
<i>Laid before Parliament</i>		<i>16th September 1996</i>
<i>Coming into force</i>	- -	<i>7th October 1996</i>

The Secretary of State, in exercise of the powers conferred on him by sections 75A, 105(7) and 108(1) of the National Health Service (Scotland) Act 1978(1), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

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 1996 and shall come into force on 7th October 1996.

(2) In these Regulations, “the principal Regulations” means the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) Regulations 1988(2).

Amendment of regulation 2 of the principal Regulations

2. In regulation 2(1) of the principal Regulations (interpretation)–

(a) in the definition of “family”(3) –

(i) at the end of paragraph (a) the word “and” shall be deleted; and

(ii) after paragraph (b) there shall be added the following paragraph–

(1) 1978 c. 29; section 75A was inserted by the Social Security Act 1988 (c. 7), section 14(2), and amended by the National Health Service and Community Care Act 1990 (c. 19), Schedule 9, paragraph 19(13); section 105(7) which was amended by the Health Services Act 1980 (c. 53), Schedule 6, paragraph 5 and Schedule 7 and by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), Schedule 9, paragraph 24, contains provisions relevant to the making of regulations; section 108(1) contains definitions of “prescribed” and “regulations” relevant to the exercise of the statutory powers under which these Regulations are made.

(2) S.I. 1988/546, relevant amending instruments are S.I. 1990/551 and 1665, 1991/575, 1993/642 and 2049, 1995/700 and 2381 and 1996/429.

(3) The definition of “family” was substituted by S.I. 1995/700.

- “(c) in regulation 4(1) and (n) it has the meaning assigned to it by section 35 of the Jobseekers Act 1995(4) and;”;
- (b) after the definition of “family credit” there shall be inserted the following definition—
 ““income-based jobseeker’s allowance” has the meaning assigned to it by section 1(4) of the Jobseekers Act 1995;”.

Amendment of regulation 4 of the principal Regulations

3. In regulation 4 of the principal Regulations (description of persons entitled to full remission and payment)(5) –

- (a) for paragraph (g) there shall be substituted the following paragraph—
 “(g) a person who is in receipt of disability working allowance, or”; and
- (b) for paragraphs (i) and (j) there shall be substituted the following paragraphs:—
 “(i) a person who is in receipt of an income-based jobseeker’s allowance, or
 (j) a member of the same family as a person who is in receipt of an income-based jobseeker’s allowance, or
 (k) a person whose entitlement to an income-based jobseeker’s allowance is less than 10 pence, or
 (l) a member of the same family as a person whose entitlement to an income-based jobseeker’s allowance is less than 10 pence.”.

Amendment of regulation 7 of the principal Regulations

4. In regulation 7 of the principal Regulations (claims for remission or payment)–

- (a) in paragraph (1), for the words “regulation 4(e), (f), (i) or (j)” there shall be substituted the words “regulation 4(e) or (f)”; and
- (b) in paragraph (3), there shall be omitted the words “or, in the case of a claim by a person who is within a description prescribed by regulation 4(i) or (j), the capital resources”.

Amendment of Schedule 1 to the principal Regulations

5. In Table A of Part I of Schedule 1 to the principal Regulations (modifications of provisions of the Income Support (General) Regulations 1987) after the entry relating to regulations 54 to 60 there shall be added the following entry:–

- (a) in column 1 the words “regulation 65”; and
 (b) in column 2 the words–

“As if for the words “No part” there were substituted the words “(1) Subject to paragraph (2) below, no part”.

As if the following paragraph were added to the regulation–

(2) For the purposes of this regulation and paragraph 15 of Schedule 9 “voluntary payment” shall not include any payment made by a person whose income a Minister of the Crown or an education authority–

- (a) would take into account in assessing the amount of a student’s grant if an application for it were to be made;

(4) 1995 c. 18; see regulations 76 to 78 of S.I. 1996/207, as amended by S.I. 1996/1516 and 1517.

(5) Paragraphs (g) to (j) were added to regulation 4 by S.I. 1995/700.

- (b) has taken into account in assessing the amount of a student's grant and which is in excess of contributions as assessed by a Minister of the Crown or an education authority.”.

Amendment of Schedule 1A to the principal Regulations

6. In Schedule 1A to the principal Regulations (periods of validity of notices of entitlement)(6) –
- (a) paragraph 2 shall be omitted; and
- (b) after paragraph 7 there shall be added the following paragraph:–

“8. A person whose entitlement to an income-based jobseeker's allowance is less than 10 pence. 6 months from the date on which an income-based jobseeker's allowance would have been payable if it had been payable.”.

St Andrew's House,
Edinburgh
12th September 1996 7

Lindsay
Parliamentary Under Secretary of State, Scottish
Office

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) Regulations 1988 (“the principal Regulations”), which provide for the remission and repayment of certain charges which would otherwise be payable under the National Health Service (Scotland) Act 1978 and for the payment of travelling expenses incurred in attending a hospital.

Regulation 2 amends the definition of “family” in regulation 2(1) of the principal Regulations and adds in that regulation a definition of “income-based jobseeker’s allowance”.

Regulation 3 amends regulation 4 of the principal Regulations, which contains a list of descriptions of persons entitled to full remission and payment, by removing the capital restriction which applied to persons in receipt of disability working allowance and certain members of their family. The list is also amended to include persons who are in receipt of an income-based jobseeker’s allowance, or who are entitled to an income-based jobseeker’s allowance of less than 10 pence (and therefore do not actually receive such an allowance), and certain members of their family.

Regulation 4 amends regulation 7 of the principal Regulations by removing the requirement for certain persons in receipt of disability working allowance to make a claim on a form provided for that purpose and for the Secretary of State to calculate the capital resources of such persons.

Regulation 5 amends Table A of Part I of Schedule 1 to the principal Regulations regarding the financial disregards applied in calculating student income.

Regulation 6 amends Schedule 1A to the principal Regulations, so as to specify the period for which a notice of entitlement is effective for a person whose entitlement to an income-based jobseeker’s allowance is less than 10 pence. Schedule 1A is also amended so as to omit the period previously specified for persons in receipt of disability working allowance whose capital did not exceed £8,000.