
WELSH STATUTORY INSTRUMENTS

2007 No. 1104 (W.116)

NATIONAL HEALTH SERVICE, WALES

**The National Health Service (Travelling Expenses
and Remission of Charges) (Wales) Regulations 2007**

Made - - - - 27 March 2007
Coming into force - - 1 April 2007

The National Assembly for Wales, in exercise of the powers conferred by sections 130, 131, and 203(9) and (10) of the National Health Service (Wales) Act 2006(1) hereby makes the following Regulations:

PART 1

GENERAL AND INTRODUCTION

Title, commencement and application

1.—(1) The title of these Regulations is the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 and they come into force on 1 April 2007.

(2) These Regulations apply in relation to Wales.

Interpretation

2. In these Regulations—

“the Act” (“y Ddeddf”) means the National Health Service Act (Wales) 2006;

(1) The National Health Service (Wales) Act 2006 (c. 42) (“the 2006 Act”) is a consolidation Act which repeals and re-enacts in its entirety the National Health Service Act 1977 (c. 49) (“the 1977 Act”) and incorporates some of the provisions from the NHS and Community Care Act 1990, the Health Act 1999, the Health and Social Care Act 2001, the NHS Reform and Health Care Professions Act 2002, the Health and Social Care (Community Health and Standards) Act 2003 and the Health Act 2006. Sections 130 and 131 of the 2006 Act are equivalent to section 83A of the 1977 Act. Section 203(9) and (10) of the 2006 Act are equivalent to section 126(4) of the 1977 Act. The references to “Welsh Ministers” in the 2006 Act are treated as referring to the National Assembly for Wales as constituted by the Government of Wales Act 1998 (c. 38) in accordance with the modifications contained in the National Health Service (Consequential Provisions) Act 2006 (c. 43), section 5 and Schedule 3, paragraph 10. References to and functions of the National Assembly for Wales will transfer to Welsh Ministers immediately after the end of the “initial period” (as defined in section 161(5) in accordance with sections 162 of and paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

“abroad” (“dros y môr”) means any place outside the United Kingdom;

“annuity contract” (“contract blwydd-dal.”) means a contract that provides for periodic payments starting from a stated or contingent date and continuing for a fixed period or for the life of the annuity;

“capital limit” (“terfyn cyfalaf”) —

(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⁽²⁾ is the amount prescribed in regulations made under section 22(5) of that Act, 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⁽³⁾;

“care home” (“cartref gofal”) has the meaning given in section 3 of the Care Standards Act 2000⁽⁴⁾;

“child” (“plentyn”) means a person under the age of 16;

“child tax credit” (“credyd treth plentyn”) means a child tax credit under section 8 of the Tax Credits Act 2002⁽⁵⁾;

“claimant” (“ceisydd”) means a person who makes a claim for remission, payment or repayment in accordance with regulation 7 or 10;

“the Charges Regulations” (“y Rheoliadau Ffioedd”) means the National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Wales) Regulations 2007⁽⁶⁾;

“couple” (“pâr) has the meaning given in section 137 of the Social Security Contributions and Benefits Act 1992;

“course of treatment” (“cwrs o driniaeth”) has the meaning given to it in regulation 2 (1) of the National Health Service (Dental Charges) (Wales) Regulations 2006⁽⁷⁾;

“date of the claim” (“dyddiad y cais”) means the date on which a claim made under regulation 7 or 10 is received by the National Assembly for Wales;

“dependent child or young person” (“plentyn neu berson ifanc dibynnol”) means any child or young person who is treated as the responsibility of the claimant or the claimant’s partner, where that child or young person is a member of the claimant’s household;

“disability element” (“elfen anabled”) means the disability element of working tax credit as specified in section 11(3) of the Tax Credits Act 2002;

“earnings” (“enillion”) has the meaning given in regulations 35 and 37 of the Income Support Regulations;

“family” (“teulu”) has the meaning given by section 137(1) of the Social Security Contributions and Benefits Act 1992 as it applies to income support, except that—

(a) in regulation 5(1)(d), in relation to a person who is receiving income based jobseeker’s allowance it has the meaning given in section 35 of the Jobseeker’s Act 1995⁽⁸⁾,

(b) in regulations 5(1)(e) and 8(2) it has the meaning assigned to it by regulation 2(2) of the Tax Credits (Definition and Calculation of Income) Regulations 2002⁽⁹⁾, and

(2) 1948 c. 29.

(3) 1992 c. 4. The relevant Regulations are the Income Support (General) Regulations 1987 [S.I. 1987/1967](#).

(4) 2000 c. 14.

(5) 2002 c. 21.

(6) [S.I. 2007/121 \(W.11\)](#).

(7) [S.I.2006/491 \(W.60\)](#)

(8) 1995 c. 18

(9) [S.I. 2002/2006](#)

(c) where a claim has been made for support under Part VI of the Immigration and Asylum Act 1999(5-), it means the asylum-seeker who has made that claim and any dependent, as defined in section 94 of that Act, whom he or she has included in that claim, and the references to “family” in regulations 5(2)(c) and 8(1), (3) and (7) should be construed accordingly;

“full rate” (“cyfradd lawn”) means the rate determined under section 26(2) of the National Assistance Act 1948;

“full time student” (“myfyriwr amser-llawn”) has the meaning given in regulation 61 of the Income Support Regulations;

“health care professional” (“proffesiynolyn gofal iechyd”) means a person who is a member of a profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002(10);

“household” (“aelwyd”) means—

- (a) a group of people who have a common address as their only or main residence and who either share one meal a day or share the living accommodation at that residence; or
- (b) the only or main residence of a single person who does not share either one meal a day or the living accommodation at that residence with another person;

“income-based jobseeker’s allowance” (“lwfans ceisio gwaith yn seiliedig ar incwm”) has the meaning given to it by section 1(4) of the Jobseeker’s Act 1995;

“income support” (“cymhorthdal incwm”) means income support under Part VII of the Social Security Contributions and Benefits Act 1992, and includes personal expenses addition, special transition addition and transitional addition as defined in regulation 2(1) of the Income Support (Transitional) Regulations 1987(11);

“the Income Support Regulations” (“Rheoliadau Cymhorthdal Incwm”) means the Income Support (General) Regulations 1987(12);

“NHS charge” (“ffî GIF”) has the meaning given in regulation 4;

“NHS contract” (“contract GIG”) has the meaning given in section 7(1) of the Act;

“NHS travelling expenses” (“treuliau teithio GIG”) and “NHS foreign travelling expenses” (“treuliau teithio tramor GIG”) have the meanings given in regulation 3;

“NHS trust” (“ymddiriedolaeth GIG”) has the meaning given in section 18 of the Act;

“occupational pension scheme” (“cynllun pensiwn galwedigaethol”) has the meaning given by section 1 of the Pension Schemes Act (13);

“partner” (“partner”) means where a claimant—

- (a) is a member of a couple, the other member of that couple,
- (b) is married polygamously to two or more members of his or her household, any such member;

“pension credit guarantee” (“gwarant credyd pensiwn”) must be construed in accordance with sections 1 and 2 of the State Pension Credit Act 2002(14);

“pension credit savings credit” (“credyd cynilion credyd pensiwn”) must be construed in accordance with sections 1 and 3 of the State Pension Credit Act 2002;

“personal pension scheme” (“cynllun pensiwn personol”) means a personal pension scheme—

(10) 1999 c. 33
(11) 2002 c. 17
(12) S.I. 1987/1969
(13) S.I. 1987/1967
(14) 1993 c. 48.

