

1989 No. 393 (S.47)

NATIONAL HEALTH SERVICE, SCOTLAND

**The National Health Service (Travelling Expenses and
Remission of Charges) (Scotland) Amendment
Regulations 1989**

<i>Made</i> - - - -	<i>9th March 1989</i>
<i>Laid before Parliament</i>	<i>10th March 1989</i>
<i>Coming into force</i>	
<i>(a) for purposes of regulations 1 to 3</i>	<i>1st April 1989</i>
<i>(b) for all other purposes</i>	<i>10th April 1989</i>

The Secretary of State for Scotland, in exercise of the powers conferred on him by sections 75A, 105 and 108(1) of the National Health Service (Scotland) Act 1978(a), 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 Regulations 1989 and shall come into force, for the purposes of regulations 1 to 3, on 1st April 1989 and, for the purposes of regulation 4, on 10th April 1989.

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

Amendment of regulations 3 and 5 of the principal Regulations

2. In regulations 3(2)(b) and 5(2) of the principal Regulations for the words “section 70(1)” in each case, there shall be substituted the words “section 70(1A)”.

Amendment of Table B in Part II of Schedule 1 to the principal Regulations

3. There shall be inserted in Table B of Part II of Schedule 1 to the principal Regulations—
- (a) before the reference to regulation 17—
 - in column 1 the words “regulation 2”, and in column 2 opposite those words, the following:—
 - “As if in paragraph (1)—
 - (a) there were inserted after the definition of “the Act”, the following definition:

(a) 1978 c.29; section 75A was inserted by section 14(2) of the Social Security Act 1988 (c.7); section 105 which was amended by the Health Services Act 1980 (c.53), Schedule 6, paragraph 5(1) 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.

(b) S.I. 1988/546.

“the 1987 Act” means the Abolition of Domestic Rates etc. (Scotland) Act 1987(a);

(b) there were inserted after the definition of “close relative” the following definitions:

““collective community charge contribution” means a payment to which section 11(11) of the 1987 Act refers;

“community charge” means a community charge imposed under section 7 of the 1987 Act and “personal community charge” shall be construed in accordance with that section and sections 8 and 10 of that Act;”

(b) in column 2 before the words “As if paragraphs 7, 8 and 10 were omitted”, the following:-

- “(m) (i) except where (ii) below applies, 80 per cent of liability in respect of a personal community charge or, as the case may be, 80 per cent of a collective community charge contribution, other than where payable by a registered student;
- (ii) 80 per cent of liability in respect of the aggregate of the personal community charges or, as the case may be, of collective community charge contributions for which a couple or the members of a polygamous marriage are liable disregarding, where a member of the couple or that marriage is a registered student, the liability of such member for any such charges or contributions.”

Substitution of Table B in Part II of Schedule 1 to the principal Regulations

4. In Part II of Schedule 1 to the principal Regulations Table B shall be deleted and there shall be substituted therefor, the following:-

“TABLE B

MODIFICATIONS OF PROVISIONS OF THE INCOME SUPPORT (GENERAL) REGULATIONS 1987 FOR THE PURPOSES OF PART II OF THIS SCHEDULE

<i>Column 1</i> <i>Regulation or Schedule</i>	<i>Column 2</i> <i>Modification</i>
regulation 2	As if in paragraph (1)- (a) there were inserted after the definition of “the Act”, the following definition: “the 1987 Act” means the Abolition of Domestic Rates etc. (Scotland) Act 1987(a); (b) there were inserted after the definition of “close relative” the following definitions: ““collective community charge contribution” means a payment to which section 11(11) of the 1987 Act refers; “community charge” means a community charge imposed under section 7 of the 1987 Act and “personal community charge” shall be construed in accordance with that section and sections 8 and 10 of that Act;”
regulation 17	As if for the words from “18 to 22” to “urgent cases)” there were substituted “18 to 21”.
regulation 18	As if for the words from “19 to 22” to “urgent cases)” there were substituted “19 to 21”.
regulations 19 to 21	As if in paragraph (1) in these Regulations the references to regulation 22 were omitted.

(a) 1987 c.47.

