CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2006 Rhif 2791 (Cy.232)

Y GWASANAETH IECHYD GWLADOL, CYMRU

Rheoliadau'r Gwasanaeth Iechyd Gwladol (Treuliau Teithio a Pheidio â Chodi Tâl) (Diwygio) (Rhif 2) 2006

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau'r Gwasanaeth Iechyd Gwladol (Treuliau Teithio a Pheidio â Chodi Tâl) 1988 ("Rheoliadau 1988") i gymryd i ystyriaeth y newidiadau i'r ddarpariaeth, o ran cymorth ariannol i fyfyrwyr, a wneir gan Reoliadau Grantiau a Benthyciadau Dysgu y Cynulliad (Addysg Uwch) (Cymru) 2006 ("Rheoliadau Cymru 2006"), Rheoliadau Addysg (Cymorth i Fyfyrwyr) 2006 ("Rheoliadau Lloegr 2006"), a Rheoliadau Addysg (Cymorth i Fyfyrwyr) (Gogledd Iwerddon) 2006 ("Rheoliadau Gogledd Iwerddon 2006") a newidiadau canlyniadol i'r ffordd y cyfrifir hawl myfyriwr i gael cymhorthdal incwm.

Wrth gyfrifo adnoddau ac anghenion person o dan Reoliadau 1988 er mwyn canfod a all person hawlio'r hawl i beidio â thalu taliadau'r GIG a threuliau teithio'r GIG, defnyddir fersiwn wedi'i haddasu o Reoliadau Cymhorthdal Incwm (Cyffredinol) 1987 fel a geir yn Atodlen 1 i Reoliadau 1988 ("Atodlen 1").

Mae'r Rheoliadau hyn yn addasu ymhellach Atodlen 1 i ddarparu:

- bod unrhyw incwm grant sydd gan fyfyriwr yn cael ei ddosrannu dros gyfnod o 52 o wythnosau, yn hytrach na thros y cyfnod astudio mewn unrhyw un flwyddyn, ac eithrio yn y flwyddyn astudio olaf, neu yn ystod cwrs un flwyddyn pan fydd y cyfnod perthnasol yn cyfateb i'r cyfnod astudio, neu pan fydd y myfyriwr ar gwrs brechdan;

NATIONAL ASSEMBLY FOR WALES

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NATIONAL HEALTH SERVICE, WALES

The National Health Service (Travelling Expenses and Remission of Charges) (Amendment) (No. 2) Regulations 2006

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (Travelling Expenses and Remission of Charges) Regulations 1988 ("the 1988 Regulations") to take account of changes to the provision of financial support to students made by the Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2006 ("the 2006 Wales Regulations"), the Education (Student Support) Regulations 2006 ("the 2006 England Regulations"), and the Education (Student Support) Regulations (Northern Ireland) 2006 ("the 2006 N.I. Regulations") and consequential changes to the way in which a student's entitlement to income support will be calculated.

In calculating a person's resources and requirements under the 1988 Regulations in order to establish whether a person can claim entitlement to the remission of NHS charges and the payment of NHS travel expenses, a modified version of the Income Support (General) Regulations 1987 is used as set out in Schedule 1 to the 1988 Regulations ("Schedule 1").

These Regulations further modify Schedule 1 to provide:

- that any grant income a student has is apportioned over a 52 week period, rather than over the period of study in any one year, except in the final year of study or during a one year course when the period of study is the relevant period, or when the student is on a sandwich course;

- y dylid diystyru wrth gyfrifo incwm grant myfyriwr unrhyw swm sy'n ychwanegol at y swm a bennir yn rheoliad 33(4)(b) o Reoliadau Cymru 2006, ac a delir fel rhan o grant cynnal a chadw yn unol â rheoliad 29 o'r Rheoliadau hynny;

- y dylid diystyru wrth gyfrifo incwm grant myfyriwr unrhyw swm sy'n ychwanegol at y swm a bennir yn rheoliad 57(4)(b) o Reoliadau Lloegr 2006, ac a delir fel rhan o grant cynnal a chadw yn unol â rheoliad 48 o'r Rheoliadau hynny;