- (a) as defined in section 1 of the Pension Schemes Act 1993; or
 - (b) as defined in section 1 of the Pension Schemes (Northern Ireland) Act 1993⁽¹⁵⁾;
- “port” (“porthladd”) includes an airport, ferry port or international train station in Great Britain from which an international journey begins;
- “provider” (“darparwr”) means the provider of any services mentioned in regulation 3(1)(a);
- “relevant date” (“dyddiad perthnasol”) means—
- (a) in the case of a claim under regulation 7, the date of the claim; and
 - (b) in the case of claim under regulation 10(2), the date when the NHS charge or NHS travelling expenses were paid;
- “relevant income” (“incwm perthnasol”) has the meaning given in section 7(2) of the Tax Credits Act 2002;
- “relevant primary dental services” (“gwasanaethau deintyddol sylfaenol perthnasol”) has the meaning given to it in regulation 2(1) of the National Health Service (Dental Charges) (Wales) Regulations 2006;
- “severe disability element” (“elfen anabledl difrifol”) means the severe disability element of working tax credit as specified in section 11(6)(d) of the Tax Credits Act 2002 (maximum rate);
- “single person” (“person sengl”) means a person who does not have a partner and who is not responsible for, and who is not a member of the same household as, a child or young person;
- “standard rate” (“cyfradd safonol”) means the standard rate fixed in accordance with section 22(2) of the National Assistance Act 1948;
- “State Pension Credit Regulations” (“Rheoliadau Credyd Pensiwn y Wladwriaeth”) means the State Pension Credit Regulations 2002⁽¹⁶⁾;
- “trade dispute” (“anghydfod masnach”) has the same meaning as in section 35(1) of the Jobseekers Act 1995;
- “urgent course of treatment” (“cwrs o driniaeth frys”) has the meaning given to it in regulation 2(1) of the National Health Service (Dental Charges) (Wales) Regulations 2006;
- “week” (“wythnos”) means a period of 7 days beginning with midnight between Saturday and Sunday;
- “working tax credit” (“credyd treth gwaith”) means working tax credit under the Tax Credits Act 2002;
- “young person” (“person ifanc”) has the meaning prescribed in regulation 14 of the Income Support Regulations.

NHS travelling expenses

3.—(1) In these Regulations “NHS travelling expenses” (“treuliau teithio GIG”) means the travelling expenses which a person necessarily incurs—

- (a) in attending—
 - (i) a health service hospital,
 - (ii) any other establishment managed by an NHS Trust or a Local Health Board, or
 - (iii) any other place in the United Kingdom,

⁽¹⁵⁾ 2002 c. 16

⁽¹⁶⁾ 1995 c. 49

for the provision of any services (except personal medical or personal dental services provided under Parts 4 and 5 of the Act) under the care of a consultant in accordance with Parts 1 and 2 of the Act; and

- (b) in travelling to a port in Great Britain for the purpose of travelling abroad in order to receive services provided pursuant to arrangements made under section 10 of and paragraph 18 of Schedule 3 to the Act.

(2) In these Regulations “NHS foreign travelling expenses” (“treuliau teithio tramor GIG”) means the travelling expenses which a person necessarily incurs in travelling abroad from a port in Great Britain in order to receive services pursuant to arrangements made under section 10 of and paragraph 18 of Schedule 3 to the Act.

(3) NHS travelling expenses and NHS foreign travelling expenses include the travelling expenses of a companion in a case where the person to whom services are provided is either—

- (a) a child; or
- (b) a person whose medical condition is such that, in the opinion of a doctor involved in the provision of the services or, where appropriate, another health care professional so involved, a companion is necessary.

(4) A person who wishes to rely on entitlement to NHS travelling expenses must—

- (a) unless he or she is a person who by virtue of regulation 5(1) is not required to make such a claim, make a claim to entitlement under regulation 7; and
- (b) make an application for payment of travelling expenses under regulation 9.

(5) The amount of any NHS travelling expenses to which a person is entitled under these Regulations—

- (a) must be calculated by reference to the cost of travelling by the cheapest means of transport which is reasonable having regard to the person’s age, medical condition and any other relevant circumstances; and
- (b) where travel is by private car, may include a mileage allowance and car parking expenses.

(6) A person is entitled to payment of NHS foreign travelling expenses only where the health service body which made the arrangements for the provision of services abroad agrees the mode and cost of travel and the necessity or otherwise for a companion before the costs are incurred.

Remissible NHS charges

4.—(1) In these Regulations “NHS charge” (“ffi GIG.”) means any charge which would otherwise be payable—

- (a) in accordance with regulations made under section 121(1) and (2) of the Act, for the supply of drugs, medicines, appliances and pharmaceutical services;
- (b) in accordance with regulations made under section 125 of the Act in respect of charges for relevant dental services.

(2) A person who wishes to rely on entitlement under these Regulations to remission of an NHS charge must—

- (a) unless he or she is a person who, by virtue of regulation 5(1), is not required to make such a claim, make a claim to entitlement under regulation 7 or regulation 10; and
- (b) provide any declaration or evidence of entitlement which is required under the Charges Regulations.

PART 2

ENTITLEMENT TO PAYMENT OF NHS TRAVELLING EXPENSES AND REMISSION OF NHS CHARGES

Entitlement to full remission and payment

5.—(1) Subject to paragraph (3), a person is entitled, without making a claim under regulation 7 (claims to entitlement), to the payment in full of NHS travelling expenses and the full remission of an NHS charge if he or she—

- (a) is receiving income support;
- (b) is receiving income based jobseeker's allowance;
- (c) is receiving pension credit guarantee credit;
- (d) is a member of the same family as a person who is receiving income support, income based jobseeker's allowance or pension credit guarantee credit; or
- (e) is a member of a family one member of which is receiving—
 - (i) working tax credit and child tax credit,
 - (ii) working tax credit which includes a disability element or a severe 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 made under section 14 of the Tax Credits Act 2002 is determined at the time of the award not to exceed £15,050.

(2) Subject to paragraph (3), the following persons are entitled to the payment in full of NHS travelling expenses and the remission in full of an NHS charge but are required to make a claim for such payment or remission in accordance with regulation 7 (claims to entitlement)—

- (a) 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 that 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;
- (b) an asylum-seeker for whom support is provided under Part VI of the Immigration and Asylum Act 1999;
- (c) a member of the same family as an asylum-seeker described in sub-paragraph (b);
- (d) a relevant child within the meaning of section 23A of the Children Act 1989⁽¹⁷⁾ for whom a responsible local authority is providing support under section 23B(8) of that Act;
- (e) any other person who satisfies the National Assembly for Wales in accordance with Part 4 that his or her capital resources do not exceed the capital limit and that his or her income resources do not exceed his or her requirements or exceed his or her requirements by fifty per cent or less of the amount of the charge specified in regulation 3(1)(b) of the National Health Service (Charges for Drugs and Appliances) Regulations 2000⁽¹⁸⁾; and
- (f) a member of the same family as a person described in sub-paragraph (e).

⁽¹⁷⁾ S.I. 2002/1792

⁽¹⁸⁾ 1989 c. 41.

(3) A person's entitlement to the payment in full of NHS travelling expenses or the full remission of an NHS charge arises only if at the time when—

- (a) the charge is made;
- (b) the NHS travelling expenses are incurred; or
- (c) in the case of a charge for relevant dental services—
 - (i) the arrangements for the treatment or urgent course of treatment under the Act are made,
 - (ii) the arrangements for the supply of a denture or other dental appliance under the Act otherwise than as part of relevant primary dental services are made, or
 - (iii) when the charge is made,he or she is a person described in paragraph (1) or (2).

