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WELSH STATUTORY INSTRUMENTS

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**1999 No. 2840 (W.20)**

**NATIONAL HEALTH SERVICE, WALES**

**The National Health Service (Travelling Expenses and  
Remission of Charges) Amendment (Wales) Regulations 1999**

*Made* - - - - *5th October 1999*  
*Coming into Force* - - *5th October 1999*

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred on the Secretary of State for Wales by sections 83A, 126(4) and 128(1) of the National Health Service Act 1977<sup>(1)</sup> and of all other powers enabling him in that behalf and now vested in the National Assembly for Wales<sup>(2)</sup>:

**Citation, commencement, interpretation and extent**

1.—(1) These Regulations may be cited as the National Health Service (Travelling Expenses and Remission of Charges) Amendment (Wales) Regulations 1999 and shall come into force on 5th October 1999.

(2) In these Regulations, “the principal Regulations” means the National Health Service (Travelling Expenses and Remission of Charges) Regulations 1988<sup>(3)</sup>.

(3) These Regulations shall apply to Wales only.

**Amendment of the principal Regulations**

2. At the end of regulation 2 of the principal Regulations there shall be inserted the following paragraph —

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(1) 1977 c. 49; section 83A was inserted by section 14(1) of the Social Security Act 1988 (c. 7) and amended by paragraph 6 of Schedule 2 to the Health and Medicines Act 1988 (c. 49), by paragraph 18(5) of Schedule 9 to the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”) and by paragraph 40 of Schedule 1 to the Health Authorities Act 1995 (c. 17). Section 126(4) was amended by section 65(2) of the 1990 Act. Section 128(1) is an interpretation provision and is cited because of the meanings assigned to the words “prescribed” and “regulations”; section 128(1) was amended by section 26(2)(g) and (i) of the 1990 Act.

(2) The functions of the Secretary of State under section 83A, 126(4) and 128(1) of the National Health Service Act 1977 were transferred to the National Assembly for Wales (“the Assembly”) by the National Assembly for Wales (Transfer of Functions) Order 1999 (SI 1999/672).

(3) S.I. 1988/551 as amended by S.I. 1989/394, 517 and 614, 1990/548, 918 and 1661, 1991/557, 1992/1104, 1993/608, 1995/642 and 2352, 1996/410, 1346 and 2362, 1997/748 and 2393, 1998/2417 and 1999/767.

“(5) In respect of regulations 2 and 4 and Schedule 1 the amendments made by the National Health Service (Travelling Expenses and Remission of Charges) Amendment Regulations 1999<sup>(4)</sup> shall also have effect in Wales.”.

### **Transitional Provision**

3.—(1) Where immediately before 5th October 1999 a person was entitled to remission of charges or payment of travelling expenses by virtue of regulation 4(c) or (d) of the principal Regulations (remission or payment by reference to entitlement to family credit), or by virtue of regulation 4(g) or (h) of the principal Regulations (remission or payment by reference to entitlement to disability working allowance), that entitlement shall continue for so long as family credit or disability working allowance, as the case may be, remains in payment.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998<sup>(5)</sup>.

5th October 1999

*Dafydd Elis Thomas*  
Presiding Officer

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(4) S.I. 1999/2507, which regulations extend only to England.

(5) 1998 c. 38

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations have effect to amend the National Health Service (Travelling Expenses and Remission of Charges) Regulations 1988 (“the principal Regulations”) which provide for the remission and repayment of certain charges which would otherwise be payable under the National Health Service Act 1977 and for the payment of travelling expenses incurred in attending a hospital. The textual amendments of the principal Regulations which are made by the National Health Service (Travelling Expenses and Remission of Charges) Amendment Regulations 1999 and which extend to England are made to have effect in Wales.

The amendments insert a definition of “amount withdrawn” and substitute the definition of “disability working allowance” with a definition of “disabled person’s tax credit” and also substitute the definition of “family credit” with a definition of “working families’ tax credit”.

The amendments alter regulation 4 of the principal Regulations to take account of the changes occurring on 5th October 1999 in the income tax and social security systems when family credit and disability working allowance are replaced with working families’ tax credit and disabled person’s tax credit.

They also amend the definition of “voluntary payment” referred to in the entry relating to “regulation 65” in Table A of Part I of Schedule 1 to the principal Regulations to take account of the changes in maintenance provision for students by adding reference to a student’s loan.

The regulations contain a transitional provision that provides that the entitlement to remission of charges established by virtue of regulation 4(c), (d), (g) or (h) of the principal Regulations shall continue whilst entitlement to or payment of family credit or disability working allowance continues.