- y dylid diystyru wrth gyfrifo incwm grant myfyriwr unrhyw swm sy'n ychwanegol at y swm a bennir yn gyfanswm y grant cynnal a chadw ym mharagraffau (b), (c) neu (d) o reoliad 57(4) o Reoliadau Gogledd Iwerddon 2006 (bydd cyfansymiau'r grant yn gwahaniaethu yn unol â lefel y grant cynnal a chadw y bydd myfyriwr yn gymwys i'w gael o dan Reoliadau Gogledd Iwerddon 2006), ac a delir fel rhan o grant cynnal a chadw o dan reoliad 49 o'r Rheoliadau hynny; ac

- y dylid diystyru wrth gyfrifo incwm benthyciad myfyriwr unrhyw fenthyciad a delir o dan reoliad 10 o Reoliadau Addysg (Benthyciadau Myfyrwyr) (Yr Alban) 2000.

Mae Arfarniad Rheoliadol wedi'i baratoi mewn perthynas â'r Rheoliadau hyn a mae copi ohono wedi'i roi yn llyfrgell Cynulliad Cenedlaethol Cymru. Gellir gael copïau oddi wrth y Gyfarwyddiaeth Polisi Iechyd Cymunedol, Gofal Sylfaenol a Gwasanaethau Iechyd, Cynulliad Cenedlaethol Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

- that any sum in excess of the sum set out in regulation 33(4)(b) of the 2006 Wales Regulations paid as part of a maintenance grant pursuant to regulation 29 of those Regulations should be disregarded in the calculation of a student's grant income;

- that any sum in excess of the sum set out in regulation 57(4)(b) of the 2006 England Regulations paid as part of a maintenance grant pursuant to regulation 48 of those Regulations should be disregarded in the calculation of a student's grant income;

- that any sum in excess of the sum set out as the maintenance grant amount in paragraphs (b), (c) or (d) of regulation 57(4) of the 2006 N.I. Regulations (the amounts of which will differ according to the level of maintenance grant a student qualifies for under the 2006 N.I. Regulations) paid as part of a maintenance grant under regulation 49 of those Regulations should be disregarded in the calculation of a student's grant income; and

- that any loan paid under regulation 10 of the Education (Student Loans) (Scotland) Regulations 2000 should be disregarded in the calculation of a student's loan income.

A Regulatory Appraisal has been prepared for these Regulations and a copy has been placed in the library of the National Assembly for Wales. Copies can be obtained from the Community Primary Care and Health Service Policy Directorate, National Assembly for Wales, Cathays Park, Cardiff, CF10 3NQ.

OFFERYNNAU STATUDOL

2006 Rhif 2791 (Cy.232)

Y GWASANAETH IECHYD GWLADOL, CYMRU

Rheoliadau'r Gwasanaeth Iechyd Gwladol (Treuliau Teithio a Pheidio â Chodi Tâl) (Diwygio) (Rhif 2) 2006

Wedi'u gwneud	*17 Hydref 2006*
Yn dod i rym	*18 Hydref 2006*

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd gan adrannau 83A a 126(4) o Ddeddf y Gwasanaeth Iechyd Gwladol 1977(**1**) yn gwneud y Rheoliadau a ganlyn.

Enwi, cychwyn, cymhwyso a dehongli

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Treuliau Teithio a Pheidio â Chodi Tâl) (Diwygio) (Rhif 2) 2006 a deuant i rym ar 18 Hydref 2006.

