



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2003 Rhif 2561 (Cy.250)

2003 No. 2561 (W.250)

**Y GWASANAETH IECHYD
GWLADOL, CYMRU**

**NATIONAL HEALTH
SERVICE, WALES**

Rheoliadau'r Gwasanaeth Iechyd
Gwladol (Treuliau Teithio a
Pheidio â Chodi Tâl) (Diwygio)
(Rhif 2) (Cymru)
2003

The National Health Service
(Travelling Expenses and
Remission of Charges)
(Amendment)(No.2) (Wales)
Regulations 2003

NODYN ESBONIADOL

EXPLANATORY NOTE

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn diwygio ymhellach Reoliadau'r Gwasanaeth Iechyd Gwladol (Treuliau Teithio a Pheidio â Chodi Tâl) 1988 ("y prif Reoliadau") sy'n darparu ar gyfer peidio â chodi taliadau'r Gwasanaeth Iechyd Gwladol ac ar gyfer talu treuliau teithio mewn achosion penodol.

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.

Yn achos llawer o bersonau sydd â hawl i beidio â thalu taliadau GIG ac i gael eu treuliau teithio wedi'u talu, nid yw'r hawl yn awtomatig oherwydd eu bod yn derbyn budd-daliadau penodol y wladwriaeth. Mae'r prif Reoliadau'n cynnwys darpariaeth ar gyfer cyfrifo incwm, cyfalaf a gofynion hawlydd (a rhai ei deulu neu ei theulu, lle y bônt yn berthnasol). Gwneir y cyfrifo hyn trwy gymhwyso darpariaethau Rheoliadau Cymhorthdal Incwm (Cyffredinol) 1987 sydd wedi'u haddasu ac a nodir yn Atodlen 1 i'r prif Reoliadau.

Many persons entitled to the remission of NHS charges and to the payment of travelling expenses are not automatically entitled because they receive certain state benefits. The principal Regulations contain provision for a calculation of a claimant's income, capital and requirements (and those of his or her family, where relevant). This calculation is made applying the modified provisions of the Income Support (General) Regulations 1987 that are set out in Schedule 1 to the principal Regulations.

Yn rhinwedd Rheoliadau Credyd Pensiwn y Wladwriaeth (Darpariaethau Canlyniadol, Trosiannol ac Amrywiol) 2002 nid oes gan bersonau dros 60 oed yr hawl bellach i gymhorthdal incwm a chânt eu heithrio o Reoliadau 1987. Bwriedir y diwygiadau a wneir gan y Rheoliadau hyn i ddiogelu sefyllfa personau o'r fath.

By virtue of the State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 persons over the age of 60 years are no longer entitled to income support and are excluded from the 1987 Regulations. The amendments made by these Regulations are intended to preserve the position of such persons.

At hyn, mae rheoliad 3 o'r Rheoliadau hyn yn rhoi rheoliad newydd yn y prif Reoliadau, sef rheoliad 4(2), sy'n symleiddio'r disgrifiad o bersonau sydd â hawl i beidio â thalu dim ac i gael taliad llawn.

Additionally, regulation 3 of these Regulations substitutes a new regulation 4(2) into the principal Regulations which simplifies the description of persons entitled to full remission and repayment.

2003 Rhif 2561 (Cy.250)**2003 No. 2561 (W.250)****Y GWASANAETH IECHYD
GWLADOL, CYMRU****NATIONAL HEALTH
SERVICE, WALES**

Rheoliadau'r Gwasanaeth Iechyd
Gwladol (Treuliau Teithio a
Pheidio â Chodi Tâl) (Diwygio)
(Rhif 2) (Cymru)
2003

The National Health Service
(Travelling Expenses and
Remission of Charges)
(Amendment) (No.2) (Wales)
Regulations 2003

*Wedi'u gwneud**5 Hydref 2003**Made**5th October 2003**Yn dod i rym**6 Hydref 2003**Coming into force**6th October 2003*

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adrannau 83A, 126(4) a 128(1) o Ddeddf y Gwasanaeth Iechyd Gwladol 1977(a), drwy hyn yn gwneud y Rheoliadau canlynol:

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(a) hereby makes the following Regulations:

Enwi, cychwyn, dehongli a chymhwyso**Citation, commencement, interpretation and application**

1.-(1) Enw'r rheoliadau hyn yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Treuliau Teithio a Pheidio â Chodi Tâl) (Diwygio) (Rhif 2) (Cymru) 2003 a deuant i rym ar 6 Hydref 2003.

1.-(1) These Regulations may be cited as the National Health Service (Travelling Expenses and Remission of Charges) (Amendment) (No.2) (Wales) Regulations 2003 and will come into force on 6th October 2003.

(2) Yn y Rheoliadau hyn, ystyr "y prif Reoliadau" ("*the principal Regulations*") yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Treuliau Teithio a

(2) In these Regulations, "the principal Regulations" ("*y prif Reoliadau*") means the National Health Service (Travelling Expenses and Remission of Charges)

(a) 1977 p.49 ("Deddf 1977"); mewnosodwyd adran 83A gan adran 14(1) o Ddeddf Iechyd a Nawdd Cymdeithasol 1988 (p.7) ac fe'i diwygiwyd gan baragraff 6 o Atodlen 2 i Ddeddf Iechyd a Meddyginiaethau 1988 (p.49), gan baragraff 18(5) o Atodlen 9 i Ddeddf y Gwasanaeth Iechyd Gwladol a Gofal yn y Gymuned 1990 (p.19) ("Deddf 1990") a chan baragraff 40 o Atodlen 1 i Ddeddf Awdurdodau Iechyd 1995 (p.17).

