

1980 No. 1686 (S. 144)

NATIONAL HEALTH SERVICE, SCOTLAND
The National Health Service (Remission of Charges)
(Scotland) Amendment Regulations 1980

Made - - - - - 31st October 1980

Laid before Parliament 10th November 1980

Coming into Operation 1st December 1980

In exercise of the powers conferred upon me by paragraphs 1 and 5 of Schedule 11 to the National Health Service (Scotland) Act 1978(a) and of all other powers enabling me in that behalf, I hereby make the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the National Health Service (Remission of Charges) (Scotland) Amendment Regulations 1980 and shall come into operation on 1st December 1980.

(2) In these regulations, “the principal regulations” means the National Health Service (Remission of Charges) (Scotland) Regulations 1974(b).

Amendment of principal regulations

2. In regulation 4(c) of the principal regulations for the words “regulation 6(1)(j) of the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 1974, as amended”, there shall be substituted the words “regulation 7(1)(i) of the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 1980(c)” and for the words “regulation 7”, there shall be substituted the words “regulation 8”.

3. In regulation 4 (d) of the principal regulations for the word “calculated” in both places where that word occurs, there shall be substituted the word “determined”.

4. In regulation 5(2) of the principal regulations, for sub-paragraph (a) there shall be substituted the following sub-paragraph:—

“(a) In a case to which regulation 4(d) applies and subject to the provisions of paragraph (1), the remission of charges for which regulation 3 provides shall, if the resources of the claimant as determined by the Secretary of State in accordance with the provisions of regulation 6 exceed his requirements as so determined, be limited in respect of him to the amount by which the sum of his claims in a claims period exceeds three times the amount by which his resources determined as aforesaid exceed his requirements as so determined.”.

(a) 1978 c. 29.

(b) S.I. 1974/1440, amended by S.I. 1975/1715, 1988, 1976/1874, 1977/471.

(c) S.I. 1980/1674.

5. For regulation 6 of the principal regulations there shall be substituted the following regulation:—

“Determination of requirements and resources

6.—(1) For the purposes of regulation 4(d) the requirements and resources of a claimant shall, subject to the following provisions of this regulation, be determined pursuant to the provisions of Schedule 1 to the Supplementary Benefits Act 1976(a) (provisions for determining right to and amount of supplementary benefit).

(2) The requirements and resources of the claimant for the purposes of the determination for which paragraph (1) provides shall be determined—

- (a) as if sections 5 (power to require registration for employment), 6 (exclusion of certain employed persons and pupils), 8 (persons affected by trade disputes) and 10 (modification of right to supplementary allowance in certain cases) of and paragraphs 2(5) and 3(2)(b) of Schedule 1 to that Act did not apply, and
- (b) as if his requirements included—
 - (i) the sum of £2.50;
 - (ii) such amount in respect of repayment of mortgage capital as is reasonable in the circumstances;
 - (iii) such amount in respect of life insurance premiums payable by and in respect of a policy on the life of the claimant as is reasonable in the circumstances;
 - (iv) such amount in respect of hire purchase payments under a hire purchase agreement for such essential items as would be provided pursuant to Regulation 11 of the Supplementary Benefit (Single Payments) Regulations 1980(b) as if the claimant were in receipt of a supplementary pension or allowance under the Supplementary Benefits Act 1976 and as if paragraph 15(d) of Schedule 3 to the Supplementary Benefit (Requirements) Regulations 1980(c) did not apply.”

George Younger,
One of Her Majesty's Principal
Secretaries of State.

New St. Andrew's House
Edinburgh.
31st October 1980.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations further amend the National Health Service (Remission of Charges) (Scotland) Regulations 1974 to take account of amendments made by the Social Security Act 1980 to provisions of the Supplementary Benefits Act 1976 referred to in those Regulations.

(a) 1976 c. 71; the Act as amended (other than sections 31, 32, 35 and 36 and Schedules 4 and 6 to 8) is set out in Part II of Schedule 2 to the Social Security Act 1980 (c. 30).

(b) S.I. 1980/985.

(c) S.I. 1980/1299.

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