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WELSH STATUTORY INSTRUMENTS

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**2007 No. 1104**

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

**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(1) 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(2);

(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.