(a) 1977 c.49 ("the 1977 Act"); 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).

Diwygiwyd Adran 126(4) gan adran 65(2) o Ddeddf 1990 a chan baragraff 37(6) o Atodlen 4 i Ddeddf Iechyd 1999 (p.8).

Section 126(4) was amended by section 65(2) of the 1990 Act and by paragraph 37(6) to Schedule 4 to the Health Act 1999 (c.8).

Adran 128(1), fel y'i diwygiwyd gan adran 26(2)(g) ac (i) o Ddeddf 1990 ynghylch y diffiniadau o "prescribed" a "regulations".

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

Trosgrlwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adrannau 83A, 126(4) a 128(1) o Ddeddf 1977 i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosgrlwyddo Swyddogaethau) 1999, O.S. 1999/672, erthygl 2 a Atodlen 1 fel y'i diwygiwyd gan Ddeddf 1999, adran 66(5).

The functions of the Secretary of State under sections 83A, 126(4) and 128(1) of the 1977 Act were 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 the 1999 Act, section 66(5).

Pheidio â Chodi Tâl) 1988(a).

(3) Mae'r Rheoliadau hyn yn gymwys i Gymru yn unig.

Diwygio Rheoliad 2 o'r prif Reoliadau

2.-(1) Mae Rheoliad 2(1) o'r prif Reoliadau (*interpretation*) yn cael ei ddiwygio yn unol â darpariaethau canlynol y rheoliad hwn.

(2) Hepgorer y diffiniadau o-
"appropriate office",
"nursing home", a
"residential care home".

(3) Yn lle'r diffiniad o "capital limit" rhodder y diffiniad canlynol -

""capital limit"

(a) in the case of a person who lives permanently in a care home or in accommodation provided by a local authority under sections 21 to 24 and 26 of the National Assistance Act 1948**(b)** is the amount prescribed in regulations made under section 22(5) of that Act**(c)**, and

(b) in the case of any other person, means the amount prescribed for the purposes of section 134(1) of the Social Security Contribution and Benefits Act 1992**(ch)**;"

(4) Yn y safleoedd cywir yn nhrefn yr wyddor, mewnosoder y diffiniadau canlynol-

""care home" has the meaning given in section 3 of the Care Standards Act 2000**(d)**;

"pension credit guarantee credit" shall be construed in accordance with sections 1 and 2 of the State Pension Credit Act 2002**(dd)**;

"pension credit savings credit" shall be construed in accordance with sections 1 and 3 of the State Pension Credit Act 2002;

"relevant income" has the meaning given in section 7(2) of the Tax Credits Act 2002**(e)**;" .

Regulations 1988(a).

(3) These Regulations apply to Wales only.

Amendment of Regulation 2 of the principal Regulations

2.-(1) Regulation 2(1) of the principal Regulations (*interpretation*) is amended in accordance with the following provisions of this regulation.

(2) Omit the definitions of-
"appropriate office",
"nursing home", and
"residential care home".

(3) For the definition of "capital limit" substitute the following definition-

""capital limit"

(a) in the case of a person who lives permanently in a care home or in accommodation provided by a local authority under sections 21 to 24 and 26 of the National Assistance Act 1948**(b)** is the amount prescribed in regulations made under section 22(5) of that Act**(c)**, and

(b) in the case of any other person, means the amount prescribed for the purposes of section 134(1) of the Social Security Contribution and Benefits Act 1992**(d)**;"

(4) In the appropriate positions in alphabetical order, insert the following definitions-

""care home" has the meaning given in section 3 of the Care Standards Act 2000**(e)**;

"pension credit guarantee credit" shall be construed in accordance with sections 1 and 2 of the State Pension Credit Act 2002**(f)**;

"pension credit savings credit" shall be construed in accordance with sections 1 and 3 of the State Pension Credit Act 2002;

"relevant income" has the meaning given in section 7(2) of the Tax Credits Act 2002**(g)**;" .

(a) O.S.1988/551 fel y'i diwygiwyd gan O.S 1989/394, 517 a 614, 1990/548, 918 a 661, 1991/557, 1992/1104, 1993/608, 1995/642 a 2352, 1996/410, 1346 a 2362, 1997/748 a 2393, 1998/417, 1999/767 a 2840 (Cy.20), 2001/1397 (Cy.192) a 3322 (Cy.275) a 2003/975 (Cy.134).

(b) 1948 p.49.

(c) Rheoliadau Cymorth Gwladol (Asesu Adnoddau) 1992, O.S.1992/2977, fel y'u diwygiwyd.

(ch) 1992 p.4. Y rheoliadau perthnasol yw Rheoliadau Cymhorthdal Incwm (Cyffredinol) 1987, O.S.1987/1967.

(d) 2000 p.14.

(dd) 2002 p.16.

(e) 2002 p.21.

(a) S.I.1988/551 as amended by S.I.1989/394, 517 and 614, 1990/548, 918 and 661, 1991/557, 1992/1104, 1993/608, 1995/642 and 2352, 1996/410, 1346 and 2362, 1997/748 and 2393, 1998/417, 1999/767 and 2840 (W.20), 2001/1397 (W.192) and 3322 (W.275) and 2003/975 (W.134).

