



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2004 Rhif 871 (Cy.86)

2004 No. 871 (W.86)

**Y GWASANAETH IECHYD
GWLADOL, CYMRU**

**NATIONAL HEALTH
SERVICE, WALES**

Rheoliadau'r Gwasanaeth Iechyd
Gwladol (Treuliau Teithio a
Pheidio â Chodi Tâl)
(Diwygio) (Cymru)
2004

The National Health Service
(Travelling Expenses and
Remission of Charges)
(Amendment) (Wales) Regulations
2004

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 ("GIG") 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 ("NHS") charges and for the payment of travelling expenses in certain cases.

Mae gan rai personau hawl awtomatig i beidio â thalu taliadau'r GIG ac i gael taliadau am dreuliau teithio am eu bod yn cael budd-daliadau penodedig y wladwriaeth.

Some persons are automatically entitled to the remission of NHS charges and to the payment of travelling expenses because they are in receipt of specified state benefits.

Mae Rheoliad 3 o'r Rheoliadau hyn yn diwygio rheoliad 4 o'r prif Reoliadau (disgrifiad o bersonau sydd â'r hawl i beidio â thalu ac i gael taliadau llawn) i fewnosod ffigur uwch ar gyfer y terfyn incwm perthnasol a ddefnyddir i gyfrifo'r hawl i gael credyd treth gwaith a chredyd treth plant.

Regulation 3 of these Regulations amends regulation 4 of the principal Regulations (description of persons entitled to full remission and payment) to insert an increased figure for the relevant income limit which is used for the calculation of entitlement to working tax credit and child tax credit.

Nid oes gan lawer o bersonau hawl awtomatig i beidio â thalu taliadau'r GIG ac i gael taliadau am dreuliau teithio. Mae'r prif Reoliadau'n cynnwys darpariaeth ar gyfer cyfrifo incwm, cyfalaf a gofynion hawlydd (a rhai ei deulu, lle y bônt yn berthnasol). Gwneir y cyfrifiad hwn trwy gymhwyso darpariaethau wedi'u haddasu Rheoliadau Cymhorthdal Incwm (Cyffredinol) 1987 a nodir yn Atodlen 1 i'r prif Reoliadau.

Many persons are not automatically entitled to the remission of NHS charges and payment of travelling expenses. The principal Regulations contain provision for a calculation of a claimant's income, capital and requirements (and of 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.

Mae Rheoliad 4 yn diwygio Tabl A o Atodlen 1 i'r prif Reoliadau er mwyn uwchraddio'r terfynau cyfalaf sy'n cael eu defnyddio mewn cyfrifiadau ynghylch peidio â chodi tâl ac ad-daliadau sy'n ymwneud â phersonau sy'n byw yn barhaol mewn gofal preswyl neu mewn cartrefi nyrsio.

Regulation 4 amends Table A of Schedule 1 to the principal Regulations to uprate the capital limits used in remission and repayment calculations relating to persons living permanently in residential care or nursing homes.

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*Wedi'u gwneud**23 Mawrth 2004**Made**23rd March 2004**Yn dod i rym**5 Ebrill 2004**Coming into force**5th April 2004*

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) (Cymru) 2004 a deuant i rym ar 5 Ebrill 2004.

1.-(1) These Regulations may be cited as the National Health Service (Travelling Expenses and Remission of Charges) (Amendment) (Wales) Regulations 2004 and will come into force on 5th April 2004.

(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 Atodlen 4, paragraff 37(6) o Ddeddf Iechyd 1999 (p.8).

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

Adran 128(1), fel y'i diwygiwyd gan adran 26(2)(g) ac (i) o Ddeddf 1990 am y diffiniad 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".

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

The functions of the Secretary of State under section 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).

(2) Yn y Rheoliadau hyn, ystyr "y prif Reoliadau" ("the principal Regulations") yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Treuliau Teithio a 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. Yn rheoliad 2 o'r prif Reoliadau (dehongli), ar ôl y diffiniad o "relevant income" mewnosoder y diffiniad canlynol-

mae " " severe disability element" i'w dehongli yn unol ag adran 11(6)(d) o Ddeddf Credydau Treth 2002(b);".

Diwygio rheoliad 4 o'r prif Reoliadau

3.-(1) Mae Rheoliad 4 o'r prif Reoliadau (disgrifiad o bersonau sydd â hawl i beidio â thalu ac i gael taliadau llawn) yn cael ei ddiwygio yn unol â darpariaeth ganlynol y rheoliad hwn.

(2) Ym mharagraff (2)(e)-

(a) Yn y geiriau cloi, yn lle "£14,200" rhodder "£14,600";

(b) yn is-baragraff (ii), ar ôl "disability element" mewnosoder "or severe disability element".

Diwygio Rhan I o Atodlen 1 i'r prif Reoliadau

4.-(1) Diwygir Tabl A o Ran I o'r prif Reoliadau (addasiadau i ddarpariaethau Rheoliadau Cymhorthdal Incwm 1987(c) at ddibenion Rhan I o'r Atodlen hon) yn unol â darpariaethau canlynol y rheoliad hwn.

(2) Yn y cofnod sy'n ymwneud â rheoliad 53 yn lle "£12,000" rhodder "£12,250" ac yn lle "£19,500" rhodder "£20,000".

(3) Yn y cofnod sy'n ymwneud â rheoliad 45 -

(a) ym mharagraff (b), yn lle "£19,500" rhodder "£20,000";

(b) ym mharagraff (c), yn lle "£12,000" rhodder "£12,250".

(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.92) a 3322 (Cy.W275), 2003/975 (Cy.134) a 2003/2561 (Cy.250).

(b) 2002 p.21

(c) O.S.1987/1967

(2) In these Regulations, "the principal Regulations" ("y prif Reolidau") means the National Health Service (Travelling Expenses and Remission of Charges) Regulations 1988(a).

(3) These Regulations apply to Wales only.

Amendment of regulation 2 of the principal Regulations

2. In regulation 2 of the principal Regulations (interpretation), after the definition of "relevant income" insert the following definition-

" " severe disability element" is to be construed in accordance with section 11(6)(d) of the Tax Credits Act 2002(b);".

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 provision of this regulation.

(2) In paragraph (2)(e)-

(a) in the fall out words, for "£14,200" substitute "£14,600";

(b) in sub-paragraph (ii), after "disability element" insert "or severe disability element".

Amendment to Part I of Schedule 1 to the principal Regulations

4.-(1) Table A of Part I of the principal Regulations (modifications of provisions of the Income Support Regulations 1987(c) for the purposes of Part I of this Schedule) is amended in accordance with the following provisions of this regulation.

(2) In the entry relating to regulation 53 for "£12,000" substitute "£12,250" and for "£19,500" substitute "£20,000".

(3) In the entry relating to regulation 45 -

(a) in paragraph (b), for "£19,500" substitute "£20,000";

(b) in paragraph (c), for "£12,000" substitute "£12,250".

(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.92) and 3322 (W.275), 2003/975 (W.134) and 2003/2561 (W.250).

(b) 2002 c.21

(c) S.I.1987/1967

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)

23 Mawrth 2004

23rd March 2004

John Marek

Dirprwy Lywydd y Cynulliad Cenedlaethol

The Deputy Presiding Officer of the National Assembly

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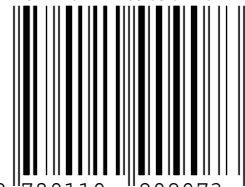
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