



National Health Service (Scotland) Act 1978

1978 CHAPTER 29

PART IV

POWERS OF THE SECRETARY OF STATE

Regulations as to certain charges

[^{F1}75A Remission and repayment of charges and payment of travelling expenses.

- (1) Regulations may provide in relation to prescribed descriptions of persons—
- (a) for the remission or repayment of the whole or any part of any charges which would otherwise be payable by them in pursuance of section 69(1) above, section 70(1) [^{F2}or, (1A)] above [^{F3}section 70A(1) above] or section 71 above [^{F4}or section 20 of the National Health Service (Primary Care) Act 1997];
 - (b) for the payment by the Secretary of State in such cases as may be prescribed of travelling expenses (including the travelling expenses of a companion) incurred or to be incurred for the purpose of their availing themselves of any services provided under this Act; and
 - (c) where they are persons whose travelling expenses are payable by virtue of paragraph (b) above, for the payment by the Secretary of State in such cases as may be prescribed of expenses necessarily incurred by them (and by any companion whose travelling expenses are so payable) in obtaining overnight accommodation for the purpose mentioned in that paragraph [^{F5}and]
[^{F5}(d) for the payment by the Secretary of State to NHS trusts of such sums as will reimburse them for any sums paid by them as travelling expenses in such cases as may be prescribed].
- (2) Descriptions of persons may be prescribed for the purposes of paragraph (a), (b) [^{F6}, (c) or (d)] of subsection (1) above by reference to any criterion and, without prejudice to the generality of this subsection, by reference to any of the following criteria—
- (a) their age;

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- (b) the fact that a prescribed person or a prescribed body accepts them as suffering from a prescribed medical condition;
 - (c) the fact that a prescribed person or a prescribed body accepts that a prescribed medical condition from which they suffer arose in prescribed circumstances;
 - (d) their receipt of benefit in money or in kind under any enactment or their entitlement to receive any such benefit;
 - (e) the receipt of any such benefit by other persons satisfying prescribed conditions or the entitlement of other persons satisfying prescribed conditions to receive such benefits; and
 - (f) the relationship, as calculated in accordance with the regulations by a prescribed person, between their resources and their requirements.
- (3) Regulations under this section may direct how a person’s resources and requirements are to be calculated and, without pre-judice to the generality of this subsection, may direct that they shall be calculated—
- (a) by a method set out in the regulations;
 - (b) by a method described by reference to a method of calculating or estimating income or capital specified in an enactment other than this section or in an instrument made under an Act of Parliament or by reference to such a method but subject to prescribed modifications;
 - (c) by reference to an amount applicable for the purposes of a payment under an Act of Parliament or an instrument made under an Act of Parliament; or
 - (d) by reference to the person’s being or having been entitled to payment under an Act of Parliament or an instrument made under an Act of Parliament.
- (4) Regulations under this section which refer to an Act of Parliament or an instrument made under an Act of Parliament may direct that the reference is to be construed as a reference to that Act or instrument—
- (a) as it has effect at the time when the regulations are made; or
 - (b) both as it has effect at that time and as amended subsequently.]

Textual Amendments

- F1** S. 75A inserted by [Social Security Act 1988 \(c. 7, SIF 113:1\)](#), **s. 14(2)**
- F2** Words inserted by [Health and Medicines Act 1988 \(c. 49, SIF 113:2\)](#), s. 25(1), **Sch. 2 para. 13**
- F3** Words in s. 75A(1)(a) inserted (1.10.1998) by 1997 c. 46, s. 41(10), [Sch. 2 Pt. 1 paras. 32, 51](#); S.I. 1998/1998, art. 2(2)(b), **Sch. 2**
- F4** Words in s. 75A(1)(a) inserted (29.9.1998) by S.I. 1998/2385, **art. 3**
- F5** S. 75A(1)(d) and preceding word “and” inserted by [National Health Service and Community Care Act 1990 \(c.19, SIF 113:2\)](#), s. 66(1), **Sch. 9 para. 19(13)(a)**
- F6** Words substituted by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 66(1), **Sch. 9 para. 19(13)(b)**

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