

2008 No. 2568 (W.226)

**NATIONAL HEALTH
SERVICE, WALES**

The National Health Service
(Travelling Expenses and
Remission of Charges) (Wales)
(Amendment) (No.2) Regulations
2008

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

The principal Regulations make provision so that people who are either in receipt of certain state benefits or who are on a low income are able to obtain the remission or repayment of certain charges which would otherwise be payable under the National Health Service (Wales) Act 2006 (“NHS charges”) and the payment of travelling expenses incurred in obtaining certain NHS services (“NHS travelling expenses”).

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 is applied.

These Regulations amend the definition of “family” in regulation 2 of the principal Regulations and amend regulation 5 (entitlement to full remission and payment) to provide that a person who is receiving income-related employment and support allowance will be entitled to full remission of an NHS charge and the full payment of NHS travelling expenses without needing to make a claim for such payment or remission.

They also amend the Welsh text of the principal Regulations to insert into the Welsh text of regulation 2 (interpretation) the definition of “income-related employment and support allowance” and to make reference to this allowance in the Welsh text of subparagraph (d) of regulation 5(1) (entitlement to full remission and payment).

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Made 01 October 2008

Laid before the National

Assembly for Wales 02 October 2008

Coming into force 27 October 2008

The Welsh Ministers, 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⁾ hereby make the following Regulations:

Title, commencement and application and interpretation

1.—(1) The title of these Regulations is the National Health Service (Travelling Expenses and Remission of Charges) (Wales) (Amendment)(No.2) Regulations 2008 and they come into force on 27 October 2008.

(2) These Regulations apply in relation to Wales.

(3) In these Regulations “the principal Regulations” (“*y prif Reoliadau*”) means the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007⁽²⁾.

(1) 2006 c.42

(2) S.I. 2007/1104 (W.116) (“the Regulations”); relevant amending instruments are S.I. 2008/1480 (W.153) and 2008/1879 which inserted the definition of “income-related employment and support allowance” into the English text of regulation 2 and added the words “income-related employment and support allowance” to the English text of regulation 5(1)(d) of the Regulations.

Amendment of regulation 2 of the principal Regulations

2.—(1) Regulation 2 of the principal Regulations (interpretation) is amended as follows.

(2) In the definition of “family”, after sub-paragraph (a), insert—

“(aa) in regulation 5(1)(d) in relation to a person who is receiving income-related employment and support allowance it has the meaning given in regulation 2 of the Employment and Support Allowance Regulations 2008(1),”.

(3) In Welsh text, in the appropriate place in the alphabetical order insert the following definition—

“‘lwfans cyflogi a chefnogi sy’n gysylltiedig ag incwm’ (“*income-related employment and support allowance*”) yw lwfans seiliedig ar incwm o dan Ran 1 o Ddeddf Diwygio Lles 2007 (lwfans cyflogi a chefnogi)(2);”.

Amendment of regulation 5 of the principal Regulations

3.—(1) Regulation 5 (1) of the principal Regulations (entitlement to full remission and payment) is amended as follows.

(2) After sub-paragraph (b) , insert—

“(bb) is receiving income-related employment and support allowance;”.

(3) In the Welsh text of sub-paragraph (d) after “lwfanas ceisio gwaith yn seiliedig ar incwm” insert “, lwfans cyflogi a chefnogi sy’n gysylltiedig ag incwm”.

Edwina Hart

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

01 October 2008

(1) S.I. 2008/794.

(2) 2007 p.7.