Entitlement to partial remission and payment

6.—(1) Subject to paragraphs (2) and (3), a person is entitled to the payment in part of any NHS travelling expenses and to the remission in part of an NHS charge for relevant dental services provided at the time the travelling expenses are incurred or the charge is made—

- (a) his or her capital resources do not exceed the capital limit; and
- (b) either—
 - (i) his or her income resources exceed his or her requirements by less than a third of the charge, or as the case may be, by less than the travelling expenses incurred in any week, or
 - (ii) he or she is a member of the family of the person described in sub-paragraph (b)(i), but is required to make a claim for such remission or payment in accordance with regulation 7 (claims to entitlement).

(2) Subject to paragraph (3), the amount to which a person is entitled under paragraph (1) is—

- (a) in the case of an NHS charge for relevant dental services, the difference between the charge and three times the amount by which his or her income resources exceed his or her requirements; and
- (b) in the case of recoverable travelling expenses, the difference between the amount of the expenses incurred and the amount by which his or her income resources exceed his or her requirements.

(3) In the case of an NHS charge for relevant dental services, the charge which is partially remissible under this regulation, and which must be used for the purposes of the calculation required under paragraph (2)(a), is the charge made—

- (a) for one course of treatment or urgent course of treatment, including any charge made for a denture or other dental appliance supplied in that course of treatment; or
- (b) for the supply of a denture or other dental appliance under the Act otherwise than as part of relevant primary dental services.

Claims to entitlement

7.—(1) Subject to paragraph (3), a person who wishes to claim entitlement under regulation 5(2) (entitlement to full remission and payment) or regulation 6(1) (entitlement to partial remission and payment) must make a claim to the National Assembly for Wales on a form either provided for the purpose by it or approved by it.

(2) On a claim under paragraph (1), the claimant must provide such evidence and information as the National Assembly for Wales may reasonably request within such time as it may reasonably request.

(3) A claim may be made on behalf of another person where that person is unable, by reason of mental or physical incapacity, to make the claim himself or herself.

(4) Where a claimant does not comply with requests made by the National Assembly for Wales in respect of the evidence or information or timing mentioned in paragraph (2), the National Assembly for Wales may notify the claimant that the claim will not be determined and must be regarded as closed.

Notices of entitlement

8.—(1) Where the National Assembly for Wales determines, on a claim made under regulation 7 (claims to entitlement), that the claimant and any member of his or her family are entitled to any remission of an NHS charge or any payment in respect of NHS travelling expenses, it must issue a notice of entitlement to the claimant.

(2) Where a person is entitled to full remission of an NHS charge and payment in full of NHS travelling expenses because he or she is a member of a family described in regulation 5(1)(e) (tax credit families), the National Assembly for Wales must issue a notice of entitlement to that family and in such a case the notice will apply to all members of that family.

(3) A notice of entitlement issued under paragraph (1) applies to all members of the claimant's family and must state—

- (a) whether those persons are entitled to full or partial remission or payment; and
- (b) in the case of partial remission or payment, the amount of any NHS charge for relevant dental services or NHS travelling expenses for which there is no entitlement to remission or payment.

(4) A notice of entitlement issued under paragraph (1) or paragraph (2) must state the length of time for which it is valid and the dates upon which that time begins and ends.

(5) A notice of entitlement issued under paragraph (1) is valid for 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 from the date of the claim until the last day of that course;
- (b) in the case of a notice issued to a relevant child, it is valid for 12 months or until the child's 18th birthday, whichever is the later;
- (c) in the case of a notice issued to a person mentioned in regulation 5(2)(b) (asylum-seeker), it is valid for 6 months beginning on the date of the claim;
- (d) in the case of a notice issued to a person mentioned in paragraph (6) it is valid for the length of time specified in that paragraph.

(6) A notice of entitlement issued under paragraph (1) is valid for 5 years beginning on the date of the claim where the claimant is—

- (a) a single person aged not less than 65 years; or
- (b) one of a couple where one partner is aged not less than 60 years and one partner is aged not less than 65 years,

who does not receive any—

- (i) earnings;
- (ii) payments from an occupational pension scheme;
- (iii) payments from a personal pension scheme; or

(iv) payments from an annuity contract.

(7) Paragraph (6) does not apply to a person who has a dependant child or young person as a member of his or her household.

(8) A notice of entitlement issued under paragraph (2) is valid from such date and for such period as the National Assembly for Wales may determine.

(9) Subject to paragraphs (10), (12) and (13), any change in the financial or other circumstances of a claimant, or of any member of his or her family, during the period of validity of a notice of entitlement will not affect its validity in respect of that period, or in the case of partial remission or payment, the amounts referred to in paragraph (3)(b).

(10) A claimant who is issued with a notice of entitlement which falls under paragraph (6) must notify the National Assembly for Wales of any change in the composition of his or her family or household during the period of validity of the notice of entitlement and the National Assembly for Wales may withdraw the notice of entitlement or vary the amounts stated on the notice of entitlement as referred to in paragraph (3)(b) if the claimant no longer meets the requirements of paragraphs (6) and (7).

(11) A claimant who is issued with a notice of entitlement to the payment in part of NHS travelling expenses or the remission in part of an NHS charge for relevant dental services may make a further claim in accordance with regulation 7 at any time during the life of the notice if he or she considers that by reason of a change in his or her financial circumstances, or those of any member of his or her family, the amounts stated on the notice of entitlement as referred to in paragraph 3(b) should be reduced.

(12) A claimant to whom a notice of entitlement has been issued under this regulation must return it to the National Assembly for Wales in any case where his or her claim is subsequently found to have been based on a false representation.

(13) A notice of entitlement issued under this regulation is effective only for the purposes of entitlement to remission of NHS charges and payment of NHS travelling expenses in accordance with these Regulations.

PART 3

PAYMENTS AND REPAYMENTS

Payment of NHS travelling expenses

9.—(1) Subject to paragraphs (2) to (5), where a person is entitled in accordance with regulation 5 or 6 to a payment in respect of NHS travelling expenses—

- (a) he or she must make an application to the provider; and
- (b) the provider must calculate the actual amount payable in accordance with these Regulations and make the payment.

(2) Where services are provided pursuant to arrangements made under section 10 of and paragraph 18 of Schedule 3 to the Act, the application for payment may be made to, and the calculation and payment may be made by, either the provider or the health service body which made those arrangements.

(3) In a case falling within regulation 3(1)(b) (travel to a port) the application for payment must be made to, and the calculation and payment must be made by, the health service body which made the arrangements referred to in that provision.

(4) A person who makes an application for payment in respect of NHS travelling expenses must sign a declaration of entitlement and provide such evidence of his or her entitlement and of his or

her travelling expenses as the provider, or as the case may be, the health service body which made the arrangements, may require.

(5) Payment of NHS travelling expenses may be made before the expenses are incurred.

Claims for repayment

10.—(1) A person who is entitled under these Regulations to full or partial remission of an NHS charge or to full or payment in part of NHS travelling expenses and who pays such a charge or such travelling expenses without exercising his or her right to remission or payment, is entitled to be repaid that amount which would have been remitted or paid.

(2) A person who wishes to exercise his or her right to repayment under paragraph (1) must make a claim to the National Assembly for Wales on a form provided for the purposes by it or approved by it.

(3) A claim under paragraph (2) must be made within three months of the date on which the payment of the NHS charge or the NHS travelling expenses was made or within such longer period as the National Assembly for Wales may for good cause allow.

(4) Paragraphs (2) to (4) of regulation 7 (claims to entitlement) apply to a claim under this regulation.

Repayments

11.—(1) Where the National Assembly for Wales is satisfied that a claimant is entitled to any repayment under regulation 10 it must—

- (a) in the case of a repayment to be made in respect of NHS travelling expenses incurred by a person attending a hospital or any other place managed by an NHS trust, notify in writing the NHS trust of the claimant's entitlement; or
- (b) in a case falling within regulation 3(1)(b) (travel to a port) notify in writing the health service body which made the arrangements referred to in that provision of the claimant's entitlement; or
- (c) in any other case, cause a repayment to be made to the claimant in such manner as appears to the National Assembly for Wales to be appropriate in the circumstances of the particular case.