(b) 1948 c.49.

(c) The National Assistance (Assessment of Resources) Regulations 1992, S.I.1992/2977, as amended.

(d) 1992 c.4. The relevant regulations are the Income Support (General) Regulations 1987, S.I.1987/1967.

(e) 2000 c.14.

(f) 2002 c.16.

(g) 2002 c.21.

(5) Mae'r diffiniad o "*family*" yn cael ei ddiwygio'n unol â darpariaethau canlynol y paragraff hwn-

- (a) yn is-baragraff (a) yn lle "4(2)(q)" rhodder "4(2)(e)";
- (b) yn is-baragraff (b) yn lle "4(2)(j) and (l)" rhodder "4(2)(d)";
- (c) yn is-baragraff (c) yn lle "4(2)(o)" rhodder "4(2)(h)".

Diwygio rheoliad 4 o'r prif Reoliadau

3.-(1) Mae Rheoliad 4 o'r prif Reoliadau (*description of persons entitled to full remission and payment*) yn cael ei ddiwygio yn unol â darpariaethau canlynol y rheoliad hwn.

(2) Yn lle paragraff (2) o reoliad 4 rhodder y paragraff canlynol-

- "(2) The persons described in this paragraph are-
- (a) a person who is in receipt of income support;
 - (b) a person who is in receipt of income-based jobseeker's allowance;
 - (c) a person who is in receipt of pension credit guarantee credit;
 - (d) a person who is a member of the same family as a person who is in receipt of income support, income-based jobseeker's allowance or pension credit guarantee credit;
 - (e) a person who is a member of a family one member of which is in receipt of -
 - (i) working tax credit and child tax credit,
 - (ii) working tax credit which includes a disability element, or
 - (iii) child tax credit, but is not eligible for working tax credit,

provided that the relevant income of the member or members to whom the tax credit is awarded under section 14 of the Tax Credits Act 2002 is determined at the time of the award not to exceed £14,200;

- (f) a person who lives permanently in-
 - (i) a care home, or
 - (ii) accommodation provided by a local authority under sections 21 to 24 and 26 of the National Assistance Act 1948 (provision of accommodation), and

who has satisfied the authority that he or she is unable to pay for that accommodation at the standard rate or, as the case may be, the full rate;

- (g) an asylum-seeker for whom support is

(5) The definition of "family" is amended in accordance with the following provisions of this paragraph-

- (a) in sub-paragraph (a) for "4(2)(q)" substitute "4(2)(e)";
- (b) in sub-paragraph (b) for "4(2)(j) and (l)" substitute "4(2)(d)";
- (c) in sub-paragraph (c) for "4(2)(o)" substitute "4(2)(h)".

Amendment of regulation 4 of the principal Regulations

3.-(1) Regulation 4 of the principal Regulations (*description of persons entitled to full remission and payment*) is amended in accordance with the following provisions of this regulation.

(2) For paragraph (2) of regulation 4 substitute the following paragraph-

- "(2) The persons described in this paragraph are-
- (a) a person who is in receipt of income support;
 - (b) a person who is in receipt of income-based jobseeker's allowance;
 - (c) a person who is in receipt of pension credit guarantee credit;
 - (d) a person who is a member of the same family as a person who is in receipt of income support, income-based jobseeker's allowance or pension credit guarantee credit;
 - (e) a person who is a member of a family one member of which is in receipt of -
 - (i) working tax credit and child tax credit,
 - (ii) working tax credit which includes a disability element, or
 - (iii) child tax credit, but is not eligible for working tax credit,

provided that the relevant income of the member or members to whom the tax credit is awarded under section 14 of the Tax Credits Act 2002 is determined at the time of the award not to exceed £14,200;

- (f) a person who lives permanently in-
 - (i) a care home, or
 - (ii) accommodation provided by a local authority under sections 21 to 24 and 26 of the National Assistance Act 1948 (provision of accommodation), and

who has satisfied the authority that he or she is unable to pay for that accommodation at the standard rate or, as the case may be, the full rate;

- (g) an asylum-seeker for whom support is

- provided under Part VI of the Immigration and Asylum Act 1999;
- (h) a member of the same family as an asylum-seeker described in sub-paragraph (g);
 - (i) a relevant child within the meaning of section 23A of the Children Act 1989(a) to whom a responsible local authority is supporting under section 23B(8) of that Act;
 - (j) a person whose requirements equal or exceed his or her income resources and whose capital resources do not exceed the capital limit;
 - (k) a member of the same family as a person described in sub-paragraph (j);

- provided under Part VI of the Immigration and Asylum Act 1999;
- (h) a member of the same family as an asylum-seeker described in sub-paragraph (g);
 - (i) a relevant child within the meaning of section 23A of the Children Act 1989(a) to whom a responsible local authority is supporting under section 23B(8) of that Act;
 - (j) a person whose requirements equal or exceed his or her income resources and whose capital resources do not exceed the capital limit;
 - (k) a member of the same family as a person described in sub-paragraph (j);

Diwygio rheoliad 7 o'r prif Reoliadau

4.-(1) Mae Rheoliad 7 o'r prif Reoliadau (*claims of remission and payment*) yn cael ei ddiwygio yn unol â darpariaethau canlynol y rheoliad hwn.