(**1**) 1977 (p.49). Mewnosodwyd adran 83A gan adran 14(1) o Ddeddf Nawdd Cymdeithasol 1988 (p.7) ("Deddf 1988") ac fe'i diwygiwyd gan adran 25 o Ddeddf 1988 a pharagraff 6 o Atodlen 2 iddi, adran 41(10) o Ddeddf y Gwasanaeth Iechyd Gwladol (Gofal Sylfaenol) 1997 (p.46) a pharagraff 19 o Atodlen 2 iddi, erthygl 2 o O.S. 1998/2385, erthygl 3(1) o O.S. 2000/90, a pharagraff 5 a 13 o Atodlen 1 iddo, adran 66(1) o Ddeddf y Gwasanaeth Iechyd Gwladol a Gofal Cymunedol 1990 (p.19) ("Deddf 1990") a pharagraff 18(5) o Atodlen 9 iddi, adran 2(1) o Ddeddf Awdurdodau Iechyd 1995 (p.17) a pharagraff 40 o Atodlen 1 iddi, adran 2(5) o Ddeddf Diwygio'r Gwasanaeth Iechyd Gwladol a Phroffesiynau Gofal Iechyd 2002 (p.17) ("Deddf 2002") a pharagraffau 1 a 32 o Ran 1 o Atodlen 2 iddi a chan adrannau 34 a 184 o Ddeddf Iechyd a Gofal Cymdeithasol (Iechyd Cymunedol a Safonau) 2003 (p.43) ("Deddf 2003") a pharagraffau 23 a 32(b) o Atodlen 4 iddi, a pharagraffau 7 a 31 o Atodlen 11 iddi. Mae adran 126(4) wedi'i diwygio gan adran 65(2) o Ddeddf 1990, adran 65(1) o Ddeddf Iechyd 1999 (p.8) ("Deddf 1999") a pharagraffau 4 a 37 o Atodlen 4 iddi, adran 67(1) o Ddeddf Iechyd a Gofal Cymdeithasol 2001 (p.15) a pharagraffau 5 a 13 o Ran 1 o Atodlen 5 iddi, adrannau 6(3)(c) a 37(1) o Ddeddf 2002 ac adrannau 184 a 196 o Ddeddf 2003 a pharagraffau 7 a 38 o Atodlen 11 iddi, a Rhan 4 o Atodlen 14 iddi. Trosglwyddir swyddogaethau'r Ysgrifennydd Gwladol o dan y darpariaethau hyn, i'r graddau yr oeddent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan erthygl 2(a) o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999, O.S. 1999/672, fel y'i diwygiwyd gan adran 66(5) o Ddeddf 1999.

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2006 No. 2791 (W.232)

NATIONAL HEALTH SERVICE, WALES

The National Health Service (Travelling Expenses and Remission of Charges) (Amendment) (No. 2) Regulations 2006

Made	*17 October 2006*
Coming into force	*18 October 2006*

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred by sections 83A and 126(4) of the National Health Service Act 1977(**1**).

Title, commencement, application and interpretation

1.-(1) The title of these Regulations is the National Health Service (Travelling Expenses and Remission of Charges) (Amendment) (No. 2) Regulations 2006 and they come into force on 18 October 2006.

(**1**) 1977 (c.49). Section 83A was inserted by section 14(1) of the Social Security Act 1988 (c.7) ("the 1988 Act") and amended by section 25 of, and paragraph 6 of Schedule 2 to, the 1988 Act, section 41(10) of, and paragraph 19 of Schedule 2 to, the National Health Service (Primary Care) Act 1997 (c.46), article 2 of S.I. 1998/2385, article 3(1) of, and paragraph 5 and 13 of Schedule 1 to, S.I. 2000/90, section 66(1) of, and paragraph 18 (5) of Schedule 9 to the National Health Service and Community Care Act 1990 (c.19) ("the 1990 Act"), section 2(1) of, and paragraph 40 of Schedule 1 to, the Health Authorities Act 1995 (c.17), section 2(5) of, and paragraphs 1 and 32 of Part 1 of Schedule 2 to, the National Health Service Reform and Health Care Professions Act 2002 (c.17) ("the 2002 Act") and by sections 34 and 184 of, and paragraphs 23 and 32(b) of Schedule 4 to, and paragraphs 7 and 31 of Schedule 11 to, the Health and Social Care (Community Health and Standards Act 2003 (c.43) ("the 2003 Act"). Section 126(4) has been amended by section 65(2) of the 1990 Act, section 65(1) of, and paragraphs 4 and 37 of Schedule 4 to, the Health Act 1999 (c.8) ("the 1999 Act"), section 67(1) of, and paragraph 5 and 13 of Part 1 of Schedule 5 to, the Health and Social Care Act 2001 (c.15), sections 6(3)(c) and 37(1) of the 2002 Act and sections 184 and 196 of, and paragraphs 7 and 38 of Schedule 11 to, and Part 4 of Schedule 14 to the 2003 Act. The functions of the Secretary of State under these provisions are, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2(a) of the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672, as amended by section 66(5) of the 1999 Act.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(3) Yn y Rheoliadau hyn-

(a) ystyr "y prif Reoliadau" ("*the principal Regulations*") yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Treuliau Teithio a Pheidio â Chodi Tâl 1988(**1**); ac

(b) ystyr "Rheoliadau Cymhorthdal Incwm" ("*the Income Support Regulations*") yw Rheoliadau Cymhorthdal Incwm (Cyffredinol) 1987(**2**).

