WELSH STATUTORY INSTRUMENTS

2009 No. 54 (W.18)

NATIONAL HEALTH SERVICE, WALES

The National Health Service (Travelling Expenses and Remission of Charges) (Wales) (Amendment) Regulations 2009

Made - - - -	*19 January 2009*
Laid before the National Assembly for Wales - -	*20 January 2009*
Coming into force - -	*10 February 2009*

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, application and interpretation

1.—(1) The title of these Regulations is the National Health Service (Travelling Expenses and Remission of Charges) (Wales) (Amendment) Regulations 2009.

(2) These Regulations come into force on 10 February 2009.

(3) These Regulations apply in relation to Wales.

(4) 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 14 of the principal Regulations

2. At the end of regulation 14 of the principal Regulations add the following paragraph—

> "(6) Where the claimant is a member of a polygamous marriage, the resources and requirements of members of that marriage must be calculated in the same manner as those of the claimant and they must be taken into account as if they were the resources and requirements of the claimant, except that the applicable amount will be calculated in accordance with regulation 18 of the Income Support Regulations.".

(**1**) 2006 c. 42.
(**2**) S.I.2007/1104 (W.116).

Amendment of Schedule 1 to the principal Regulations, Table A

3. In Schedule 1 to the principal Regulations (Modifications of the Income Support (General) Regulations 1987(**3**)) , Table A—

(a) in column (2) of the entry relating to regulation 40 (calculation of income other than earnings), insert at the end—

"For paragraph (6) substitute the following paragraphs—

"(6) Where—

(a) the claimant is a member of a couple or a polygamous marriage;

(b) the claimant or the claimant's partner (or either or any of them if the claimant has more than one partner) is receiving a contributory employment and support allowance; and

(c) that benefit has been reduced under regulation 63 of the Employment and Support Allowance Regulations 2008(**4**),

that reduction will not affect the amount of benefit that is to be taken into account.

(6A) Where—

(a) the claimant is a single claimant or a lone parent;

(b) the claimant is receiving a contributory employment and support allowance; and

(c) that benefit has been under regulation 63 of the Employment and Support Allowance Regulations,

that reduction will not affect the amount of the benefit that is to be taken into account."; and"

(b) in column (2) of the entry relating to Schedule 8 (sums to be disregarded in the calculation of earnings), after the second entry for paragraph 4 insert—

"After paragraph 4 insert—

"**4A.**—(1) Income is disregarded under this sub-paragraph where—

(a) the claimant is undertaking work which falls within the categories in paragraphs (2) to (4) of regulation 45 of the Employment and Support Allowance Regulations;

(b) the partner of a claimant is in receipt of employment and support allowance and is undertaking work which falls within the categories in paragraphs (2) to (4) of regulation 45 of the Employment and Support Allowance Regulations but paragraph (c) is not applicable; or

(c) both a claimant and the partner of the claimant are in receipt of employment and support allowance and both are undertaking work which falls within the categories in paragraphs (2) to (4) of regulation 45 of the Employment and Support Allowance Regulations.

(2) Where sub-paragraph (1)(a) or (b) applies, income is disregarded to the same extent as it would be disregarded under regulations 5 and 6 of Schedule 7 to the Employment and Support Allowance Regulations.

(**3**) S.I. 1987/1967; relevant amendments made by S.I. 2008/1554 and 2568 (W.226).
(**4**) *See* the definition of "the Employment and Support Allowance Regulations" in regulation 2(1) of S.I. 1987/1967 as inserted by S.I. 2008/1554.

(3) Where sub-paragraph (1)(c) applies, the aggregate income of the claimant and the partner is disregarded to the same extent as it would be disregarded under paragraphs 5 and 6 of that Schedule in the case of an individual.

(4) The other disregards in paragraphs 4 to 9 are not applicable where income is disregarded under this paragraph.

(5) In this paragraph "employment and support allowance" means an employment and support allowance under Part 1 of the Welfare Reform Act.".".

Amendment of Schedule 1 to the principal Regulations, Table B

4. In Schedule 1 to the principal Regulations (modifications of the Income Support (General) Regulations 1987), in Table B—

(a) in column (2) after the first entry relating to regulation 18(1) insert the following entry—

"For regulation 18(1)(a) and (b) substitute—

"(a) where each member of the marriage is less than 60—

the amount applicable to the claimant plus the amount applicable to one of the other members of the marriage determined in accordance with sub-paragraph (5) of paragraph 1 of Schedule 2; and

an amount equal to the difference between the amounts specified in sub-paragraphs (5) and (1) of paragraph 1 of that Schedule in respect of each of the members of the marriage who were not taken in to account in determining the amount under (i) above;

(b) where any member of the marriage is aged 60 or more—

the amount applicable to the claimant plus the amount applicable to one of the other members of the marriage determined in accordance with sub-paragraph (6) of paragraph 1 of Schedule 2; and

an amount equal to the difference between the amounts specified in sub-paragraphs (6) and (2) of paragraph 1 of that Schedule in respect of each of the members of the marriage who were not taken into account in determining the amount under (i) above;".".

(b) in column (2) of the entry relating to Schedule 2—

(i) after the second entry insert—

"After paragraph 1 (personal allowances) insert—

"**1ZA.**—(1) A single claimant or lone parent aged less than 25 who—

(a) is entitled to an ESA component; or

(b) is incapable of work and has been incapable of work for a continuous period of not less than 28 weeks which begins no earlier than 27 October 2008,

has a personal allowance equal to the amount of the personal allowance which would apply if that person were not less than 25 years old.

(2) In sub-paragraph (1) "ESA component" mans a support component or a work-related activity component within the meaning of section 4 of the Welfare Reform Act.";"

(ii) for the entry relating to paragraph 11 (disability premium), substitute—