
WELSH STATUTORY INSTRUMENTS

2013 No. 684 (W.82)

NATIONAL HEALTH SERVICE, WALES

**The National Health Service (Welfare Reform
Consequential Amendments) (Wales) Regulations 2013**

<i>Made</i>	- - - -	<i>21 March 2013</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>22 March 2013</i>
<i>Coming into force</i>	- -	<i>12 April 2013</i>

The Welsh Ministers in exercise of the powers conferred by sections 71, 128, 129, 130, 131, and 203(9) and (10) of the National Health Service (Wales) Act 2006⁽¹⁾ hereby make the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the National Health Service (Welfare Reform Consequential Amendments) (Wales) Regulations 2013 and they come into force on 12 April 2013.

(2) These Regulations apply in relation to Wales.

Interpretation

2. In these Regulations—

“the 1986 Regulations” (“*Rheoliadau 1986*”) means the National Health Service (General Ophthalmic Services) Regulations 1986⁽²⁾;

“the 1997 Regulations” (“*Rheoliadau 1997*”) means the National Health Service (Optical Charges and Payments) Regulations 1997⁽³⁾; and

“the 2007 Regulations” (“*Rheoliadau 2007*”) means the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007⁽⁴⁾.

Amendment of the 1986 Regulations

3. The 1986 Regulations are amended in accordance with the provisions of regulation 4.

(1) 2006 c. 42.
(2) S.I.1986/975 as amended.
(3) S.I. 1997/818 as amended.
(4) S.I. 2007/1104 (W.116) as amended.

4.—(1) In regulation 2, in the appropriate place in the alphabetical order insert the following definitions—

- “(a) “the 2012 Act” means the Welfare Reform Act 2012(5);” and
- “(b) “universal credit” means universal credit under Part 1 of the 2012 Act;”.

(2) In regulation 13(2)—

- (a) at the end of sub-paragraph (o), omit “or”;
- (b) at the end of the sub-paragraph (p), for “.” substitute “; or”; and
- (c) after sub-paragraph (p), insert the following sub-paragraph—
 - “(q) during the period beginning on 29 April 2013 and ending on 31 March 2014—
 - (i) he is the recipient of an award of universal credit either as a single person or as a member of a couple,
 - (ii) he is a child or qualifying young person for whom a recipient referred to in paragraph (i) is responsible, or
 - (iii) he is a member of a couple, the other member of which is the recipient of an award of universal credit as a single person.”.

(3) In regulation 13(3)—

- (a) at the end of sub-paragraph (c), omit “and”;
- (b) at the end of sub-paragraph (d), for “.” substitute “; and”; and
- (c) after sub-paragraph (d), insert the following sub-paragraph—
 - “(e) in sub-paragraph (q) “couple” has the meaning given in section 39 of the 2012 Act (couples) and “qualifying young person” has the meaning given in section 10(5) of the 2012 Act (responsibility for children and young persons).”.

Amendment of the 1997 Regulations

5. The 1997 Regulations are amended in accordance with the provisions of regulation 6.

6.—(1) In regulation 1, in the appropriate place in the alphabetical order insert the following definitions—

- “(a) “the 2012 Act” means the Welfare Reform Act 2012(6);” and
- “(b) “universal credit” means universal credit under Part 1 of the 2012 Act;”.

(2) In regulation 8(3)—

- (a) at the end of sub-paragraph (o), omit “or”;
- (b) at the end of the sub-paragraph (p), for “.” substitute “; or”; and
- (c) after sub-paragraph (p), insert the following sub-paragraph—
 - “(q) during the period beginning on 29 April 2013 and ending on 31 March 2014—
 - (i) he is the recipient of an award of universal credit either as a single person or as a member of a couple,
 - (ii) he is a child or qualifying young person for whom a recipient referred to in paragraph (i) is responsible, or
 - (iii) he is a member of a couple, the other member of which is the recipient of an award of universal credit as a single person.”.

(5) 2012 c. 5.
 (6) 2012 c. 5.

- (3) In regulation 8(4)—
- (a) at the end of sub-paragraph (c), omit “and”;
 - (b) at the end of the sub-paragraph (d), for “.” substitute “; and”; and
 - (c) after sub-paragraph (d), insert the following sub-paragraph—
 - “(e) in sub-paragraph (q) “couple” has the meaning given in section 39 of the 2012 Act (couples) and “qualifying young person” has the meaning given in section 10(5) of the 2012 Act (responsibility for children and young persons).”.

Amendment of the 2007 Regulations

7. The 2007 Regulations are amended in accordance with the provisions of regulation 8.

8.—(1) In regulation 2, in the appropriate place in the alphabetical order insert the following definitions—

- “(a) “the 2012 Act” (“Deddf 2012”) means the Welfare Reform Act 2012(7);”;
- “(b) “qualifying young person” (“*person ifanc cymwys*”) has the meaning given in section 10(5) of the 2012 Act (responsibility for children and young persons);”;
- “(c) “universal credit” (“*credyd cynhwysol*”) means universal credit under Part 1 of the 2012 Act;”.

(2) In regulation 2, in the definition of “couple”, after “1992” insert “, except that in regulation 5(1)(aa)(i) and (iii) it has the meaning given in section 39 of the 2012 Act (couples)”.

(3) In regulation 5(1), after sub-paragraph (a), insert the following sub-paragraph—

“(aa) during the period beginning on 29 April 2013 and ending on 31 March 2014—

- (i) is the recipient of an award of universal credit either as a single person or as a member of a couple,
- (ii) is a child or qualifying young person for whom a recipient referred to in paragraph (i) is responsible, or
- (iii) is a member of a couple, the other member of which is the recipient of an award of universal credit as a single person;”.

(4) In regulation 16(1), for sub-paragraph (b) substitute—

“(b) the amount which represents the weekly amount of any housing 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(8).”

(5) In Schedule 1, in column 2 of Table B, in the substitute paragraph 13A—

- (a) at the end of sub-paragraph (1)(b)(i), omit “or”;
- (b) at the end of sub-paragraph (1)(b)(ii), for “.” substitute “;”; and
- (c) after sub-paragraph (1)(b)(ii), insert—
 - “(iii) in receipt of the enhanced rate of the daily living component of personal independence payment prescribed in accordance with section 78(3)(b) of the 2012 Act; or
 - (iv) in receipt of an armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011(9).”

(7) 2012 c. 5.

(8) 1992 c. 4.

(9) S.I. 2011/517 as amended.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

21 March 2013

Mark Drakeford
Minister for Health and Social Services, one of
the Welsh Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the [National Health Service \(General Ophthalmic Services\) Regulations 1986 \(1986/975\)](#) (“the 1986 Regulations”), the National Health Service (Optical Charges and Payments) Regulations 1997 ([1997/818](#)) (“the 1997 Regulations”) and the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 ([2007/1104 \(W.116\)](#)) (“the 2007 Regulations”).

Regulations 3 and 4 make amendments to the 1986 Regulations consequential upon the introduction of universal credit by the Welfare Reform Act 2012 ([2012 c. 5](#)) (“the 2012 Act”).

Regulations 5 and 6 make amendments to the 1997 Regulations consequential upon the introduction of universal credit by the 2012 Act.

Regulations 7 and 8 make amendments to the 2007 Regulations consequential upon the introduction of universal credit by the 2012 Act, the abolition of council tax benefit, the introduction of personal independence payment by the 2012 Act and the introduction of the armed forces independence payment by the [Armed Forces and Reserve Forces \(Compensation Scheme\) Order 2011 \(2011/517\)](#).

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.