Addasiadau i'r Rheoliadau Cymhorthdal Incwm yn Atodlen 1 i'r prif Reoliadau

2.-(1) Diwygir Atodlen 1 i'r prif Reoliadau (Addasiadau i Gymhorthdal Incwm) fel a ganlyn.

(2) Yn Nhabl A, yn yr addasiadau i reoliad 62 o'r Rheoliadau Cymhorthdal Incwm (cyfrifo incwm grant)-

(a) cyn y cofnod cyntaf, mewnosoder-

"In paragraph (1) for the words "subject to paragraphs (2) and (2A)" there were substituted "subject to paragraphs (2), (2A) and (2C)"";

(b) ar ôl y cofnod a fewnosodwyd gan baragraff (a) o'r rheoliad hwn, mewnosoder-

"After paragraph (2B) there were inserted-

"(2C) There shall also be disregarded from a student's grant income-

(a) any sum in excess of the sum set out as the maintenance grant amount in regulation 33(4)(b) of the Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2006 (maximum amount of loans for new system eligible students with full entitlement)( ) which forms part of a maintenance grant paid pursuant to regulation 29 of those Regulations (maintenance grant); and

(b) any sum in excess of the sum set out as the maintenance grant amount in regulation 57(4)(b) of the Education (Student Support) Regulations 2006 (new system students with full entitlement)(**4**) which forms part of a maintenance grant

(**1**) 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.275), 2003/975 (Cy.134) a 2561 (Cy.250), 2004/871 (Cy.86) a 1042 (Cy.124), 2005/1723 (Cy.135) a 3302 (Cy.256) a 2006/1389 (Cy.139).

(**2**) O.S. 1987/1967.

(**3**) O.S. 2006/126 (Cy.19).

(**4**) O.S. 2006/119, fel y'i diwygiwyd gan O.S. 2006/955 ac O.S. 2006/1745.

(2) These Regulations apply in relation to Wales.

(3) In these Regulations-

(a) "the Principal Regulations" ("*y prif Reoliadau*") means the National Health Service (Travelling Expenses and Remission of Charges) Regulations 1988(**1**); and

(b) "the Income Support Regulations" ("*y Rheoliadau Cymhorthdal Incwm*") means the Income Support (General) Regulations 1987(**2**).

Modifications of the Income Support Regulations in Schedule 1 to the principal Regulations

2.-(1) Schedule 1 to the principal Regulations (Modifications of Income Support) is amended as follows.

(2) In Table A, in the modifications of regulation 62 of the Income Support Regulations (calculation of grant income)-

(a) before the first entry, insert-

"In paragraph (1) for the words "subject to paragraphs (2) and (2A)" there were substituted "subject to paragraphs (2), (2A) and (2C)"";

(b) after the entry inserted by paragraph (a) of this regulation, insert-

"After paragraph (2B) there were inserted-

"(2C) There shall also be disregarded from a student's grant income-

(a) any sum in excess of the sum set out as the maintenance grant amount in regulation 33(4)(b) of the Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2006 (maximum amount of loans for new system eligible students with full entitlement)(**3**) which forms part of a maintenance grant paid pursuant to regulation 29 of those Regulations (maintenance grant); and

(b) any sum in excess of the sum set out as the maintenance grant amount in regulation 57(4)(b) of the Education (Student Support) Regulations 2006 (new system students with full entitlement)(**4**) which forms part of a maintenance grant

(**1**) 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 2561 (W.250), 2004/871 (W.86) and 1042 (W.124), 2005/1723 (W.135) and 3302 (W.256) and 2006/1389 (W.139).

(**2**) S.I. 1987/1967.

(**3**) S.I. 2006/126 (W.19).