(2) Yn lle is-baragraff (1)(a) o reoliad 7 rhodder yr is-baragraff canlynol-

- "(a) if he or she is a person within a description prescribed by regulation 4(2)(f), (g), (h), (i), (j) or (k) or regulation 5(1) make a claim to the National Assembly for Wales on a form either provided for the purpose by it or approved by it;"

(3) Yn lle paragraff (6) o reoliad 7 rhodder y paragraff canlynol -

"(6) Subject to paragraph (8), a notice of entitlement issued under paragraph (4) is effective for a period of 12 months beginning on the date of the claim except that -

- (a) in the case of a notice issued to a full-time student in the final or only year of a course of study, it is valid until the last day of the course;
- (b) in the case of a notice issued to a relevant child, it is valid for a period of 12 months or until the child's 18th birthday, whichever is the later;
- (c) in the case of a notice issued to a person described in regulation 4(2)(g) or 4(2)(h) (asylum-seeker and member of the family of an asylum-seeker), it is 6 months beginning on the date of the claim;
- (d) in the case of a notice issued to a person described in regulation 4(2)(e) (tax credit and member of the family),

Amendment of regulation 7 of the principal Regulations

4.-(1) Regulation 7 of the principal Regulations (claims of remission and payment) is amended in accordance with the following provisions of this regulation.

(2) For sub-paragraph (1)(a) of regulation 7 substitute the following sub-paragraph-

- "(a) if he or she is a person within a description prescribed by regulation 4(2)(f), (g), (h), (i), (j) or (k) or regulation 5(1) make a claim to the National Assembly for Wales on a form either provided for the purpose by it or approved by it;"

(3) For paragraph (6) of regulation 7 substitute the following paragraph -

" (6) Subject to paragraph (8), a notice of entitlement issued under paragraph (4) is effective for a period of 12 months beginning on the date of the claim except that -

- (a) in the case of a notice issued to a full-time student in the final or only year of a course of study, it is valid until the last day of the course;
- (b) in the case of a notice issued to a relevant child, it is valid for a period of 12 months or until the child's 18th birthday, whichever is the later;
- (c) in the case of a notice issued to a person described in regulation 4(2)(g) or 4(2)(h) (asylum-seeker and member of the family of an asylum-seeker), it is 6 months beginning on the date of the claim;
- (d) in the case of a notice issued to a person described in regulation 4(2)(e) (tax credit and member of the family),

(a) 1989 p.41.

(a) 1989 c.41.

it is valid from such date and for such period as the National Assembly for Wales may determine."

(4) Hepgorer paragraff (6A) o reoliad 7.

Diwygio rheoliad 7ZA o'r prif Reoliadau

5. Hepgorer rheoliad 7ZA o'r prif reoliadau.

Diwygio Rhan I o Atodlen 1 i'r prif Reoliadau

6.-(1) Mae Rhan I o Atodlen 1 i'r prif Reoliadau (*Calculation of resources*) yn cael ei diwygio yn unol â darpariaethau canlynol y rheoliad hwn.

(2) Ym mharagraff 2 yn lle is-baragraff (d) rhodder yr is-baragraff canlynol-

"(d) as if the State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002(a) had not been made."

(3) Mae Tabl A (*modifications of provisions of the Income Support (General) Regulations 1987(b) for the purposes of Part I of this Schedule*) yn cael ei ddiwygio yn unol â darpariaethau canlynol y paragraff hwn-

(a) Ar ôl y cofnod sy'n ymwneud â rheoliad 25 mewnosoder y cofnod canlynol-

"regulation 25A Omit this regulation.";

(b) Yn lle'r cofnod sy'n ymwneud â rheoliad 32 rhodder y cofnod canlynol-

"regulation 32 In paragraph (1) for regulation 29" substitute "regulation 28" and for "subject to paragraphs (2) to (7)" substitute "subject to paragraph (6)".

In paragraph (6) omit "and has changed more than once".

Omit paragraphs (3) - (5), (6A) and (7).";

(c) Ar ôl y cofnod sy'n ymwneud â rheoliad 32 mewnosoder y cofnod canlynol-

"regulation 35 Omit paragraphs (1)(c), (1)(g), (1)(i), (1A) and (2A).

In paragraph (1)(d) omit the words after "employment".

(a) O.S.2002/3019.
(b) O.S.1987/1967

it is valid from such date and for such period as the National Assembly for Wales may determine."

(4) Omit paragraph (6A) of regulation 7.

Amendment of regulation 7ZA of the principal Regulations

5. Omit regulation 7ZA of the principal regulations.

Amendment to Part I of Schedule 1 to the principal Regulations

6.-(1) Part I of Schedule 1 to the principal Regulations (*Calculation of resources*) is amended in accordance with the following provisions of this regulation.

(2) In paragraph 2 for sub-paragraph (d) substitute the following sub-paragraph-

"(d) as if the State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002(a) had not been made."

(3) Table A (*modifications of provisions of the Income Support (General) Regulations 1987(b) for the purposes of Part I of this Schedule*) is amended in accordance with the following provisions of this paragraph-

(a) After the entry relating to regulation 25 insert the following entry-

"regulation 25A Omit this regulation.";

(b) For the entry relating to regulation 32 substitute the following entry-

"regulation 32 In paragraph (1) for regulation 29" substitute "regulation 28" and for "subject to paragraphs (2) to (7)" substitute "subject to paragraph (6)".