(2) Where an NHS trust or other health service body receives notification as mentioned in paragraph (1), it must calculate any amount payable in respect of NHS travelling expenses in accordance with these Regulations and make any repayment due to a claimant in respect of such NHS travelling expenses or NHS charge.

(3) A person who is entitled to repayment in respect of NHS travelling expenses must sign a declaration of entitlement and provide such evidence of his or her entitlement and of his or her travelling expenses as the health service body which is making the repayment may require.

Reimbursement of payments made in respect of NHS travelling expenses

12. Where a provider makes a payment under regulation 9(1) or (2) or a repayment under regulation 11(a) in respect of NHS travelling expenses incurred by a person who is receiving services from the provider, the amount of the payment or repayment in question will be reimbursed to the provider by the health service body for which those services are provided.

Payment and repayment of NHS foreign travelling expenses

13.—(1) A person who wishes to claim entitlement to payment or repayment for NHS foreign travelling expenses must apply in writing to the health service body which arranged the services referred to in regulation 3(2) within three months of the expenses having been incurred or such further period as that body may for good cause allow.

(2) Paragraph (2) to (4) of regulation 7 (claims to entitlement) apply to a claim (whether for payment or repayment) made under this regulation as if the references to the National Assembly for Wales in those paragraphs were references to the health service body which arranged the services referred to in regulation 3(2).

PART 4

CALCULATION OF RESOURCES AND REQUIREMENTS

General

14.—(1) Where it is necessary that the resources or requirements of a person should be calculated for the purposes of these Regulations, they must be calculated by the National Assembly for Wales according to the provisions of this Part and Schedule 1.

(2) The resources and requirements of a person must be calculated—

- (a) in the case of a claim made under regulation 7 (claims to entitlement) by reference to his or her resources and requirements at the date of the claim; or
- (b) in the case of a claim for repayment made under regulation 10(2) (claims for repayment) by reference to his or her resources and requirements at the date when the NHS charge or NHS travelling expenses were paid.

(3) Where a claimant is a member of a family, the resources and requirements of the other members of his or her family must be calculated in the same manner as those of the claimant and must be taken into account as if they were the claimant's resources and requirements, and in this Part and in the provisions referred to in Schedule 1, unless the context otherwise requires, any reference to the claimant includes the other members of his or her family.

(4) In a case where the earnings of any person are to be calculated and those earnings have been affected by a trade dispute, the earnings to be taken into account are the earnings which that person would have received if there had been no trade dispute.

(5) In the application of the Income Support Regulations as mentioned in regulation 15 and regulation 16 the provisions of those Regulations must be applied as if—

- (a) references to income support were to the remission of NHS charges and the payment of NHS travelling expenses,
- (b) references in any of those provisions to any other of those provisions were to that other provision as modified in accordance with regulation 15(4) or, as the case may be, regulation 16(4); and
- (c) the State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002(19) had not been made.

Calculation of resources

15.—(1) A claimant's resources must be calculated in terms of income and capital.

(2) Income must be calculated on a weekly basis according to the method of calculating or estimating income prescribed by the provisions of the Income Support Regulations, subject to the modifications referred to in paragraph (4).

(3) Capital must be calculated according to the method of calculating or estimating capital as prescribed by the provisions of Chapter VI in Part V of and Schedule 10 to the Income Support Regulations, subject to the modifications referred to in paragraph (4).

(4) The provisions of the Income Support Regulations apply and those provisions specified in column 1 of Table A in Schedule 1 must be applied in accordance with the modifications specified in the corresponding entries in column 2.

Calculation of requirements

16.—(1) A claimant's requirements must be calculated as being the amount referred to in sub-paragraph (a) less, where applicable, the amount referred to in sub-paragraph (b) below, as follows—

(a) the amount which represents the aggregate of—

(i) the weekly applicable amount which would apply to the claimant, including that in respect of any other member of his or her family, in connection with a claim for income support as specified by the Income Support Regulations, but subject to the modifications referred to in paragraph (4), and

(ii) subject to paragraph (2), the weekly amount of any council tax which the claimant or his or her partner is liable to pay under Part 1 of the Local Government Finance Act 1992⁽²⁰⁾;

(b) the amount which represents the aggregate of the weekly amount of any housing benefit and the weekly amount of any council tax benefit to which the claimant or any member of his or her family is entitled under the provisions of Part VII of the Social Security Contributions and Benefits Act 1992.

(2) Subject to paragraph (3), where a claimant is jointly and severally liable for council tax in respect of a dwelling in which he or she is resident with one or more persons, the claimant's liability in respect of that tax for the purposes of these Regulations will be the amount of that tax divided by the number of persons who are jointly and severally liable for that tax.

(3) Paragraph (2) does not apply where a claimant is jointly and severally liable for council tax in respect of a dwelling with only his or her partner.

(4) The provisions of the Income Support Regulations apply and those provisions specified in column 1 of Table B in Schedule 1 must be applied in accordance with the modifications specified in the corresponding entries in column 2.

PART 5

TRANSITIONAL AND REVOCATIONS

Transitional Provisions

17.—(1) Any claim made under the National Health Service (Travelling Expenses and Remission of Charges) Regulations 1988⁽²¹⁾ which has not been determined before 1 April 2007 must be treated as if it were a claim under these Regulations and determined accordingly.

⁽²⁰⁾ S.I.2002/3019

⁽²¹⁾ 1992 c. 14.

(2) A notice of entitlement to remission of an NHS charge or to payment of NHS travelling expenses which has been issued under the National Health Service (Travelling Expenses and Remission of Charges) Regulations 1988 remains valid until its expiry in accordance with the provisions of those Regulations.

Revocations

18. The Regulations listed in column 1 of Schedule 2 are revoked to the extent indicated in column 2.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(22)

27 March 2007

D. Elis-Thomas
The Presiding Officer of the National Assembly

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SCHEDULE 1

regulations 14, 15 and 16

MODIFICATIONS OF THE INCOME SUPPORT (GENERAL) REGULATIONS 1987

TABLE A

<i>Column 1</i>	<i>Column 2</i>
Regulation 23	In paragraph (1) for “section 22(5) of the Act” substitute “regulation 14(3) of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007”.
Regulation 25	<p>For the whole of regulation 25 (liable relative payments) substitute—</p> <p>“25.—(1) Where a claimant’s income consists of any payments made by a person, whether under a court order or not, for the maintenance of himself or herself or any member of the claimant’s family, and those payments are made or due to be made at regular intervals, the claimant’s normal weekly income from those payments must be determined—</p> <p>(a) as if before the relevant date those payments are made at regular intervals and in regular amounts, by reference to the normal weekly amount;</p> <p>(b) if they are not so made, by reference to the average amount of such payments received in the 13 weeks immediately preceding the week which includes the relevant date.</p> <p>(2) Any maintenance payment other than one to which paragraph (1) of this regulation applies must be treated as capital.”.</p>
Regulation 25A	Omit this regulation.
Regulation 28	<p>In paragraph (1) omit the words from “For the purposes” to “income support”.</p> <p>In paragraph (1)(a) for “the weekly amount of his income” substitute “the normal weekly amount of his or her income at the relevant date”.</p>
Regulation 29	Omit this regulation.

