SCOTTISH STATUTORY INSTRUMENTS

2021 No. 241

NATIONAL HEALTH SERVICE

The National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Amendment Regulations 2021

Made - - - - at 9.30 a.m. on 15th June 2021

Laid before the Scottish Parliament at 2.00 p.m. on 15th June 2021

Coming into force - - 24th August 2021

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 75A(1) and (2) and 105(7) 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) (No. 2) Amendment Regulations 2021 and come into force on 24 August 2021.

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

2. The National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003(**b**) are amended in accordance with regulations 3 and 4.

3. In regulation 3 (entitlement to full remission and payment)—

(a) at the beginning of paragraph (1), insert "Subject to paragraphs (1A) and (1B),", and

(b) after paragraph (1) insert—

"(1A) A person who is described in regulation 4(2)(za) but meets no other description in regulation 4(2) is not entitled to payment of relevant travelling expenses under regulation 3(1).

(1B) A person who is described in regulation 4(2)(za) but meets no other description in regulation 4(2) is not entitled to remission of the charges specified in regulation 3(2)(a).".

(**a**) 1978 c. 29. Section 75A was inserted by section 14(2) of the Social Security Act 1988 (c. 7) and amended by the Health and Medicines Act 1988 (c. 49), section 25(1) and paragraph 13 of schedule 2; the National Health Service and Community Care Act 1990 (c. 19), section 66(1) and paragraph 19(13) of schedule 9; the National Health Service (Primary Care) Act 1997 (c. 46), section 41(10) and paragraph 50 of schedule 2; S.I. 1998/2385; S.S.I. 2010/283, S.S.I. 2013/177, and S.S.I. 2019/131. Section 105(7) was amended by the Health Services Act 1980 (c. 53), section 25(3) and (4), paragraph 5 of schedule 6 and schedule 7; the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), section 29(1) and paragraph 24 of schedule 9 and the Health Act 1999 (c. 8), section 65(1) and paragraph 60 of schedule 4. 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. Relevant amending instruments are S.S.I. 2004/102, S.S.I. 2004/166, S.S.I. 2007/259, S.S.I. 2008/27, S.S.I 2008/288, S.S.I. 2009/124, S.S.I. 2011/55, S.S.I. 2015/333 and S.S.I. 2017/59.

4. In regulation 4(2) (description of persons entitled to full remission and payment) before sub-paragraph (a) insert—

"(za) a person who has attained the age of 18 years but has not attained the age of 26 years;".

HUMZA YOUSAF
A member of the Scottish Government

St Andrew's House
Edinburgh
At 9.30 a.m. on 15th June 2021

EXPLANATORY NOTE

(This note is not part of the Regulations)

The National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003 (the "principal regulations") prescribe the descriptions of person who are entitled to remission of certain charges payable for services provided under the National Health Service (Scotland) Act 1978 ("NHS charges") and who are entitled to reimbursement for their reasonable travel expenses incurred when travelling to access services under that Act.

These Regulations amend the principal regulations to insert an additional description of person who is entitled to remission of NHS charges for dental treatment and appliances only.

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