In paragraph (6) omit "and has changed more than once".

Omit paragraphs (3) - (5), (6A) and (7).";

(c) After the entry relation to regulation 32 insert the following entry-

"regulation 35 Omit paragraphs (1)(c), (1)(g), (1)(i), (1A) and (2A).

In paragraph (1)(d) omit the words after "employment".

(a) S.I.2002/3019.
(b) S.I.1987/1967

	In paragraph (2)(a) omit the words "subject to paragraph (2A)".;		In paragraph (2)(a) omit the words "subject to paragraph (2A)".;
(ch) Yn y cofnod sy'n ymwneud â rheoliad 38-		(d) In the entry relating to regulation 38-	
(i) mewnosoder yr addasiad canlynol mewn cysylltiad â pharagraff (4)-	"In paragraph (4) after "the net profit of the employment" insert ", except where paragraph (3A) or (9) applies".;	(i) substitute the following modification in respect of paragraph (4)-	"In paragraph (4) after "the net profit of the employment" insert ", except where paragraph (3A) or (9) applies".;
(ii) hepgorer yr addasiad mewn cysylltiad â pharagraff (4A);		(ii) omit the modification in respect of paragraph (4A);	
(d) Ar ôl y cofnod sy'n ymwneud â rheoliad 38 mewnosoder y cofnod canlynol-	"regulations 39A-D Omit these regulations.";	(e) After the entry relating to regulation 38 insert the following entry-	"regulations 39A-D Omit these regulations.";
(dd) Yn lle'r cofnod sy'n ymwneud â rheoliad 40 rhodder y cofnod canlynol -	"regulation 40 In paragraph (1) for "regulation 29 (calculation of income other than earnings)" substitute "regulation 28 (calculation of income)" and for "paragraphs (2) to (3B)" substitute "paragraphs (2) and (3)". Omit paragraphs (3A) to (5)."	(f) For the entry relating to regulation 40 substitute the following entry -	"regulation 40 In paragraph (1) for "regulation 29 (calculation of income other than earnings)" substitute "regulation 28 (calculation of income)" and for "paragraphs (2) to (3B)" substitute "paragraphs (2) and (3)". Omit paragraphs (3A) to (5)."
(e) Yn lle'r cofnod sy'n ymwneud â rheoliad 45 rhodder y cofnod canlynol-	"regulation 45 For this regulation substitute- "45. Capital Limit For the purposes of regulation 5(1) of the National Health Service (Travelling Expenses and Remission of Charges) Regulations 1988 the capital limit is- (a) for a claimant under 60, or if the claimant has a partner, where both are under 60 - £8,000;	(g) For the entry relating to regulation 45 substitute the following entry-	"regulation 45 For this regulation substitute- "45. Capital Limit For the purposes of regulation 5(1) of the National Health Service (Travelling Expenses and Remission of Charges) Regulations 1988 the capital limit is- (a) for a claimant under 60, or if the claimant has a partner, where both are under 60 - £8,000;

- | | | | |
|--|---|--|---|
| | (b) for a claimant permanently residing in accommodation as defined in regulation 19A - £19,500; | | (b) for a claimant permanently residing in accommodation as defined in regulation 19A - £19,500; |
| | (c) for a claimant 60 or over, of if the claimant has a partner, where either or both are 60 or over, and neither is permanently residing in accommodation as defined in Regulation 19A-£12,000.""; | | (c) for a claimant 60 or over, of if the claimant has a partner, where either or both are 60 or over, and neither is permanently residing in accommodation as defined in Regulation 19A-£12,000.""; |
| (f) Ar ôl y cofnod sy'n ymwneud â rheoliad 49 mewnosoder y cofnodion canlynol - | | (h) After the entry relating to regulation 49 insert the following entries- | |
| "regulation 51 | Omit sub-paragraph (1)(b). | "regulation 51 | Omit sub-paragraph (1)(b). |
| regulation 51A | Omit this regulation."; | regulation 51A | Omit this regulation."; |
| (ff) Yn lle'r cofnod sy'n ymwneud â rheoliad 53 rhodder y cofnod canlynol- | | (i) For the entry relating to regulation 53 substitute the following entry- | |
| "regulation 53 | In paragraph (1A) for "£10,000" on each occasion it appears substitute "£12,000" and for "£16,000" substitute "£19,500". | "regulation 53 | In paragraph (1A) for "£10,000" on each occasion it appears substitute "£12,000" and for "£16,000" substitute "£19,500". |
| | For paragraph (1B) substitute- | | For paragraph (1B) substitute- |
| | "(1B) For the purposes of paragraph (1A) and regulation 45, the prescribed circumstances are that the claimant lives permanently in accommodation as set out in Regulation 19A." | | "(1B) For the purposes of paragraph (1A) and regulation 45, the prescribed circumstances are that the claimant lives permanently in accommodation as set out in Regulation 19A." |
| | In paragraph (3) for the reference to "regulation 60" substitute reference to "regulation 25"."; | | In paragraph (3) for the reference to "regulation 60" substitute reference to "regulation 25"."; |
| (g) Yn y cofnod sy'n ymwneud ag Atodlen 9- | | (j) In the entry relating to Schedule 9- | |
| (i) ar ôl yr addasiad mewn cysylltiad â pharagraph 16 mewnosoder yr addasiad canlynol- | | (i) after the modification in respect of paragraph 16 insert the following modification- | |

