

2008 No. 1480 (W.153)

**NATIONAL HEALTH
SERVICE, WALES**

The National Health Service
(Travelling Expenses and
Remission of Charges)
(Wales)(Amendment) Regulations
2008

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (“the principal Regulations”).

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 the payment of NHS travelling expenses, a modified version of the Income Support (General) Regulations 1987 (“the Income Support Regulations”) is applied.

These Regulations modify Schedule 1 to the principal Regulations in the following ways:

1. They provide that any additional loan, the eligibility for which is set out in the Student Support in Scotland Guide issued by the Student Awards Agency for Scotland, and which is paid under the Education (Student Loans) (Scotland) Regulations 2007, will be disregarded in the calculation of a student’s loan income. (Regulation 2(4)).

2. They 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. (Regulation 2(5)). The principal Regulations already modify the meaning of “voluntary payment” to

exclude certain payments made to students (see the entry for regulation 65 in Table A in Schedule 1 to the principal Regulations).

3. They substitute a new entry for the modification of regulation 45 of the Income Support Regulations (capital limit). (Regulation 2(2)) and amend the entry for the modification of regulation 53 of the Income Support Regulations to increase the lower capital limit, which is used, in prescribed cases, for calculating entitlement to receive benefits under the NHS Low Income Scheme (Regulation 2(3)).

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**NATIONAL HEALTH
SERVICE, WALES**

The National Health Service
(Travelling Expenses and
Remission of Charges) (Wales)
(Amendment) Regulations 2008

Made 9 June 2008

Laid before the National

Assembly for Wales 10 June 2008

Coming into force 1 July 2008

The Welsh Ministers, in exercise of the powers conferred upon them by sections 130, 131, 132 and 203(9) and (10) of the National Health Service (Wales) Act 2006⁽¹⁾ hereby make the following Regulations:

Title, commencement, interpretation and application

1.—(1) The title of these Regulations is the National Health Service (Travelling Expenses and Remission of Charges) (Wales) (Amendment) Regulations 2008.

(2) These Regulations come into force on 1 July 2008.

(3) In these Regulations—

- (a) “the principal Regulations” (“*y prif Reoliadau*”) means the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007⁽²⁾; and
- (b) “the Income Support Regulations” (“*y Rheoliadau Cymhorthdal Incwm*”) means the

(1) 2006 c.42. See section 206(1) for the definitions of “prescribed” and “regulations”.

(2) S.I. 2007/1104 (W.116).

Income Support (General) Regulations
1987(1).

(4) These Regulations apply in relation to Wales.

**Modifications of the Income Support Regulations in
Schedule 1 to the principal Regulations**

2.—(1) Schedule 1 to the principal Regulations (Modifications of the Income Support (General) Regulations 1987) is amended as follows.

(2) In Table A, for the modification of regulation 45 of the Income Support Regulations (Capital Limit), substitute—

“For this regulation substitute—

“Capital Limit

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For the purposes of regulations 5(2)(e) and 6(1)(a) of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 the capital limit is—

(a) for a claimant permanently residing in accommodation as defined in regulation 19A— £22,000;

(b) in any other case—£16,000.”.”.

(3) In Table A, for the modification of regulation 53 of the Income Support Regulations, for “(a) until 8 April 2007 £16,000; (b) from 9 April 2007 £17,250” substitute “£19,000”.

(4) In Table A, in the modifications of regulation 66A of the Income Support Regulations (treatment of student loans), for the first entry, substitute—

“For paragraph (1), substitute—

“(1) A student loan must be treated as income unless it is—

(a) a hardship loan; or

(b) an additional loan, as described in the Guide to Student Support issued by the Student Awards Agency for Scotland 2007-2008(2), paid pursuant to an application for a loan under regulation 5(1) or (9) of the Education (Student Loans) (Scotland) Regulations 2007 (applications for loans)(3), in which case it will be disregarded.”.”.

(5) In Table A, in the modifications to Schedule 9 to the Income Support Regulations (sums to be

(1) S.I. 1987/1967.

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

(3) S.S.I. 2007/154

disregarded in the calculation of income other than earnings) for the first entry substitute—

“In paragraph 15(1) for “sub-paragraph (3)” substitute “sub-paragraphs (1A), (1B) and (3)”.

Insert after paragraph 15(1)—

“(1A) In respect of a voluntary payment made to a student, sub-paragraph (1) will only apply to £20 of that payment.

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

(1C) In sub-paragraphs (1A) and (1B) “student” has the meaning given in regulation 61(1).”.

Edwina Hart

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

9 June 2008