<i>Column 1</i> <i>Regulation or Schedule</i>	<i>Column 2</i> <i>Modification</i>
Schedule 3	<p>As if in paragraph 1–</p> <p>(a) sub-paragraph (aa) were deleted and there were inserted in substitution therefor–</p> <p>“(aa) all payments of interest and capital under an agreement for instalment purchase to buy the dwelling occupied as the home;” and</p> <p>(b) after sub-paragraph (h) there were added–</p> <p>“(i) mortgage capital payments;</p> <p>(j) payments in respect of an endowment policy in connection with the purchase of the dwelling occupied as the home;</p> <p>(k) payments by way of rent which do not otherwise fall within sub-paragraph (c) or (e) of this paragraph;</p> <p>(l) 80 per cent of the general rates payable in respect of any dwelling in England or Wales occupied as the home;</p> <p>(m)(i) except where (ii) below applies, 80 per cent of liability in respect of a personal charge or, as the case may be, 80 per cent of a collective community charge contribution, other than where payable by a registered student;</p> <p>(ii) 80 per cent of liability in respect of the aggregate of the personal community charges or, as the case may be, of collective community charge contributions for which a couple or the members of a polygamous marriage are liable disregarding, where a member of the couple or that marriage is a registered student, the liability of such member for any such charges or contributions.</p> <p>As if in paragraph 9(1) for the words “paragraph 1(c) to (h)” there were substituted the words “paragraph 1(c) to (h) and (k)”.</p> <p>As if in paragraph 11, there were the following modifications:–</p> <p>(1) For sub-paragraph (1)(a) and (b) there were substituted:–</p> <p>“(1) Subject to the following provisions of this paragraph, the following deductions from the amount to be met under the preceding paragraphs of this Schedule in respect of housing costs shall be made–</p> <p>(a) in respect of a non-dependant aged 18 or more who is in remunerative work or is a person to whom regulation 3(3) applies (non-dependants)–</p> <p>(i) except where (ii) applies, the sum of £8.20;</p> <p>(ii) where the claimant or his partner is liable to pay general rates in respect of any dwelling in England and Wales occupied as the home or is a Crown tenant of a dwelling occupied in England and Wales as the home and paragraph 9(5)(a)(ii) or (b)(ii) applies, the sum of £11.20;</p> <p>(b) in respect of a non-dependant aged 18 or more to whom sub-paragraph (1)(a) does not apply–</p> <p>(i) except where (ii) or (iii) applies the sum of £3.45;</p> <p>(ii) where the claimant or his partner is liable to pay general rates in respect of any dwelling in England and Wales occupied as the home or is a Crown tenant of a dwelling occupied in England and Wales as the home and paragraph 9(5)(a)(ii) or (b)(ii) applies, the sum of £6.45;</p> <p>(iii) where (ii) applies but the non-dependant is aged under 25 and is in receipt of Income Support, the sum of £3.00”.</p> <p>(2) In sub-paragraph (7)(d), there were added at the beginning the words:</p> <p>“except where paragraph (1)(b)(iii) applies,”</p> <p>(3) paragraph 7(e) were omitted.”</p> <p>As if paragraphs 5(a), 7, 8 and 10 were omitted.</p>
Schedule 4	As if in paragraph 1(1)(a) the words from “but, except” to “paragraph 5” were omitted. As if paragraphs 4 to 12 were omitted.
Schedule 5	As if in paragraph 1(1)(a) the words from “but, except” to “paragraph 5” were omitted. As if paragraphs 4 to 10 were omitted.
Schedule 7	As if paragraphs 7 and 17 were omitted.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) Regulations 1988 ("the principal Regulations") to take into account the introduction into Scotland on 1st April 1989 of the community charge under the Abolition of Domestic Rates etc (Scotland) Act 1987, to make other amendments consequent upon changes in the method of calculating Income Support and Housing Benefit, and to make other minor amendments.

Regulation 2 amends a reference in the principal Regulations to section 70 of the National Health Service (Scotland) Act 1978 made by the Health and Medicines Act 1988 consequent upon an amendment which comes into force on 1st April 1989.

Regulation 3 brings into force on 1st April 1989 amendments to Table B in Part II of Schedule 1 to the principal Regulations to allow liability for personal community charge and collective community charge contributions to be taken into account in the assessment of the requirements of a claimant under the principal Regulations.

Regulation 4 amends Part II of Schedule 1 to the principal Regulations by substituting Table B in that Schedule. The new table contains the amendments relating to community charge and enables allowance to be made, in calculating a person's requirements to establish entitlement to remission of charges or payment of travelling expenses, for instalment payments made in buying a dwelling, and for reductions from housing costs made in respect of non-dependants of the person claiming remission or payment of travelling expenses under the principal Regulations. These changes come into force on 10th April 1989.

85p net

ISBN 0 11 096393 8