(**4**) S.I. 2006/119, as amended by S.I. 2006/955 and S.I. 2006/1745.

paid pursuant to regulation 48 of those Regulations (qualifying conditions for the maintenance grant);

(c) any sum in excess of the sum set out as the maintenance grant amount in regulation 57(4)(b), (c) or (d), as appropriate, of the Education (Student Support) Regulations (Northern Ireland) 2006 (new system students with full entitlement)(**1**) which forms part of a maintenance grant paid pursuant to regulation 49 of those Regulations (qualifying conditions for the maintenance grant).".";

(c) hepgorer y cofnodion sy'n dechrau gyda "As if in paragraph (3) from the beginning", "As if in paragraph (3), in sub-paragraph (a)" ac "As if in paragraph (3), in sub-paragraph (b)";

(ch) ar ôl y cofnod a fewnosodir gan is-baragraff (b) o'r paragraff hwn, mewnosoder-

"For paragraph (3) there were substituted-

"(3) In calculating the weekly amount of the grant to be taken into account as income-

(a) except where sub-paragraph (b) or paragraph (4) applies, the grant shall be apportioned equally between 52 weeks; and

(b) in the case of a grant which is payable in respect of the final academic year of the course or if the course is only of one academic year's duration, in respect of that year the grant shall be apportioned equally between the weeks in the period beginning with the start of the final academic year or, as the case may be, the single academic year and ending with the last day of the course."";

(d) yn lle'r cofnod sy'n dechrau gyda "As if in paragraph (3A)", rhodder "Omit paragraph (3A)";

(dd) yn lle'r cofnod sy'n dechrau gyda "As if in paragraph (4)", rhodder-

"As if in paragraph (4), for "weeks in the period beginning" to "last day of the period of study" substitute "remaining weeks in that period of study."".

(3) Yn Nhabl A yn yr addasiadau i reoliad 66A o Reoliadau Cymhorthdal Incwm (ymdrin â benthyciadau myfyrwyr), cyn y cofnod cyntaf mewnosoder-

(**1**) S.R. (NI) 2006 Rhif 312.

paid pursuant to regulation 48 of those Regulations (qualifying conditions for the maintenance grant);

(c) any sum in excess of the sum set out as the maintenance grant amount in regulation 57(4)(b), (c) or (d), as appropriate, of the Education (Student Support) Regulations (Northern Ireland) 2006 (new system students with full entitlement)(**1**) which forms part of a maintenance grant paid pursuant to regulation 49 of those Regulations (qualifying conditions for the maintenance grant).".";

(c) omit the entries that begin "As if in paragraph (3) from the beginning", "As if in paragraph (3), in sub-paragraph (a)" and "As if in paragraph (3), in sub-paragraph (b)";

(d) after the entry inserted by sub-paragraph (b) of this paragraph, insert-

"For paragraph (3) there were substituted-

"(3) In calculating the weekly amount of the grant to be taken into account as income-

(a) except where sub-paragraph (b) or paragraph (4) applies, the grant shall be apportioned equally between 52 weeks; and

(b) in the case of a grant which is payable in respect of the final academic year of the course or if the course is only of one academic year's duration, in respect of that year the grant shall be apportioned equally between the weeks in the period beginning with the start of the final academic year or, as the case may be, the single academic year and ending with the last day of the course."";

(e) for the entry that begins "As if in paragraph (3A)", substitute "Omit paragraph (3A)";

(f) for the entry that begins "As if in paragraph (4)", substitute-

"As if in paragraph (4), for "weeks in the period beginning" to "last day of the period of study" substitute "remaining weeks in that period of study."".

(3) In Table A in the modifications of regulation 66A of the Income Support Regulations (treatment of student loans), before the first entry insert-

(**1**) S.R. (NI) 2006 No 312.

"As if in paragraph (1), after "hardship loan", there were inserted "or any sum paid by way of an additional loan under regulation 10 of the Education (Student Loans) (Scotland) Regulations 2000 (maximum amounts of loans)(**1**).""."

"As if in paragraph (1), after "hardship loan", there were inserted "or any sum paid by way of an additional loan under regulation 10 of the Education (Student Loans) (Scotland) Regulations 2000 (maximum amounts of loans)(**1**).""."

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(**2**)

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**2**)

17 Hydref 2006

17 October 2006

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(**1**) S.S.I. 2000/200.

(**2**) 1998 p.38.

(**1**) S.S.I. 2000/200.

(**2**) 1998 c.38.

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2006 Rhif 2791 (Cy.232)

Y GWASANAETH IECHYD GWLADOL, CYMRU

Rheoliadau'r Gwasanaeth Iechyd Gwladol (Treuliau Teithio a Pheidio â Chodi Tâl) (Diwygio) (Rhif 2) 2006

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