
SCOTTISH STATUTORY INSTRUMENTS

2003 No. 460

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

Calculation of resources and requirements

8.—(1) Where it is necessary that the resources or requirements of a person, or the relationship between them, should be calculated for the purposes of these Regulations, they shall be calculated by the Scottish Ministers according to the provisions of this regulation and the Schedule.

(2) For the purposes of paragraph (1), the resources and requirements of a person shall be calculated in the case of a claim made under—

- (a) regulation 9(1), by reference to the person's resources or requirements at the date of claim; or
- (b) regulation 11(2), by reference to the person's resources or requirements at the date when the relevant charges or relevant travelling expenses are paid in full,

and in each case in accordance with the provisions of these Regulations in force at that date.

(3) Unless any provision referred to in the Schedule specifies to the contrary, where a claimant is a member of a family—

- (a) the resources of the other members of the claimant's family shall be calculated or estimated in the same manner as those of the claimant and shall be taken into account as if they were the claimant's resources; and
- (b) in calculating the claimant's requirements, the requirements of the other members of the claimant's family shall be taken into account according to the provisions of the Schedule.

(4) In a case to which paragraph (3) applies, unless the context otherwise requires, any reference to a "claimant" in the Schedule or in the provisions referred to in the Schedule shall be construed as including the other members of the claimant's family.

(5) In a case where the earnings of any person are to be calculated for the purpose of this regulation and those earnings have been affected by a trade dispute, the earnings to be taken into account shall be the earnings which that person would have received if there had been no trade dispute.