<i>Column 1</i>	<i>Column 2</i>
Regulation 30	<p>In paragraph (1) omit the words “Except where paragraph (2) applies”. In paragraph (1)(a) at the beginning insert the words “except where sub-paragraph (b) or (c) applies,”.</p> <p>In paragraph (1)(b) at the beginning insert the words “except where sub-paragraph (c) applies,”.</p> <p>After paragraph (1)(b) insert the word “or” and the following sub-paragraph—</p> <p>“(c) where in respect of the employment the claimant provides a profit and loss account (and, where appropriate, a trading account or a balance sheet, or both), and the profit and loss account is in respect of a period of at least 6 months but not exceeding 15 months and that period ends within the 12 months preceding the relevant date.”.</p> <p>After paragraph (1) insert the following new paragraph—</p> <p>“(1A) In paragraph (1)(c)—</p> <p>(a) “balance sheet” means a statement of the financial position of the employment disclosing its assets, liabilities and capital at the end of the period in question;</p> <p>(b) “profit and loss account” means a financial statement showing the net profit or loss of the employment for the period in question; and</p> <p>(c) “trading account” means a financial statement showing the revenue from sales, the cost of those sales and the gross profit arising during the period in question.”.</p> <p>Omit paragraph (2).</p>
Regulation 31	<p>Omit this regulation.</p>
Regulation 32	<p>In paragraph (1) for “regulation 29” substitute “regulation 28” and for “subject to paragraphs (2) to (7)” substitute “subject to paragraph (6)”.</p> <p>In paragraph (6) omit “and has changed more than once”.</p>

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<i>Column 1</i>	<i>Column 2</i>
	Omit paragraphs (3) to (5), (6A) and (7).
Regulation 35	Omit paragraphs (1)(c), (1)(g), (1)(i), (1A) and (2A).
	In paragraph (1)(d) omit the words after “employment”.
	In paragraph (2)(a) omit the words “subject to paragraph (2A)”.
Regulation 36	In paragraph (1) for “regulation 29 (calculation of earnings of employers earners)” substitute “regulation 28 (calculation of income)”.
Regulation 38	In paragraph (3) for “paragraph (9)” substitute “paragraphs (3A) or (9)”. After paragraph (3) insert— <p>“(3A) For the purpose of paragraph (1)(a), in a case where earnings of the employment are calculated over a period determined under regulation 30(1)(c), the net profit of the employment must, except where paragraph (9) applies, be calculated by taking into account the earnings of the employment relevant to that period (whether or not received in that period), less—</p> <ul style="list-style-type: none"> (a) subject to paragraphs (5) to (7), any expenses relevant to that period (whether or not defrayed in that period) and which were wholly and exclusively incurred for the purposes of that employment; and (b) an amount in respect of— <ul style="list-style-type: none"> (i) income tax, (ii) social security contributions payable under the Contributions and Benefits Act, calculated in accordance with regulation 39 (deductions of tax and contributions for self-employed earners), and (iii) one half of any premium paid in the period that is relevant under regulation 30 in respect of a retirement annuity contract or a personal pension scheme.”. <p>In paragraph (4) after “ the net profit of employment” insert “, except where paragraph (3A) or (9) applies,”.</p>

<i>Column 1</i>	<i>Column 2</i>
Regulations 39A — 39D	Omit these regulations.
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)”.
Regulation 41	Omit paragraphs (3A) to (5). In paragraph (1) for “on the first day” to “the date of that supersession” substitute “at the relevant date”.
Regulation 42	Omit paragraphs (3) and (4). In paragraph (4) omit the words from “and in any case” to “(trade disputes) applies”.
Regulation 44	In paragraph (1) for “on the first day” to “the date of that supersession” substitute “at the relevant date”.
Regulation 45	Omit paragraphs (2), (3), (8) and (9). For this regulation substitute— “Capital Limit 45 For the purposes of Regulations 5(2)(e) and 6(1)(a) of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 the capital limit is— (a) for a claimant permanently residing in accommodation as defined in regulation 19A— (i) until 8 April 2007— £21,500, and (ii) from 9 April 2007— £22,000; (b) in any other case— (i) until 8 April 2007— £16,000 and (ii) from 9 April 2007— £17,250.”.
Regulation 46	In paragraph (1) omit the words “For the purposes” to “income support”.
Regulation 48	In paragraph (2) omit the words from “Except” to “applies”.

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<i>Column 1</i>	<i>Column 2</i>
	In paragraph (5) omit the words “Subject to paragraph (6),”.
Regulation 49	Omit paragraphs (6) and (10)(a) and (b). In sub-paragraph (b)(i) for “first day” to “date of that supersession” substitute “relevant date”.
Regulation 51	Omit sub-paragraph (1)(b).
Regulation 51A	Omit this regulation.
Regulation 53	In paragraph (1A) for “£10,000” on each occasion it appears substitute— <ul style="list-style-type: none"> “(a) until 8 April 2007 £16,000 ; (b) from 9 April 2007 £17,250”; and for “£16,000” substitute — “(a) until 8 April 2007 — £21,500; (b) from 9 April 2007— £22,000”. <p>For paragraph (1B) substitute—</p> <p>“(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.”.</p> <p>In paragraph (3) for the reference to “regulation 60” substitute reference to “regulation 25”.</p>
Regulation s 54 to 60E	Omit these regulations.
Regulation 61	In paragraph (1) in the definition of “academic year” after “September” insert “, or 1 August in the case of a student attending a course in Scotland.”.
Regulation 62	In paragraph (1) for the words “subject to paragraphs (2) and (2A)” substitute “subject to paragraphs (2), (2A) and (2C)”.
	After paragraph (2B) insert— <ul style="list-style-type: none"> “(2C) There must 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 57(4)(b) of the Education (Student Support) Regulations 2006 (new system students with full entitlement) which forms part of a maintenance grant paid pursuant to regulation 48 of those Regulations

<i>Column 1</i>	<i>Column 2</i>
	<p>(qualifying conditions for the maintenance grant);</p> <p>(b) 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</p> <p>(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) which forms part of a maintenance grant paid pursuant to regulation 49 of those Regulations (qualifying conditions for the maintenance grant).”.</p>
	<p>For paragraph (3) substitute—</p>
	<p>“(3) In calculating the weekly amount of the grant to be taken into account as income—</p>
	<p>(a) except where sub-paragraph (b) or paragraph (4) applies, the grant must be apportioned equally between 52 weeks; and</p>
	<p>(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 must 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.”.</p>
	<p>Omit paragraph (3A). Omit paragraph (3B). 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”.</p>

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<i>Column 1</i>	<i>Column 2</i>
Regulation 63	In paragraph (2) omit the words “or, if there are 53 benefit weeks (including part-time weeks) in the year, 53”.
Regulation 64	In paragraph (1)(c) omit the words “or, if there are 53 benefit weeks (including part-time weeks) in the year, 53”.
Regulation 65	For the words “No part” substitute “(1) subject to paragraph (2), no part”.
	After paragraph (1) insert the following paragraph— “(2) For the purposes of this regulation and paragraph 15 of Schedule 9, “voluntary payment” does not include any payment made by a person whose income a Minister of the Crown or an education authority— (a) would take into account in assessing the amount of a student’s grant or a student’s loan if an application for it were to be made; or (b) has taken into account in assessing the amount of a student’s grant or student’s loan and which is in excess of contributions as assessed by a Minister of the Crown or an education authority.”.
Regulation 66A	In paragraph (1) after “hardship loan” insert “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)”.
	For paragraph (2) substitute— “(2) In calculating the weekly amount of the loan to be taken into account as income— (a) except where sub-paragraph (b) applies, the loan must be apportioned equally between the 52 weeks in the academic year; (b) in the case of a loan 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 loan must 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

