SCOTTISH STATUTORY INSTRUMENTS

2013 No. 327

NATIONAL HEALTH SERVICE

The National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Amendment Regulations 2013

Made - - - -	*13th November 2013*
Laid before the Scottish Parliament	*15th November 2013*
Coming into force - -	*14th December 2013*

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, commencement and interpretation

1.—(1) These Regulations may be cited as the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Amendment Regulations 2013 and come into force on 14th December 2013.

(2) In these Regulations—

"the 1987 Regulations" means the Income Support (General) Regulations 1987(**b**);

"the 2003 Regulations" means the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003(**c**).

Amendment of modifications of the 1987 Regulations for the purpose of Part 1 of the Schedule to the 2003 Regulations

2.—(1) Table A of the Schedule to the 2003 Regulations is 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), section 25(1) and Schedule 2 paragraph 13; the National Health Service and Community Care Act 1990 (c.19), section 66(1) and Schedule 9 paragraph 19(13)(a) and (b); the National Health Service (Primary Care) Act 1997 (c.46), Schedule 2(I) paragraph 50; and by S.I. 1998/2385, S.S.I. 2010/283 and S.S.I. 2013/177; section 105(7) was amended by the Health Services Act 1980 (c.53), Schedule 6 paragraph 5(1)(a), (c) and (d) and Schedule 7; the Health and Social Services and Social Security Adjudications Act 1983 (c.41), section 29(1) and Schedule 9 Part 1 paragraph 24; and 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.I. 1987/1967.

(**c**) S.S.I. 2003/460; amended by S.S.I. 2004/102, S.S.I. 2004/166, S.S.I. 2005/3, S.S.I. 2005/179, S.S.I. 2006/142, S.S.I. 2006/183, S.S.I. 2006/440, S.S.I. 2007/225, S.S.I. 2007/259, S.S.I. 2007/391, S.S.I. 2008/27, S.S.I. 2008/147, S.S.I. 2008/288, S.S.I. 2008/390, S.S.I. 2009/124, S.S.I. 2010/94, S.S.I. 2010/319, S.S.I. 2011/55, S.S.I. 2011/137, S.S.I. 2011/449, S.S.I. 2012/171, S.S.I. 2013/137 and S.S.I. 2013/142. S.S.I. 2006/142 was revoked by S.S.I. 2006/183.

(2) In the modification of regulation 62 (calculation of grant income), in the inserted paragraph (2C)—

(a) in sub-paragraph (a) for "regulations 57 to 59 of the Education (Student Support) Regulations 2009" substitute "regulations 57 to 60 of the Education (Student Support) Regulations 2011(**a**)";

(b) after sub-paragraph (a) insert—

"(aa) an allowance paid under regulations 3 and 4(1)(c) of the Student Allowances (Scotland) Regulations 2007(**b**);"

(c) in sub paragraph (b) for "regulations 39 to 41 of the Assembly Learning Grants and Loans (Higher Education) (Wales) (No. 2) Regulations 2011" substitute "regulations 41 to 44 of the Education (Student Support) (Wales) Regulations 2012(**c**)";

(d) in sub-paragraph (b) for "regulations 49 to 52" substitute "regulations 51 to 55".

(3) In the modification of regulation 66A (treatment of student loans), for inserted paragraph (1), substitute—

"(1) A student loan (including any notional amount treated as part of the loan in accordance with paragraph (1A)) is to be treated as income, unless it is a hardship loan;

(1A) In the case of a student (S) who is paid a loan under the Education (Student Loans) (Scotland) Regulations 2007(**d**), that loan is to be treated as including a notional amount that is the difference (if there is one) between—

(a) the maximum amount that would potentially be payable under those Regulations to an eligible student in the same academic year and studying on the same course as S; and

(a) the amount that is paid to S under those Regulations.".

MICHAEL MATHESON
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
13th November 2013

(**a**) S.I. 2011/1986. Relevant amendments are made by S.I. 2013/1728 and S.I. 2012/1653.
(**b**) S.S.I. 2007/153 as amended by S.S.I. 2007/503, S.S.I. 2008/206, S.S.I. 2009/188, S.S.I. 2009/309, S.S.I. 2012/72 and S.S.I. 2013/80.
(**c**) S.I. 2012/3097.
(**d**) S.S.I. 2007/154 as amended by S.S.I. 2007/503, S.S.I. 2008/205, S.S.I. 2008/206, S.S.I. 2009/188, S.S.I. 2009/189, S.S.I. 2009/309, S.S.I. 2010/300, S.S.I. 2012/72, S.S.I. 2013/80 and S.I. 2010/1010 and S.I. 2013/1881.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003 ("the 2003 Regulations").

Regulation 2(2) makes amendments in relation to student funding. Regulation 2(2)(a) updates references to student funding regulations in England. Regulation 2(2)(b) provides that student bursaries paid on behalf of the Scottish Ministers are to be disregarded from the assessment of an eligible student's income when determining whether or not the student is entitled to the payment of travel expenses and the remission of charges under the 2003 Regulations. Regulation 2(2)(c) and (d) update references to student funding regulations in Wales.

Regulation 2(3) makes a further amendment in relation to students who are eligible for assistance from the Scottish Ministers. If a student is eligible for a student loan, the maximum amount of loan which would be available to a student studying on the same course will be included in the assessment of that student's income for the purposes of calculating entitlement to the payment of travel expenses and the remission of charges under the 2003 Regulations, regardless of whether that student is actually in receipt of that maximum amount.

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