- "In paragraph 19 for "£4.00" substitute "£20.00" and omit sub-paragraph (b).";
- (ii) Ar ôl yr addasiad mewn cysylltiad â pharagraff 37 mewn nosoder yr addasiad canlynol-

"After paragraph 77 insert the following paragraph-

"77A. Any payment of State Pension Credit Savings Credit as defined under sections 1 and 3 of the State Pensions Credit Act 2002." ";

- "In paragraph 19 for "£4.00" substitute "£20.00" and omit sub-paragraph (b).";
- (ii) After the modification in respect of paragraph 37 insert the following modification-

"After paragraph 77 insert the following paragraph-

"77A. Any payment of State Pension Credit Savings Credit as defined under sections 1 and 3 of the State Pensions Credit Act 2002." ";

Diwygio Rhan II o Atodlen 1 i'r prif Reoliadau

7.-(1) Mae Rhan II o Atodlen 1 i'r prif Reoliadau (*Calculation of requirements*) yn cael ei diwygio yn unol â darpariaethau canlynol y rheoliad hwn.

(2) Mae Tabl B (*modifications of provisions of the Income Support (General) Regulations 1987 for the purposes of Part II of this Schedule*) yn cael ei ddiwygio yn unol â darpariaethau canlynol y paragraff hwn-

- (a) Yn lle'r cofnod sy'n ymwneud â rheoliad 18 rhodder y cofnod canlynol-

"regulation 18 In paragraph (1) for the words from "regulations 21 to 22A" to "urgent cases" substitute "regulations 19A and 21 (special cases)".

Omit paragraph (1)(cc) and (h).

After regulation 18 insert the following regulation -

"19A Care Homes

- (1) Where the claimant lives permanently in -
- (a) a care home within the meaning of section 3 of the Care Standards Act 2000; or

Amendment of Part II of Schedule 1 to the principal Regulations

7.-(1) Part II of Schedule 1 to the principal Regulations (*Calculation of requirements*) is amended in accordance with the following provisions of this regulation.

(2) Table B (*modifications of provisions of the Income Support (General) Regulations 1987 for the purposes of Part II of this Schedule*) is amended in accordance with the following provisions of this paragraph-

- (a) For the entry relating to regulation 18 substitute the following entry-

"regulation 18 In paragraph (1) for the words from "regulations 21 to 22A" to "urgent cases" substitute "regulations 19A and 21 (special cases)".

Omit paragraph (1)(cc) and (h).

After regulation 18 insert the following regulation -

"19A Care Homes

- (1) Where the claimant lives permanently in -
- (a) a care home within the meaning of section 3 of the Care Standards Act 2000; or

- | | | | |
|------|---|-----|---|
| | (b) in accommodation provided by a local authority under sections 21 to 24 and 26 of the National Assistance Act 1948; and | | (b) in accommodation provided by a local authority under sections 21 to 24 and 26 of the National Assistance Act 1948; and |
| | and the claimant is a resident of such accommodation due to his or her personal circumstances and not as a carer, then the claimant's weekly applicable amount will be calculated in accordance with Part I of Schedule 4A."."; | | and the claimant is a resident of such accommodation due to his or her personal circumstances and not as a carer, then the claimant's weekly applicable amount will be calculated in accordance with Part I of Schedule 4A."."; |
| (b) | Hepgorer y cofnod sy'n ymwneud â rheoliad 19; | (b) | Omit the entry relating to regulation 19; |
| (c) | Yn lle'r cofnod sy'n ymwneud â rheoliad 21 rhodder y cofnod canlynol- | (c) | For the entry relating to regulation 21 substitute the following entry- |
| | "regulation 21 | | "regulation 21 |
| | In paragraph (1) omit the words from "Subject to" to "amounts". | | In paragraph (1) omit the words from "Subject to" to "amounts". |
| | In paragraph (3) omit the definition "partner of a person subject to immigration control". | | In paragraph (3) omit the definition "partner of a person subject to immigration control". |
| | In paragraph (3) omit the definition of "person from abroad". | | In paragraph (3) omit the definition of "person from abroad". |
| | Omit paragraphs (1B), (2), (3A), (3B), (3C), (3D), (3E), (3F), (4), (4A), (4B) and (5)."; | | Omit paragraphs (1B), (2), (3A), (3B), (3C), (3D), (3E), (3F), (4), (4A), (4B) and (5)."; |
| (ch) | Ar ôl y cofnod sy'n ymwneud â rheoliad 21 mewnosoder y cofnod canlynol- | (d) | After the entry relating to regulation 21 insert the following entry- |
| | "regulations 21ZB and 22A | | "regulations 21ZB and 22A |
| | Omit these regulations."; | | Omit these regulations."; |
| (d) | Yn y cofnod sy'n ymwneud ag Atodlen 2- | (e) | In the entry relating to Schedule 2- |
| (i) | yn lle'r addasiad mewn cysylltiad â pharagraff 1 rhodder yr addasiad canlynol- | (i) | for the modification in respect of paragraph 1 substitute the following modification- |
| | "In column (1) of the Table for sub-paragraphs (1) to (3) substitute - | | "In column (1) of the Table for sub-paragraphs (1) to (3) substitute - |