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<i>Column 1</i>	<i>Column 2</i>
Schedule 8	<p>academic year and ending with the last day of the course, and, in the case of a person to whom paragraph (2A), (2B) or (2C) applies, £10 must be disregarded from the weekly amount so apportioned.”.</p> <p>After paragraph (2) insert the following paragraphs—</p> <p>“(2A) This paragraph applies to a student whose applicable amount includes any premium specified in Parts II and III of Schedule 2.</p> <p>(2B) This paragraph applies where the claimant is a student to whom paragraph 12 of Schedule 1B applies;</p> <p>(2C) This paragraph applies where the student is a partner of a claimant and the claimant is not also a student.”.</p> <p>For paragraph 4(3) substitute the following paragraph—</p> <p>“(3) This paragraph applies where—</p> <p>(a) the claimant is aged not less than 60; or</p> <p>(b) the claimant is a member of a couple, where at least one partner is aged not less than 60.”</p> <p>In paragraph 4 omit sub-paragraphs (4) and (7).</p> <p>In paragraph 6A(1) for “none of paragraphs 4 to 6 applies” substitute “paragraph 4 does not apply”.</p> <p>In paragraph 7 for the words “none of paragraphs 4 to 6B” substitute “none of paragraphs 4 or 5 or 6A or 6B”.</p> <p>In paragraph 8 omit “part-time”.</p> <p>After paragraph 8 insert the following paragraph—</p> <p>“8A In a case in which none of paragraphs 4 to 8 applies to the claimant and he or she is one of a married or unmarried couple and a member of that couple is engaged in employment, £10; but if this paragraph applies to a claimant it does not apply to his or her partner except where, and to the extent that, the earnings</p>

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<i>Column 1</i>	<i>Column 2</i>
Schedule 9	<p>of the claimant which are to be disregarded under this paragraph are less than £10.”.</p> <p>In paragraph 9 for “8” substitute “8A”.</p> <p>Omit paragraphs 6, 10, 13 and 16.</p> <p>In paragraph 15, in sub-paragraph (1) omit the reference to “paragraph 37”, and omit sub-paragraph (3)(b).</p> <p>In paragraph 16 for “paragraphs 36 and 37” substitute “paragraph 36”. In paragraph 19 for “£4.00” substitute “£20.00” and omit sub-paragraph (b).</p> <p>For paragraph 21(1) substitute the following paragraph “Subject to paragraph (2), any income in kind.”.</p> <p>Omit paragraph 21(3).</p> <p>In paragraph 28 omit the words from “Except” to “return to work”.</p> <p>For paragraph 29(1) substitute the following paragraph—</p> <p>“(1) Subject to sub-paragraph (2), any payment received under an insurance policy taken out to insure against the risk of being unable to maintain payments of housing costs which qualify under paragraph 17(1)(zb) or (zc) of Schedule 3, or for repairs or improvements to the dwelling occupied as the home to the extent that it is used to meet—</p> <ul style="list-style-type: none">(a) repayments of unsecured loans for the purposes of carrying out repairs and improvements to the dwelling occupied as the home; or(b) any amounts due by way of premiums on that policy.”.<p>Omit paragraphs 30, 34 and 37.</p><p>After paragraph 77 insert the following paragraph-</p><p>“77A Any payment of State Pension Credit Savings Credit as defined under sections 1 and 3 of the State Pensions Credit Act 2002.”.</p>

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<i>Column 1</i>	<i>Column 2</i>
Schedule 10	In paragraph 17 for the words from “Except” to “payment” substitute the words “Any payment”.

TABLE B

<i>Column 1</i>	<i>Column 2</i>
Regulation 3	In paragraph (1) omit the words “or with whom the claimant normally resides”. In paragraph (2B) omit the words “subject to paragraph (2C)”. Omit paragraph (2C).
Regulation 17	In paragraph (1) for the words from “18 to 22A” to “urgent cases” substitute “18, 19A and 21”. Omit paragraph (1)(bb) and (g). In paragraph (1)(e) omit the words “mortgage interest payments or” and “other”.
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— “Care Homes 19A Where a 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 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 must be calculated in accordance with Part 1 of Schedule 4A.”
Regulation 21	In paragraph (1) omit the words from “Subject to” to “amounts”). In paragraph (3) omit the definition of “partner of a person subject to immigration control”. 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).
Regulation 21ZB	Omit this regulation.

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<i>Column 1</i>	<i>Column 2</i>
Regulation 22A	Omit this regulation.
Schedule 2	<p>In column (1) of the Table for sub-paragraphs (1) to (3) substitute—</p> <p>“(1) Single person aged not less than 25; (2) Single person or lone parent aged not less than 60; (3) Lone parent aged less than 60; (4) Single person aged less than 25; (5) Couple; (6) Couple, where at least one partner is aged not less than 60.”</p> <p>In column (2) of the Table (amounts) substitute—</p> <p>(a) against sub-paragraph (1) of column (1), the amount prescribed in (1)(e) of column (2) in the unmodified regulations; (b) against sub-paragraph (2) of column (1), the amount prescribed in regulation 6(1)(b) of the State Pension Credit Regulations; (c) against sub-paragraph (3) of column (1), the amount prescribed in paragraph (1)(e) of column (2) in the unmodified regulations; (d) against sub-paragraph (4) of column (1), the amount prescribed in paragraph (1)(d) of column (2) in the unmodified regulations; (e) against sub-paragraph (5) of column (1), the amount prescribed in paragraph (3)(d) of column (2) in the unmodified regulations; (f) against sub-paragraph (6) of column (1), the amount prescribed in regulation 6(1)(a) of the State Pension Credit Regulations.</p> <p>Omit paragraphs 1A, 2A, 6(2), 9, 9A, 10, 12(1)(c), 12(4), 15(2), 15(2A) and 15(3).</p> <p>In paragraph 2(1) omit “for the relevant period specified in column (1)”.</p> <p>In paragraph 3(1)(a) omit the words from “to whom” to “(3) apply” and omit sub-paragraphs (2) to (7).</p> <p>For paragraph 11(b) substitute the following—</p> <p>“(b) where the claimant has a partner and both are aged less than 60 and the additional condition specified in paragraph 12 is satisfied by at least one of them.”</p> <p>In cross heading to paragraph 12 omit “Higher Pensioner and”.</p> <p>In paragraph 12(1)(a)(i) for the words “long term incapacity benefit” substitute “incapacity benefit, where the claimant or partner has been in receipt of that benefit for at least 28 weeks.”</p>

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<i>Column 1</i>	<i>Column 2</i>
	and omit the words from “but, in the case” to “in respect of him”.
	In paragraph 12(1)(b) after the words “the claimant” insert “or, as the case may be, his or her partner” and for sub-head (ii) substitute the following sub-head— “ <i>(ii)</i> has been so entitled or so incapable for a continuous period of at least 28 weeks.”.
	In paragraph 12(1)(d)(ii) delete “higher pensioner premium or”. In paragraph 12(6) after “sub-paragraph (1)(a)(i)” delete “or (c)(i)” and for “long-term incapacity benefit” substitute “incapacity benefit, notwithstanding the requirement that the claimant or the claimant’s partner has been in receipt of that benefit for at least 28 weeks.”.
	In paragraph 13(2)(a)(ii) and 13(2)(a)(iii) for “normally residing” substitute the words “residing with him or her” and delete “or with whom he is normally residing”.
Schedule 3	In paragraph 1(1)(b) for “paragraphs 15 to 17” substitute “paragraph 17”.
	For paragraph 1(2) substitute— “(2) In this Schedule “period of study” has the meaning specified in regulation 61 (Interpretation).”
	For paragraph 1(3) substitute— “(3) For the purposes of this Schedule a disabled person is a person— (a) who satisfies a condition specified in paragraph 12(1) (a) or (b) of Schedule 2 and whose capital does not exceed the capital limit; or (b) who is aged 75 or over and whose capital does not exceed the capital limit; or (c) in respect of whom a disabled child premium is included in his or her applicable amount or the applicable amount of a person living with him or her.”.
	For paragraph 2(1)(c) substitute— “(c) he or she in practice shares the housing costs with other members of the household where no member of that household who is liable to meet those costs is a close relative of the claimant or the claimant’s partner and it is reasonable in the circumstances that the claimant should be treated as sharing responsibility for those costs.”.
	Omit paragraphs 1A, 2(2), 3(7) to (10), 6 to 16 and 18(7)(e).

