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SCOTTISH STATUTORY INSTRUMENTS

2006 No. 183

NATIONAL HEALTH SERVICE

**The National Health Service (Travelling Expenses and
Remission of Charges) (Scotland) Amendment (No. 2)
Regulations 2006**

Made - - - - 30th March 2006

Laid before the Scottish Parliament 31st March 2006

Coming into force in accordance with regulation 1(2) and (3)

The Scottish Ministers, in exercise of the powers conferred by sections 75A, 105(7) and 108(1) of the National Health Service (Scotland) Act 1978(a) and of all other powers enabling them in that behalf, hereby make 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 2006.

(2) Subject to paragraph (3), these regulations shall come into force on 1st April 2006.

(3) Regulations 2(6)(a)(ii), (b) and (c) shall come into force on 1st May 2006.

(4) In these Regulations “the principal Regulations” means the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003(b).

Amendment of the principal Regulations

2.—(1) The principal Regulations are amended as follows.

(a) 1978 c.29; Section 75A was inserted by the Social Security Act 1988 (c.7), section 14(2), and amended by the Health and Medicines Act 1988 (c.49), Schedule 2, paragraph 13, the National Health Service (Primary Care) Act 1997 (c.46), Schedule 2, Part I, paragraphs 32 and 51, and the National Health Service and Community Care Act 1990 (c.19), Schedule 9, paragraph 19(13), and by S.I. 1998/2385; section 105(7) was amended by the Health Services Act 1980 (c.53), Schedule 6, paragraph 5, and Schedule 7, by the Health and Social Services and Social Security Adjudications Act 1983 (c.41), Schedule 9, paragraph 24, and by the Health Act 1999 (c.8), Schedule 4, paragraph 60; section 108(1) contains definitions of “prescribed” and “regulations” relevant to the exercise of the statutory powers under which these Regulations are made. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) S.S.I. 2003/460; amended by S.S.I. 2004/102, 2004/166, 2005/3 and 2005/179 and 2006/142.

- (2) For regulation 6 (payment of relevant travelling expenses)(a) substitute–
- “6. Where a payment falls to be made under regulations 3(1) or 5(1) in respect of relevant travelling expenses that payment shall be made by–
- (a) the National Waiting Times Centre Board(b) when the hospital attended is the hospital accommodation and ancillary facilities located at Beardmore Way, Dalmuir, Clydebank; and, in any other case
- (b) the Health Board in whose area the hospital attended is situated.”.
- (3) In regulation 7 (payment to persons resident in the Highlands and Islands)(c)–
- (a) in paragraph (1)(b) for “£8” (in both places where it occurs) substitute “£10”;
- (b) for paragraph (4) substitute–
- “(4) Where a payment falls to be made under paragraph (1) in respect of relevant travelling expenses, that payment shall be made by–
- (a) the National Waiting Times Centre Board when the hospital attended is the hospital accommodation and ancillary facilities located at Beardmore Way, Dalmuir, Clydebank; and, in any other case
- (b) the Health Board in whose area the hospital attended is situated.”.
- (4) In regulation 11 (repayment)(d)–
- (a) in sub-paragraph (a) of paragraph (6) after “Board” where it appears in head (ii) and at the end of that sub-paragraph insert–
- “or the National Waiting Times Centre Board (as the case may be)”; and
- (b) in paragraph (7) after “Board” insert–
- “or the National Waiting Times Centre Board”.
- (5) In regulation 12(1) (reimbursement of payments made in respect of travelling expenses)(e) after “Board” where it first appears in the paragraph insert–
- “or the National Waiting Times Centre Board”.
- (6) In Table A of the Schedule, in the entries relating to–
- (a) regulation 45–
- (i) for “£8,000” substitute “£16,000”; and
- (ii) for “£12,000” substitute “£16,000”;
- (b) regulations 45 and 53, for “£20,500”, in each place where it occurs, substitute “£21,000”; and
- (c) regulation 53, for “£12,500” substitute “£12,750”.
- (7) In Table B of the Schedule, in the entry relating to Schedule 3B, for “£3,000” substitute “£6,000”.

Transitional provisions

3. Under regulations 6, 7 and 11 of the principal Regulations payments shall only be made by the National Waiting Times Centre Board in respect of claims received on or after 1st April 2006.

(a) Regulation 6 was substituted by S.S.I. 2004/166 and 2006/142.
 (b) The National Waiting Times Centre Board is a Special Health Board constituted by S.S.I. 2002/305.
 (c) Regulation 7(4) was substituted by S.S.I. 2004/166 and 2006/142.
 (d) Regulation 11 was amended by S.S.I. 2004/166 and 2006/142.
 (e) Regulation 12 was amended by S.S.I. 2004/166 and 2006/142.

Revocation

4. The National Health Service (Travelling Expenses and Remission of Charges) (Scotland) Amendment Regulations 2006(a) are revoked.

St Andrew's House,
Edinburgh
30th March 2006

LEWIS MACDONALD
Authorised to sign by the Scottish Ministers

(a) S.S.I. 2006/142.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No 2) Regulations 2003 (“the Regulations”).

Regulation 2(2), (3), (4) and (5) amends the Regulations to provide for payment of relevant travelling expenses to be made by the National Waiting Times Centre Board, including repayment of such expenses to persons entitled to remission or payment who had incurred such expenses, and for the reimbursement of payments or repayments made by the National Waiting Times Centre Board by the Health Board responsible for the healthcare of the person receiving treatment.

Regulation 2(3)(a) amends the Regulations to increase the contribution, to be made by persons resident in the Highlands and Islands, towards the relevant travelling expenses from £8 to £10 when the relevant travelling expenses are more than a prescribed amount, which has also been amended from £8 to £10.

Regulation 2(6) amends the Regulations to increase the capital limits to be used in calculating entitlement to the payment of travel expenses and remission of charges for people under 60; or 60 or over; or permanently residing in certain types of accommodation.

Regulation 2(7) amends the Regulations to increase the capital limits to be used in calculating entitlement to the payment of travel expenses and remission of charges for people permanently residing in certain types of accommodation.

Regulation 3 makes transitional provision to ensure that payments of relevant travelling expenses shall only be made by the National Waiting Times Centre Board in respect of claims received on or after 1st April 2006.

Regulation 4 gives effect to the revocation of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) Regulations 2006 (S.S.I. 2006/142).

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