<p>"(1) Single Person aged not less than 25;</p> <p>(2) Lone Parent;</p> <p>(3) Single Person aged less than 25;</p> <p>(4) Couple".</p>	<p>"(1) Single Person aged not less than 25;</p> <p>(2) Lone Parent;</p> <p>(3) Single Person aged less than 25;</p> <p>(4) Couple".</p>
<p>In column (2) of the Table (amounts) insert -</p>	<p>In column (2) of the Table (amounts) insert -</p>
<p>(a) against sub-paragraph (1) of column (1), the amount prescribed in paragraph 1(e) of column (2) in the unmodified regulations;</p>	<p>(a) against sub-paragraph (1) of column (1), the amount prescribed in paragraph 1(e) of column (2) in the unmodified regulations;</p>
<p>(b) against sub-paragraph (2) of column (1), the amount prescribed in paragraph 1(e) of column (2) in the unmodified regulations;</p>	<p>(b) against sub-paragraph (2) of column (1), the amount prescribed in paragraph 1(e) of column (2) in the unmodified regulations;</p>
<p>(c) against sub-paragraph (3) of column (1), the amount prescribed in paragraph 1(b) of column (2) in the unmodified regulations; and</p>	<p>(c) against sub-paragraph (3) of column (1), the amount prescribed in paragraph 1(b) of column (2) in the unmodified regulations; and</p>
<p>(d) against sub-paragraph (4) of column (1), the amount prescribed in paragraph 3(d) of column (2) in the unmodified regulations.";</p>	<p>(d) against sub-paragraph (4) of column (1), the amount prescribed in paragraph 3(d) of column (2) in the unmodified regulations.";</p>
<p>(ii) yn lle'r addasiad mewn cysylltiad â pharagraff 2 rhodder yr addasiad canlynol -</p>	<p>(ii) for the modification in respect of paragraph 2 substitute the following modification -</p>
<p>"In paragraph 2(1) omit "for the relevant period specified in column (1)".";</p>	<p>"In paragraph 2(1) omit "for the relevant period specified in column (1)".";</p>
<p>(iii) Ar ôl yr addasiad mewn cysylltiad â pharagraff 10 mewn osodder yr addasiad canlynol-</p>	<p>(iii) After the modification in respect of paragraph 10 insert the following modification-</p>
<p>"omit paragraphs 10(3) and 10(4).";</p>	<p>"omit paragraphs 10(3) and 10(4).";</p>
<p>(dd) Yn y cofnod sy'n ymwneud ag Atodlen 3-</p>	<p>(f) In the entry in relation to Schedule 3-</p>

- (i) Ar ôl yr addasiad mewn cysylltiad â pharagraff 1 mewnosoder yr addasiad canlynol-
- "omit paragraph 1A.";
- (ii) Yn yr addasiad mewn cysylltiad â pharagraff 3 yn lle'r geiriau "is-baragraffau (8)" rhodder "is-baragraffau (7)" "
- (iii) Yn yr addasiad mewn cysylltiad â pharagraff 4 yn lle'r geiriau "residential care home or a nursing home" rhodder "care home or accommodation provided by a local authority under sections 21 to 24 and 26 of the National Assistance Act 1948";
- (e) Ar ôl y cofnod sy'n ymwneud ag Atodlen 3 mewnosoder y cofnod canlynol-
- | | | | |
|--------------|---|--------------|---|
| "Schedule 3B | After Schedule 3B insert the following schedule - | "Schedule 3B | After Schedule 3B insert the following schedule - |
| | "Schedule 4A | | "Schedule 4A |
| | Applicable amounts of a person in accommodation within the meaning of regulation 19A. | | Applicable amounts of a person in accommodation within the meaning of regulation 19A. |
| | 1.-(1) The applicable amount of a claimant to whom regulation 19A applies shall be the aggregate of - | | 1.-(1) The applicable amount of a claimant to whom regulation 19A applies shall be the aggregate of - |
| | (a) subject to paragraphs 1 (2) and 2, the weekly charge for the accommodation, including all meals and services provided for the claimant or, if the claimant is a member of a family, for the claimant and his or her family, increased, where appropriate, in accordance in paragraph 2; and | | (a) subject to paragraphs 1 (2) and 2, the weekly charge for the accommodation, including all meals and services provided for the claimant or, if the claimant is a member of a family, for the claimant and his or her family, increased, where appropriate, in accordance in paragraph 2; and |
| | (b) a weekly amount for personal | | (b) a weekly amount for personal |
- (i) After the modification in respect of paragraph 1 insert the following modification-
- "omit paragraph 1A.";
- (ii) In the modification in respect of paragraph 3 for the words "sub-paragraphs (8)" substitute "sub-paragraphs (7)" "
- (iii) In the modification in respect of paragraph 4 for the words "residential care home or a nursing home" substitute "care home or accommodation provided by a local authority under sections 21 to 24 and 26 of the National Assistance Act 1948";
- (g) After the entry in relation to Schedule 3 insert the following entry-

expenses for the claimant and, if the claimant is a member of a family, for each member of his or her family determined in accordance with paragraph 2.

(2) Except where otherwise provided, no amount shall be included in respect of a child or young person who is a member of the claimant's family if the capital of that child or young person calculated in accordance with Part V in like manner as for the claimant would exceed £3,000.

2.-(1) The appropriate allowance for personal expenses for the claimant and his or her partner (where appropriate) will be that set out in Schedule 9 to the Social Security Claims and Payments Regulations 1987(a) at paragraph 4(2A)(a).