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<i>Column 1</i>	<i>Column 2</i>
	<p>In paragraph 3(12) for “not exceeding” substitute “is not likely to exceed”.</p> <p>For paragraph 4 substitute—</p> <p>“4 No amount may be met under the provision of this Schedule where the claimant is in accommodation which is a care home or accommodation provided by a local authority under sections 21 to 24 and 26 of the National Assistance Act except where the claimant is in such accommodation during a temporary absence from the dwelling he or she occupies as his or her home and, in so far as they relate to temporary absences, the provisions of paragraphs 3(11) and (12) apply to the claimant for those absences.”.</p> <p>In paragraph 17—</p> <p>(a) in the cross heading for the word “Other” substitute the word “Qualifying”;</p> <p>(b) in sub-paragraph (1) omit head (f) and immediately before (a) insert—</p> <p>“(za) any periodical payment which a person is liable to make by way of rent in respect of a dwelling that person occupies as his or her home;</p> <p>(zb) payments of interest and capital—</p> <p>(i) of a mortgage or loan secured on the dwelling occupied as the home,</p> <p>(ii) under a hire purchase agreement or other loan to buy the dwelling occupied as the home,</p> <p>(iii) in respect of a loan taken out to adapt the dwelling occupied as the home for the special needs of a disabled person;</p> <p>(zc) payments in respect of an endowment policy in connection with the purchase of the dwelling occupied as the home;”.</p> <p>In sub-paragraph (2) omit head (c) and for “Subject to” to “amount” substitute</p> <p>“Subject to sub-paragraphs (3), (3A) and (3B), the deductions to be made from the weekly amounts in respect of the housing costs specified in heads (za) and (a) to (e) of sub-paragraph (1)” and in head (a) omit the words from “unless the claimant” to the end of the head.</p> <p>After sub-paragraph (3) insert the following new sub-paragraphs—</p> <p>“(3A) Subject to sub-paragraph (3B), where arrangements are made for the housing costs mentioned in heads (za) and (a) to (e)</p>

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<i>Column 1</i>	<i>Column 2</i>
	<p>of sub-paragraph (1) payable in respect of a period of study, to be paid irregularly or so that—</p> <ul style="list-style-type: none">(a) no such costs are payable for or collected in the Christmas or Easter vacation with a period of study, or(b) the costs in respect of the Christmas or Easter vacation within a period of study vary from those in the rest of that period of study, the weekly amount will be the amount payable in respect of a period of study divided by the number of weeks in that period of study. <p>(3B) Where the housing costs, to be calculated in accordance with sub-paragraph (3A), are subject to a deduction in accordance with sub-paragraph (2)(a) or (b), as the case may be, the weekly amount of the deduction will be the proportion of the deduction calculated in accordance with sub-paragraph (2)(a) or (b), as the number of weeks in the period of study, excluding Christmas and Easter vacations, bears to the number of weeks in the period of study.”.</p> <p>For paragraph 18(7)(f) substitute—</p> <p>“(f) to whom paragraph (2B) of regulation 3 (definition of non-dependant) would apply;”.</p> <p>Schedule 3B After Schedule 3B insert the following Schedule—</p>

“Schedule 4A

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 will 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 with paragraph 2; and
 - (b) a weekly amount for personal 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 will 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 £6000.

2.—(1) The allowance for personal expenses for the claimant and his or her partner (where appropriate) will be that set out

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<i>Column 1</i>	<i>Column 2</i>		
Schedule 7	<p>in Schedule 9 of the Social Security Claims and Payments Regulations 1987 at paragraph 4(2A)(a).</p> <p>(2) Where the claimant has a dependent child or children residing with him or her, the personal expenses allowed for each dependent will be those set out in Schedule 9 of the Social Security Claims and Payments Regulations 1987 at paragraph 4(2A)(a).”.</p> <p>Omit the references in paragraph 1 to sub-paragraph (g) of regulation 17(1) and sub-paragraph (h) of regulation 18(1).</p> <p>Omit both columns of paragraphs 6, 7, 10A, 10B, 10C 16A, 17 and 19A.</p> <p>In the first column of paragraph 9 for sub-paragraphs (a)(i) and (ii) substitute the following—</p> <p style="margin-left: 40px;">(a) (i) in a care home, or</p> <p style="margin-left: 80px;">(ii) is in accommodation provided by a local authority under sections 21 to 24 and 26 of the National Assistance Act 1948”.</p> <p>In the first column of paragraph 9 for sub-paragraphs (b)(iii) and (iv) substitute the following—</p> <p style="margin-left: 40px;">(b) (iii) in a care home, or</p> <p style="margin-left: 80px;">(iv) is in accommodation provided by a local authority under sections 21 to 24 and 26 of the National Assistance Act 1948.”.</p> <p>After paragraph 10 insert the following paragraph—</p> <p>“10ZA</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>A claimant who is a lone parent who is temporarily in a care home or accommodation provided by a local authority under sections 21 to 24 and 26 of the National Assistance Act 1948.</p> </td> <td style="width: 50%; vertical-align: top;"> <p>Any amount applicable to the claimant under paragraphs 1(1) (a), (b) and (c) of Schedule 4A, determined as if the claimant were a single claimant plus—</p> <p>(a) in respect of each child who is a member of the claimant’s family, the appropriate amount in respect of him or her prescribed in paragraph 2 of Schedule 2 or under this Schedule as appropriate; and</p> <p>(b) any amount which would be applicable to the claimant if the claimant were not living away from home, under regulation 17(1)(c) or</p> </td> </tr> </table>	<p>A claimant who is a lone parent who is temporarily in a care home or accommodation provided by a local authority under sections 21 to 24 and 26 of the National Assistance Act 1948.</p>	<p>Any amount applicable to the claimant under paragraphs 1(1) (a), (b) and (c) of Schedule 4A, determined as if the claimant were a single claimant plus—</p> <p>(a) in respect of each child who is a member of the claimant’s family, the appropriate amount in respect of him or her prescribed in paragraph 2 of Schedule 2 or under this Schedule as appropriate; and</p> <p>(b) any amount which would be applicable to the claimant if the claimant were not living away from home, under regulation 17(1)(c) or</p>
<p>A claimant who is a lone parent who is temporarily in a care home or accommodation provided by a local authority under sections 21 to 24 and 26 of the National Assistance Act 1948.</p>	<p>Any amount applicable to the claimant under paragraphs 1(1) (a), (b) and (c) of Schedule 4A, determined as if the claimant were a single claimant plus—</p> <p>(a) in respect of each child who is a member of the claimant’s family, the appropriate amount in respect of him or her prescribed in paragraph 2 of Schedule 2 or under this Schedule as appropriate; and</p> <p>(b) any amount which would be applicable to the claimant if the claimant were not living away from home, under regulation 17(1)(c) or</p>		

<i>Column 1</i>	<i>Column 2</i>
	(d) in so far as it relates to the family premium under paragraph 3 of Schedule 2.”.

