SCOTTISH STATUTORY INSTRUMENTS

2007 No. 391

NATIONAL HEALTH SERVICE

The National Health Service (Travelling Expenses and Remission of Charges) (Scotland) Amendment (No. 3) Regulations 2007

Made - - - -	*6th September 2007*
Laid before the Scottish Parliament	*7th September 2007*
Coming into force - -	*1st October 2007*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 75A, 105(7) and 108(1) of the National Health Service (Scotland) Act 1978(**a**) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) Amendment (No. 3) Regulations 2007 and come into force on 1st October 2007.

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

2.—(1) The National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003(**b**) are amended as follows.

(2) In regulation 2 (interpretation)(**c**) for the definition of "the 2007 Regulations" substitute–

> ""the 2007 Regulations" means the National Health Service (Charges for Drugs and Appliances) (Scotland) (No. 2) Regulations 2007(**d**);".

(**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 1977 (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 and 166, 2005/3 and 179, 2006/142, 183 and 440 and 2007/225 and 259.

(**c**) Regulation 2 was amended by S.S.I. 2004/102 and 166, 2005/3 and 179 and 2007/259.

(**d**) S.S.I. 2007/389.

(3) In Table A of the Schedule, in the entry relating to–

(a) regulation 66A, for the first entry, substitute–

"For paragraph (1) substitute–

"(1) A student loan shall be treated as income unless it is an additional loan, as determined by the Scottish Ministers pursuant to the Education (Student Loans) (Scotland) Regulations 2007(**a**).""; and

(b) Schedule 9, for the first entry substitute–

"In paragraph 15(1) for "sub-paragraph (3)" substitute "sub-paragraphs (1A) and (3)".

Insert after paragraph 15(1)–

"(1A) In respect of a voluntary payment made to a student, paragraph (1) shall only apply to £20 of that payment.

(1B) The total amount disregarded in respect of voluntary payments to a student under sub-paragraph (1) shall not exceed £20 per week.

(1C) In paragraph (1A) and (1B) "student" has the meaning given in regulation 61(1).".

SHONA ROBISON
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
6th September 2007

(**a**) S.S.I. 2007/154.

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) amends regulation 2 of the Regulations by substituting the definition of "the 2007 Regulations" as a consequence of the consolidation of the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations.

Regulation 2(3)(a) amends the entry in Table A of the Schedule to the Regulations relating to regulation 66A of the Income Support (General) Regulations 1987 ("the 1987 Regulations") as a consequence of the consolidation of the Education (Student Loans) (Scotland) Regulations.

Regulation 2(3)(b) amends the entry in Table A of the Schedule to the Regulations relating to Schedule 9 to the 1987 Regulations to provide that in respect of a voluntary payment made to a student only £20 of that payment is to be disregarded in calculating that student's income. The maximum amount of voluntary payments to a student that can be disregarded is £20 per week.

SCOTTISH STATUTORY INSTRUMENTS

2007 No. 391

NATIONAL HEALTH SERVICE

The National Health Service (Travelling Expenses and Remission of Charges) (Scotland) Amendment (No. 3) Regulations 2007

£3.00

© Crown Copyright 2007

Printed in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, the Queen's Printer for Scotland
60 09/07 19593