(2) Where the claimant has a dependant child or children residing with him or her, the personal expenses allowed for each dependant will be that set out in Schedule 9 to the Social Security Claims and Payments Regulations 1987 at paragraph 4(2A)(a).";

expenses for the claimant and, if the claimant is a member of a family, for each member of his or her family determined in accordance with paragraph 2.

(2) Except where otherwise provided, no amount shall be included in respect of a child or young person who is a member of the claimant's family if the capital of that child or young person calculated in accordance with Part V in like manner as for the claimant would exceed £3,000.

2.-(1) The appropriate allowance for personal expenses for the claimant and his or her partner (where appropriate) will be that set out in Schedule 9 to the Social Security Claims and Payments Regulations 1987(a) at paragraph 4(2A)(a).

(2) Where the claimant has a dependant child or children residing with him or her, the personal expenses allowed for each dependant will be that set out in Schedule 9 to the Social Security Claims and Payments Regulations 1987 at paragraph 4(2A)(a).";

(a) O.S.1987/1968.

(a) S.I.1987/1968.

- (f) Hepgorer y cofnod sy'n ymwneud ag Atodlen 4;
- (ff) Yn lle'r cofnod sy'n ymwneud ag Atodlen 7 rhodder y cofnod canlynol-

"Schedule 7

In paragraph 1 omit the references to sub-paragraph (g) of regulation 17(1) and sub-paragraph (h) of regulation 18(1).

In column (2) of paragraph 1 omit the references to sub-paragraph (g) or regulation 17(1) and sub-paragraph (h) of regulation 18(1).

Omit both columns of paragraphs 6, 7, 10A, 10B, 10C, 16A, 17 and 19A.

In column (1) of paragraph 9 for sub-paragraphs (a)(i) and (ii) substitute the following-

"9(a)(i) in a care home, or

(ii) is in accommodation provided by a local authority under sections 21 to 24 and 26 of the National Assistance Act 1948".

In column (1) of paragraphs 9(b)(iii) and (iv) substitute-

"9(b)(i) in a care home, or

(ii) is in accommodation provided by a local authority under sections 21 to 24 and 26 of the National Assistance Act 1948".

After paragraph 10 insert the following paragraph-

- (h) Omit the entry relating to Schedule 4;

- (i) For the entry relating to Schedule 7 substitute the following entry-

"Schedule 7

In paragraph 1 omit the references to sub-paragraph (g) of regulation 17(1) and sub-paragraph (h) of regulation 18(1).

In column (2) of paragraph 1 omit the references to sub-paragraph (g) or regulation 17(1) and sub-paragraph (h) of regulation 18(1).

Omit both columns of paragraphs 6, 7, 10A, 10B, 10C, 16A, 17 and 19A.

In column (1) of paragraph 9 for sub-paragraphs (a)(i) and (ii) substitute the following-

"9(a)(i) in a care home, or

(ii) is in accommodation provided by a local authority under sections 21 to 24 and 26 of the National Assistance Act 1948".

In column (1) of paragraphs 9(b)(iii) and (iv) substitute-

"9(b)(i) in a care home, or

(ii) is in accommodation provided by a local authority under sections 21 to 24 and 26 of the National Assistance Act 1948".

After paragraph 10 insert the following paragraph-

into column (1)-

"10ZA

A claimant who is a lone parent who is temporarily in a care home or in accommodation provided by a local authority under sections 21 to 24 and 26 of the National Assistance Act 1948."

into column (2) -

"Any amount applicable to the claimant under paragraphs 1(1)(a), (b) and (c) of Schedule 4A, determined as if he or she were a single claimant plus-

(a) in respect of each child who is a member of the claimant's family, the appropriate amount in respect of that child prescribed in paragraph 2 of Schedule 2 or under this Schedule as appropriate; and

(b) any amount which would be applicable to the claimant, if he or she were not living away from home, under regulation 17(1)(c) or (d) in so far as it relates to the lone parent premium and family premium under paragraph 8 of Schedule 2."."

Diwygio Atodlen 1A i'r prif Reoliadau

8. Hepgorer Atodlen 1A i'r prif Reoliadau (*periods of validity of notices of entitlement*).

into column (1)-

"10ZA

A claimant who is a lone parent who is temporarily in a care home or in accommodation provided by a local authority under sections 21 to 24 and 26 of the National Assistance Act 1948."

into column (2) -

"Any amount applicable to the claimant under paragraphs 1(1)(a), (b) and (c) of Schedule 4A, determined as if he or she were a single claimant plus-

(a) in respect of each child who is a member of the claimant's family, the appropriate amount in respect of that child prescribed in paragraph 2 of Schedule 2 or under this Schedule as appropriate; and

(b) any amount which would be applicable to the claimant, if he or she were not living away from home, under regulation 17(1)(c) or (d) in so far as it relates to the lone parent premium and family premium under paragraph 8 of Schedule 2."."

Amendment to Schedule 1A to the principal Regulations

8. Omit Schedule 1A to the principal Regulations (*periods of validity of notices of entitlement*).

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(a)

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

5 Hydref 2003

5th October 2003

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(a) 1998 p.38.

(a) 1998 c.38.

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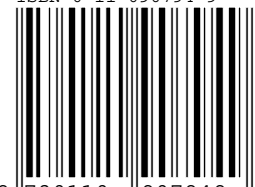
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