SCHEDULE 2

Regulation 19

REVOCATIONS

<i>Column 1</i>	<i>Column 2</i>
National Health Service (Travelling Expenses and Remission of Charges) Regulations 1988, S.I.1988/551	The whole Regulations
The National Health Service (Travelling Expenses and Remission of Charges) Amendment Regulations 1989, S.I.1989/517	The whole Regulations
The National Health Service (Travelling Expenses and Remission of Charges) Amendment (No.2) Regulations 1989, S.I.1989/614	The whole Regulations
The National Health Service (Travelling Expenses and Remission of Charges) Amendment Regulations 1990, S.I.1990/548	The whole Regulations
The National Health Service (Travelling Expenses and Remission of Charges) (Modification of Time Limit) Regulations 1990, S.I.1990/918	The whole Regulations
The National Health Service (Travelling Expenses and Remission of Charges) Amendment No. 2 Regulations 1990, S.I.1990/1661	The whole Regulations
The National Health Service (Travelling Expenses and Remission of Charges) Amendment Regulations 1991, S.I.1991/557	The whole Regulations
The National Health Service (Travelling Expenses and Remission of Charges) Amendment Regulations 1992, S.I.1992/1104	The whole Regulations
The National Health Service (Travelling Expenses and Remission of Charges) Amendment Regulations 1993, S.I.1993/608	The whole Regulations
The National Health Service (Travelling Expenses and Remission of Charges) Amendment Regulations 1995, S.I.1995/642	The whole Regulations

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<i>Column 1</i>	<i>Column 2</i>
The National Health Service (Travelling Expenses and Remission of Charges) Amendment No.2 Regulations 1995, S.I.1995/2352	The whole Regulations
The National Health Service (Travelling Expenses and Remission of Charges) Amendment Regulations 1996, S.I.1996/410	The whole Regulations
The National Health Service (Travelling Expenses and Remission of Charges) Amendment (No.2) Regulations 1996, S.I.1996/1346	The whole Regulations
The National Health Service (Travelling Expenses and Remission of Charges) Amendment No.3 Regulations 1996, S.I.1996/2362	The whole Regulations
The National Health Service (Travelling Expenses and Remission of Charges) Amendment Regulations 1997, S.I.1997/748	The whole Regulations
The National Health Service (Travelling Expenses and Remission of Charges) Amendment No.2 Regulations 1997, S.I.1997/2393	The whole Regulations
The National Health Service (Travelling Expenses and Remission of Charges) Amendment Regulations 1998, S.I.1998/2417	The whole Regulations
The National Health Service (Charges for Drugs and Appliances and Travelling Expenses and Remission of Charges) Amendment Regulations 1999, S.I.1999/767	The whole Regulations
The National Health Service (Travelling Expenses and Remission of Charges) Amendment Regulations 1999, S.I.1999/2507	The whole Regulations
The National Health Service (Travelling Expenses and Remission of Charges) Amendment (Wales) Regulations 1999, S.I.1999/2840 (W.20)	The whole Regulations
The National Health Service (Travelling Expenses and Remission of Charges) (Amendment) (Wales) Regulations 2001, S.I.2001/1397 (W.92)	The whole Regulations
The National Health Service (Travelling Expenses and Remission of Charges) (Amendment) (No.2) (Wales) Regulations 2001, S.I.2001/3322 (W.275)	The whole Regulations

<i>Column 1</i>	<i>Column 2</i>
The National Health Service (Travelling Expenses and Remission of Charges) (Amendment) (Wales) Regulations 2003, S.I.2003/975 (W.134)	The whole Regulations
The National Health Service (Travelling Expenses and Remission of Charges) (Amendment) (Wales) (No.2) Regulations 2003, S.I.2003/2561 (W.250)	The whole Regulations
The National Health Service (Travelling Expenses and Remission of Charges) (Amendment) (Wales) Regulations 2004, S.I.2004/871 (W.86)	The whole Regulations
The National Health Service (Travelling Expenses and Remission of Charges) and (Optical Charges and Payments) and (General Ophthalmic Services) (Amendment) (Wales) Regulations 2004, S.I.2004/1042 (W.124)	Regulation 2
The National Health Service (Travelling Expenses and Remission of Charges) (Amendment) (Wales) Regulations 2005, S.I.2005/1723 (W.135)	The whole Regulations
The National Health Service (Travelling Expenses and Remission of Charges) (Amendment) (Wales) Regulations 2006, S.I.2006/1389 (W.139)	The whole Regulations
The National Health Service (Travelling Expenses and Remission of Charges) (Amendment) (No.2) Regulations 2006, S.I.2006/2791 (W.232)	The whole Regulations

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations consolidate, with amendments, the provisions of the National Health Service (Travelling Expenses and Remission of Charges) Regulations 1988 (“the 1988 Regulations”). The 1988 Regulations and all subsequent amendments are repealed in relation to Wales in accordance with regulation 18 and Schedule 2.

The Regulations make provision so that people who are either in receipt of certain state benefits or who are on a low income are able to obtain the remission and repayment of certain charges, which would otherwise be payable under the National Health Service (Wales) Act 2006, and the payment of travelling expenses incurred in obtaining certain NHS services (NHS travelling

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expenses). Regulation 3 defines NHS travelling expenses and NHS foreign travelling expenses. Regulation 4 identifies the relevant NHS charges.

The principal changes in relation to the remission and payment of NHS charges from the 1988 Regulations are as follows: following the abolition of charges in respect of drugs and appliances supplied to patients registered with General Practitioners in Wales, or registered with General Practitioners in England but holding a valid entitlement card in accordance with the National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Wales) Regulations 2007, these Regulations make no provision for the remission or payment of charges for the supply of appliances such as wigs, fabric supports, surgical brassieres and elastic hosiery, as the supply of such items by Local Health Boards and NHS Trusts in Wales are covered by those Regulations.

Part 2 of these Regulations contains provision relating to entitlement. Regulation 5 governs entitlement to payment in full of travelling expenses and to the full remission of certain NHS charges. Regulation 6 makes provision for partial payment and remission in part. Persons who are in receipt of certain state benefits or who are entitled to certain tax credits are not required to make a claim for entitlement under these Regulations on the basis that their income and capital resources will already have been assessed for the purposes of their entitlement to the benefit or tax credit. Other persons who wish to claim entitlement under these Regulations must make a claim in accordance with the provisions of regulation 7. Regulation 8 makes provision for notices of entitlement to be issued to successful claimants.

Part 3 contains provision about payment and repayment. Regulation 9 makes provision for the payment of NHS travelling expenses. Once entitlement is established, the amount due is calculated and paid either by the provider of the services or by the health service body which made the arrangements for the services. Regulations 10 and 11 contain provision relating to repayment in any case where a person who is entitled to the payment of travelling expenses or to the remission of a charge has in fact incurred the expenses or paid the charge. Regulation 12 enables a provider of services who has made a payment in respect of certain travelling expenses to be repaid in cases where the services were provided under an agreement with another body. Regulation 13 deals with the payment and repayment of NHS foreign travelling expenses.

Parts 4 and Schedule 1 concern the method of determining the entitlement of certain persons who are not automatically entitled to receive remission and payment because they are in receipt of certain state benefits or certain tax credits. A calculation is made of the claimant's (and where relevant, the claimant's family's) income, capital and requirements. This calculation is made by applying modified provisions of the Income Support (General) Regulations 1987 ("the 1987 Regulations") as set out in Schedule 1. The reason for the disapplication, in regulation 14(5)(c), of the State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 ("the 2002 Regulations"), is that by virtue of the 2002 Regulations people over the age of 60 are no longer entitled to receive income support and are excluded from the 1987 Regulations. In order to preserve the position of such claimants in relation to the payment of NHS travelling expenses and the remission of certain NHS charges, the amendments made to the 1987 Regulations by the 2002 Regulations are disapplied.

These Regulations also contain a number of changes from the 1988 Regulations which are minor or consequential drafting amendments and which take account of the consolidation of much of the legislation relating to the National Health Service, including the National Health Service Act 1977, in the National Health Service (Wales) Act 2006.