

2011 No. 1940 (W. 208)

**NATIONAL HEALTH
SERVICE, WALES**

The National Health Service
(Travelling Expenses and
Remission of Charges) (Wales)
(Amendment) (No.2) Regulations
2011

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply in relation to Wales, further amend the National Health Service (Travel Expenses and Remission of Charges) (Wales) Regulations 2007 (“the principal Regulations”). Those Regulations provide for the payment of travel expenses and the remission of National Health Service (‘NHS’) charges for, amongst others, persons on low incomes, by reference to limits on their income and capital.

In calculating a person’s resources and requirements under the principal Regulations in order to establish whether a person can claim entitlement to the remission of NHS charges and payment of NHS travelling expenses, a modified version of the Income Support (General) Regulations 1987 is applied.

Regulation 3 updates references to student funding regulations in Wales, England and Northern Ireland. These set out the entitlement to grants and loans available to students. Certain amounts of student maintenance grants are disregarded in calculating the entitlement of students to the payment of travel expenses and the remission of charges under the principal Regulations. It also updates the reference to the Student Support Information Guide issued by the Student Awards Agency for Scotland.

Regulation 4 makes three minor corrections to the principal Regulations.

Regulation 5 revokes the National Health Service (Travelling Expenses and Remission of Charges) (Wales) (Amendment) (No.2) Regulations 2010.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

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The National Health Service
(Travelling Expenses and
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(Amendment) (No.2) Regulations
2011

Made 31 July 2011

Laid before the National Assembly for Wales
August 2011

Coming into force in accordance
with regulation
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The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 130, 131, 132 and 203(9) and (10) of the National Health Service (Wales) Act 2006(1) and now vested in them(2)

Title, commencement and effect

1.—(1) The title of these Regulations is the National Health Service (Travelling Expenses and Remission of Charges) (Wales) (Amendment) (No.2) Regulations 2011.

(2) These Regulations come into force on 1 September 2011 and have effect from that date, except as provided in paragraphs (3) and (4).

(3) Regulation 3(3) ceases to have effect on 1 September 2012.

(1) 2006 c.42.

(2) Functions of the National Assembly for Wales constituted by the Government of Wales Act 1998 (c.38) were transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32).

(4) Regulation 3(4) has effect from 1 September 2012.

Interpretation

2. In these Regulations—

“the 1987 Regulations” (“*Rheoliadau 1987*”) means the Income Support (General) Regulations 1987(1); and

“the 2007 Regulations” (“*Rheoliadau 2007*”) means the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007(2).

Amendment of Table A of Schedule 1 to the 2007 Regulations

3.—(1) Column 2 of Table A of Schedule 1 to the 2007 Regulations (modifications of the Income Support (General) Regulations 1987) is amended as follows.

(2) In the modification of regulation 23 (calculation of income and capital of members of claimant's family and of a polygamous marriage) of the 1987 Regulations for the words “section 22(5) of the Act” substitute “section 136 of the Social Security Contributions and Benefits Act(3)”.

(3) In the modification of regulation 62 of the 1987 Regulations (calculation of grant income) for the entry relating to the insertion of paragraph (2) substitute the following—

□(2C) There must also be disregarded from a student's grant income —

- (a) any sum by way of maintenance grant available to a student under regulations 57 to 59 of the Education (Student Support) Regulations 2009(4) which is not taken into account in the calculation of the maximum amount of a loan for living costs under chapter 2 of Part 6 of those Regulations;
- (b) any sum by way of maintenance grant available to a student under regulations 38 to 40 of the Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2011(5) which is not taken into account in the calculation of the maximum amount of

(1) S.I. 1987/1967.
(2) S.I. 2007/1104 (W.116). Relevant amending instruments are S.I. 2008/1480 (W.153), S.I. 2009/54 (W.18), S.I. 2010/1237 (W.107), S.I. 2010/2759 (W.231) and S.I. 2011/681(W.100).
(3) 1992 c.4.
(4) S.I. 2009/1555.
(5) S.I. 2011/148 (W.32).

a loan for living costs under regulations 48 to 51 of those Regulations; and

- (c) any sum by way of maintenance grant available to a student under regulation 58 of the Education (Student Support) (No.2) Regulations (Northern Ireland) 2009⁽¹⁾ which is not taken into account in the calculation of the maximum amount of a loan for living costs under regulation 66 of those Regulations.□.

