
WELSH STATUTORY INSTRUMENTS

2008 No. 2568 (W.226)

NATIONAL HEALTH SERVICE, WALES

The National Health Service (Travelling Expenses and Remission of Charges) (Wales) (Amendment)(No.2) Regulations 2008

<i>Made</i>	- - - -	<i>1 October 2008</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>2 October 2008</i>
<i>Coming into force</i>	- -	<i>27 October 2008</i>

The Welsh Ministers, in exercise of the powers conferred by sections 130, 131, 132 and 203 (9) and (10) of the National Health Service (Wales) Act 2006⁽¹⁾ hereby make the following Regulations:

Title, commencement and application and interpretation

1.—(1) The title of these Regulations is the National Health Service (Travelling Expenses and Remission of Charges) (Wales) (Amendment)(No.2) Regulations 2008 and they come into force on 27 October 2008.

(2) These Regulations apply in relation to Wales.

(3) In these Regulations “the principal Regulations” (“*y prif Reoliadau*”) means the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007⁽²⁾.

Amendment of regulation 2 of the principal Regulations

2.—(1) Regulation 2 of the principal Regulations (interpretation) is amended as follows.

(2) In the definition of “family”, after sub-paragraph (a), insert—

“(aa) in regulation 5(1)(d) in relation to a person who is receiving income-related employment and support allowance it has the meaning given in regulation 2 of the Employment and Support Allowance Regulations 2008⁽³⁾”.

(1) 2006 c. 42.

(2) S.I.2007/1104 (W.116) (“the Regulations”); relevant amending instruments are S.I. 2008/1480 (W.153) and 2008/1879 which inserted the definition of “income-related employment and support allowance” into the English text of regulation 2 and added the words “income-related employment and support allowance” to the English text of regulation 5(1)(d) of the Regulations.

(3) S.I. 2008/794.

(3) In Welsh text, in the appropriate place in the alphabetical order insert the following definition—

““lwfans cyflogi a chefnogi sy'n gysylltiedig ag incwm” (“*income-related employment and support allowance*”) yw lwfans seiliedig ar incwm o dan Ran 1 o Ddeddf Diwygio Lles 2007 (lwfans cyflogi a chefnogi)(4);”.

Amendment of regulation 5 of the principal Regulations

3.—(1) Regulation 5 (1) of the principal Regulations (entitlement to full remission and payment) is amended as follows.

(2) After sub-paragraph (b) , insert—

“(bb) is receiving income-related employment and support allowance;”.

(3) In the Welsh text of sub-paragraph (d) after “lwfanas ceisio gwaith yn seiliedig ar incwm” insert “, lwfans cyflogi a chefnogi sy'n gysylltiedig ag incwm”.

1 October 2008

Edwina Hart
Minister for Health and Social Services, one of
the Welsh Ministers

(4) 2007 p.7.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (“the principal Regulations”).

The principal 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 or repayment of certain charges which would otherwise be payable under the National Health Service (Wales) Act 2006 (“NHS charges”) and the payment of travelling expenses incurred in obtaining certain NHS services (“NHS travelling expenses”).

In calculating a person’s resources and requirements under the principal Regulations in order to establish whether a person can claim entitlement to the remission of NHS charges and the payment of NHS travelling expenses, a modified version of the Income Support (General) Regulations 1987 is applied.

These Regulations amend the definition of “family” in regulation 2 of the principal Regulations and amend regulation 5 (entitlement to full remission and payment) to provide that a person who is receiving income-related employment and support allowance will be entitled to full remission of an NHS charge and the full payment of NHS travelling expenses without needing to make a claim for such payment or remission.

They also amend the Welsh text of the principal Regulations to insert into the Welsh text of regulation 2 (interpretation) the definition of “income-related employment and support allowance” and to make reference to this allowance in the Welsh text of sub-paragraph (d) of regulation 5(1) (entitlement to full remission and payment).