
WELSH STATUTORY INSTRUMENTS

2001 No. 1397 (W.92)

NATIONAL HEALTH SERVICE, WALES

National Health Service (Travelling Expenses and Remission of Charges) (Amendment) (Wales) Regulations 2001

Made - - - - 29th March 2001

Coming into force,

except regulation 3 1st April 2001

regulation 3 10th April 2001

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 83A, 126(4) and 128(1) of the National Health Service Act 1977 (1) hereby makes the following Regulations:

Citation, commencement, interpretation and application

1.—(1) These Regulations may be cited as the National Health Service (Travelling Expenses and Remission of Charges) (Amendment) (Wales) Regulations 2001, and shall come into force on 1st April 2001, except regulation 3 which shall come into force on 10th April 2001.

(2) In these Regulations, “the principal Regulations” means the National Health Service (Travelling Expenses and Remission of Charges) Regulations 1998(2)

(3) These Regulations apply to Wales only.

(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 and by the Health Act 1999 (c. 8) (“the 1999 Act”), Schedule 4, paragraph 37(6).

See section 128(1), as amended by section 26(2)(g) and (i) of the 1990 Act, for the definitions of “prescribed” and “regulations”.

The functions of the Secretary of State under sections 83A and 126(4) are transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999, S.I.1999/672, article 2 and Schedule 1, as amended by section 66(5) of the 1999 Act.

(2) 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, 1999/767 and 2840.

Amendment of regulation 2 of the principal Regulations

2. In Regulation 2 (1) of the principal Regulations (interpretation) for the definition of “capital limit” there shall be substituted in the appropriate place the following definition—

““capital limit” means the amount prescribed for the purposes of section 134 (1) of the Social Security Contributions and Benefits Act 1992(3) as it applies to income support except, in the case of a claimant who lives permanently in a residential care or nursing home or in accommodation provided by a local authority under sections 21 to 24 and 26 of the National Assistance Act 1948(4) (provision of accommodation), where it means the amount prescribed for the purposes of regulation 20 of The National Assistance (Assessment of Resources) Regulations 1992(5).”

Amendment of regulation 4 of the principal Regulations

3. In paragraphs (c) and (g) of regulation 4 of the principal Regulations (description of persons entitled to full remission and payment) for “£70” there shall be substituted “£71”.

Amendment of regulation 7 of the principal Regulations

4.—(1) Regulation 7 of the principal Regulations shall be amended in accordance with the following provisions .

(2) For paragraph (1)(b) substitute—

“(b) provide any declaration of entitlement required under regulation 3(3) or 4(3) or any declaration or evidence of entitlement required under regulation 5(3), 6(3) or 7(3) of the National Health Service (Charges for Drugs and Appliances) (Wales) Regulations 2001(6)”

Amendment of Schedule 1 to the principal Regulations

5.—(1) Schedule 1 to the principal Regulations (modification of provisions of the Income Support (General) Regulations 1987(7) shall be amended in accordance with the following provisions of this regulation.

(2) In Part I, Table A, for the entry modifying regulation 53 substitute—

“regulation 53 As if in paragraph (3) the reference to regulation 60 were a reference to regulation 25.

As if in paragraph (1A) for “£10,000” on each occasion it appears there were substituted “£11,500” and as if for “£16,000” there were substituted “£18,500”.”

(3) 1992 c. 4

(4) 1948 (c. 29)

(5) S.I.1992/2977; relevant amending instrument is S.I.1993/964.

(6) S.I.2001/ 1358 (W.86).

(7) S.I.1987/1967; relevant amending instruments are S.I.1988/2022, 1996/462, 1997/65 and 2197 and 2000/2545.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(8)

29th March 2001

Dafydd Elis Thomas
The Presiding Officer of the National Assembly

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the National Health Service (Travelling Expenses and Remission of Charges) Regulations 1988 (“the principal Regulations”) which provide for the remission of National Health Service charges and for the payment of travelling expenses in certain cases.

Regulation 2 substitutes a new definition of “capital limit” in regulation 2(1) of the principal Regulations which provides, by way of exception, for a different capital limit for a claimant who is permanently resident in a residential care or nursing home or in accommodation provided by a local authority under the provisions of the National Assistance Act 1948.

Regulation 3 provides for an increase in the figure for an amount withdrawn, from £70 to £71, for persons who are in receipt of working families' tax credit or disabled person's tax credit.

Regulation 4 substitutes a new paragraph (1)(b) in regulation 7 of the principal Regulations.

Regulation 5 amends Schedule 1 by substituting a new entry for regulation 53 in the relevant place in Part I, Table A (modification of provisions of the Income Support (General) Regulations 1987) with the effect that the two figures referred to in paragraph (1A) of regulation 53 are increased from £10,000 to £11,500 and from £16,000 to £18,500.