(4) In the modification of regulation 62 (calculation of grant income) of the 1987 Regulations for the entry relating to the insertion of paragraph (2) substitute the following—

“(2C) There must also be disregarded from a student’s grant income —

- (a) any sum by way of maintenance grant available to a student under regulations 57 to 59 of the Education (Student Support) Regulations 2009 which is not taken into account in the calculation of the maximum amount of a loan for living costs under chapter 2 of Part 6 of those Regulations;
- (b) any sum by way of maintenance grant available to a student under regulations 39 to 41 of the Assembly Learning Grants and Loans (Higher Education) (Wales) (No.2) Regulations 2011⁽²⁾ which is not taken into account in the calculation of the maximum amount of a loan for living costs under regulations 49 to 52 of those Regulations; and
- (c) any sum by way of maintenance grant available to a student under regulation 58 of the Education (Student Support) (No.2) Regulations (Northern Ireland) 2009 which is not taken into account in the calculation of the maximum amount of a loan for living costs under regulation 66 of those Regulations.□.

(5) In the modification of regulation 66A (treatment of student loans) of the 1987 Regulations in the substitute paragraph (1)(b), for “Student Support Information Guide 2009-10” substitute “Student Support Information Guide 2011-12⁽³⁾”.

(1) S.I. 2009/373 (N.I.).

(2) S.I. 2011/886 (W.130).

(3) The Guide is available on the Student Awards Agency for Scotland website at <http://www.saas.gov.uk>.

Amendment of Table B of Schedule 1 to the 2007 Regulations

4.—(1) Column 2 of Table B of Schedule 1 to the 2007 Regulations (modifications of the Income Support (General) Regulations 1987) is amended as follows.

(2) In the English text of the 2007 Regulations, in the modification of Schedule 2 (applicable amounts) to the 1987 Regulations in the entry relating to the insertion of paragraph 1ZA(2) for “mans” substitute “means”.

(3) In the Welsh text of the 2007 Regulations, in the modification of Schedule 2 to the 1987 Regulations (applicable amounts) in the entry relating to paragraph 15(4)(a) for “11(2)(b) or (c)” substitute “11A(2)(b) or (c)”.

(4) In the Welsh text of the 2007 Regulations(1), in the modification of Schedule 2 to the 1987 Regulations (applicable amounts) for “Ar ôl paragraff 15(4)(a) rhodder y cofnod a ganlyn—

“(aa) where the (aa) an amount condition in equal to the paragraph 11(1)(c) component in and an additional paragraph 13 of condition in Schedule 4 to the paragraph 11A(2) Employment and (a) or (d) are Support Allowance satisfied; Regulations”” substitute “Ar ôl paragraff 15(4)(a) rhodder y cofnod a ganlyn—

□(aa) where the condition in paragraph 11(1)(c) and an additional condition in paragraph 11A(2)(a) or (d) are satisfied;

(aa) an amount equal to the component in paragraph 13 of Schedule 4 to the Employment and Support Allowance Regulations.”□.

Revocation

5. The National Health Service (Travelling Expenses and Remission of Charges) (Wales) (Amendment) (No.2) Regulations 2010(2) are revoked.

Lesley Griffiths

Minister for Health and Social Services, one of the Welsh Ministers

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- (1) S.I. 2009/54 (W.18), as made by the Welsh Ministers, inserted a new entry after paragraph 15(4)(a) in the modification of Schedule 2 to the Income Support (General) Regulations 1987 in Table B of Schedule 1 to the National Health Service (Travel Expenses and Remission of Charges) (Wales) Regulations 2007. The Welsh version of the S.I. signed by the Minister was incorrect. However, in the printed copy of S.I. 2009/54 (W.18) the entry was incorrect in both the Welsh and English version of the Regulations. These Regulations therefore correct the entry in the Welsh version of the S.I. signed by the Minister.
- (2) S.I. 2010/2759 (W.231).

31 July 2011