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SCOTTISH STATUTORY INSTRUMENTS

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**2003 No. 460**

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

**Persons entitled to remission in part or payment in part**

5.—(1) A person who is not of a description prescribed by regulation 4 and whose capital resources do not exceed the capital limit is entitled, in accordance with the following provisions of these Regulations, to the remission of part of any relevant charges or, as the case may be, payment, in accordance with regulation 6, of part of any relevant travelling expenses if at the time when the relevant charges are made or when the relevant travelling expenses are incurred the person is—

- (a) a person whose income resources exceed the person's requirements by less than a third of the relevant charges or, as the case may be, by less than the relevant travelling expenses; or
- (b) a member of the same family as a person described in sub-paragraph (a) of this paragraph.

(2) This regulation applies only in respect of charges for wigs, fabric supports and surgical brassieres payable in pursuance of section 69(1) of the Act (supplied otherwise than under Part II of the Act), charges for dental appliances and dental treatment payable in pursuance of section 70(1A) or section 71(1) of the Act or of section 20(1) of the National Health Service (Primary Care) Act 1997, and any relevant travelling expenses.

(3) The amount of any relevant charges which a person is entitled by paragraph (1) to have remitted is the difference between the relevant charges and 3 times the amount by which the person's income resources exceed the person's requirements.

(4) The amount of the relevant charges for the purposes of paragraph (3) are in the case of—

- (a) a charge under section 69(1) of the Act for the supply of an appliance, the charge made for that appliance;
- (b) a charge—
  - (i) for dental treatment or for the supply of a dental appliance under Part II of the Act; or
  - (ii) for dental treatment under Part I of the National Health Service (Primary Care) Act 1997,

the charge made for one course of treatment, including any charge made for a dental appliance supplied in that course of treatment; or

- (c) in the case of a charge for the supply of a dental appliance supplied otherwise than under Part II of the Act or under Part I of the National Health Service (Primary Care) Act 1997, the charge made for that appliance.

(5) Subject to regulation 7, the amount of the relevant travelling expenses which a person is entitled by paragraph (1) to be paid is the difference between the relevant travelling expenses incurred in any week and the amount by which the person's income resources exceed the person's requirements.