

1990 No. 917 (S.118)

NATIONAL HEALTH SERVICE, SCOTLAND

**The National Health Service (Travelling Expenses and
Remission of Charges) (Modification of Time Limit)
(Scotland) Regulations 1990**

<i>Made</i> - - - -	<i>18th April 1990</i>
<i>Laid before Parliament</i>	<i>18th April 1990</i>
<i>Coming into force</i>	<i>9th May 1990</i>

The Secretary of State for Scotland, in exercise of powers conferred on him by sections 75A, 105 and 108(1) of the National Health Service (Scotland) Act 1978(a), and of all other powers enabling him in that behalf, hereby makes 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) (Modification of Time Limit) (Scotland) Regulations 1990 and shall come into force on 9th May 1990.

(2) In these Regulations—

- (a) “family” shall have the meaning assigned to it by section 20(11) of the Social Security Act 1986(b) as it applies to income support(c);
- (b) “the principal Regulations” means the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) Regulations 1988(d);
- (c) the expressions “capital limit”, “income support”, “relevant charges” and “relevant travelling expenses” have the same meanings as in the principal Regulations.

Modification of time limit

2.—(1) Where—

- (a) a person pays any relevant charge or relevant travelling expenses on a day (“the qualifying day”) falling on or after 9th April 1990 but before 28th May 1990; and
- (b) that person, or another person who is a member of the same family as that person—
 - (i) makes a claim not later than 27th May 1990 for income support in respect of the qualifying day, and
 - (ii) receives notice after the qualifying day that he is entitled to income support in respect of the qualifying day; and
- (c) on the qualifying day the capital resources of that person or, as the case may be, that other person, calculated for the purpose of determining his entitlement to income support—
 - (i) did not exceed the capital limit, but

(a) 1978 c.29; section 75A was inserted by section 14(2) of the Social Security Act 1988 (c.7); section 105, which was amended by the Health Services Act 1980 (c.53), Schedule 6, paragraph 5(1) and Schedule 7 and by the Health and Social Services and Social Security Adjudications Act 1983 (c.41), Schedule 9, paragraph 24, contains provisions relevant to the making of regulations; section 108(1) contains definitions of “prescribed” and “regulations” relevant to the exercise of the statutory powers under which these Regulations are made.

(b) 1986 c.50.

(c) See S.I. 1987/1967, regulations 14 to 16, as amended by S.I. 1988/663, 1445, 1989/534, 1990/547.

(d) S.I. 1988/546, amended by S.I. 1989/393, 616 and 1990/551.

(ii) would have exceeded the capital limit had the amount prescribed in regulation 45 of the Income Support (General) Regulations 1987(a) then been £6,000, regulation 8(2) of the principal Regulations shall have effect in the case of that person so as to require him to make his claim for repayment by no later than the day falling one month after the date on which he, or the other member of his family, receives the notice mentioned in sub-paragraph (b)(ii) of this paragraph.

(2) Where—

(a) a person pays any relevant charge or relevant travelling expenses on any day falling on or after 9th April 1990 but before 28th April 1990;

(b) on that day—

(i) his capital resources, calculated in accordance with regulation 6 of the principal Regulations, do not exceed the capital limit, but

(ii) his capital resources would have exceeded the capital limit had the amount prescribed in regulation 45 of the Income Support (General) Regulations 1987 then been £6,000; and

(c) neither that person nor any other person who is a member of the same family as that person, makes a claim on or before 27th May 1990 for income support in respect of that day,

regulation 8(2) of the principal Regulations shall have effect in his case as if for the words from “within” to “expenses” there were substituted the words “on or before 27th May 1990”.

St. Andrew's House, Edinburgh
18th April 1990

James Douglas-Hamilton
Parliamentary Under Secretary of State,
Scottish Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations modify the time limit prescribed in regulation 8(2) of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) Regulations 1988 (“the principal Regulations”) within which a person may claim the repayment of certain charges he has paid for services under the National Health Service (Scotland) Act 1978 or of travelling expenses he or, in certain cases, a travelling companion, has incurred in attending a hospital for treatment under the National Health Service.

The time limit is extended in relation to claims for repayment made by persons who become entitled to remission of charges or payment of expenses under the principal Regulations in consequence of the increase from £6,000 to £8,000 in the capital limit prescribed for the purposes of determining eligibility for income support under the Social Security Act 1986, provided that those persons make their claim for repayment, or claim income support, by no later than 27th May 1990.

(a) S.I. 1987/1967; regulation 45 was amended by S.I. 1990/671.

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