WELSH STATUTORY INSTRUMENTS

# 2005 No. 1723 (W.135)

# NATIONAL HEALTH SERVICE, WALES

## The National Health Service (Travelling Expenses and Remission of Charges) (Amendment) (Wales) Regulations 2005

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| *Made - - - -* | *28 June 2005* |
| *Coming into force - -* | *15 July 2005* |

The National Assembly for Wales, in exercise of the powers conferred by sections 83A, 126(4) and 128(1) of the National Health Service Act 1977(**1**) hereby makes the following Regulations:

### Title, commencement, interpretation and application

**1.**—(1) The title of these Regulations is the National Health Service (Travelling Expenses and Remission of Charges) (Amendment) (Wales) Regulations 2005 and they come into force on 15 July 2005.

(2) In these Regulations "the principal Regulations" ("*y prif reoliadau*") means the National Health Service (Travelling Expenses and Remission of Charges) Regulations 1988(**2**).

(3) These Regulations apply in relation to Wales.

### Amendment of regulation 2 of the principal Regulations

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

(a) after the definition of "the Act" insert—

(**1**) 1977 c. 49 ("the 1977 Act"); section 83A was inserted by section 14(1) of the Social Security Act 1988 (c. 7) and amended by paragraph 6 of Schedule 2 to the Health and Medicines Act 1988 (c. 49); by paragraph 18(5) of Schedule 9 to the National Health Service and Community Care Act 1990 (c. 19) ("the 1990 Act") and by paragraph 40 of Schedule 1 to the Health Authorities Act 1995 (c. 17).
Section 126(4) was amended by section 65(2) of the 1990 Act and by paragraph 37(6) to Schedule 4 to the Health Act 1999 (c. 17) ("the 1999 Act").
*See* section 128(1), as amended by section 26(2)(g) and (i) of the 1990 Act for the definitions of "prescribed" and "regulations".
The functions of the Secretary of State under sections 83A, 126(4) and 128(1) of the 1977 Act were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999, S.I.1999/672, article 2 and Schedule 1 as amended by the 1999 Act, section 66(5); by the Health and Social Care Act 2001 (c. 15), section 68(1); by the National Health Service Reform and Health Care Professions Act 2002 (c. 17), section 40(1) and by the Health and Social Care (Community Health and Standards) Act 2003 (c. 43), section 197(1).

(**2**) S.I. 1988/551

""annuity contract" 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;";

(b) after the definition of "care home" insert—

""child" means a person under the age of 16 years;";

(c) in the appropriate place in the alphabetical order insert—

""couple" has the meaning given in section 137 of the Social Security Contributions and Benefits Act 1992(**3**);";

(d) after the definition of "date of claim" insert—

""dependent child or young person" 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;";

(e) after the definition of "disability element" insert—

""earnings" has the meaning given in regulations 35 and 37 of the Income Support Regulations;";

(f) after the definition of "full rate" insert—

""full time student" has the meaning given in regulation 61 of the Income Support Regulations;";

(g) in the appropriate place in the alphabetical order insert—

""household" 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;";

(h) after the definition of "income support" insert—

""the Income Support Regulations" means the Income Support (General Regulations) 1987(**4**);";

(i) after the definition of "NHS trust" insert—

""occupational pension scheme" has the meaning given by section 1 of the Pension Schemes Act 1993(**5**);";

(j) after the definition of "pension credit savings credit" insert—

""personal pension scheme" means a personal pension scheme—

(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(**6**);";

(k) after the definition of "severe disability element" insert—

(**3**) 1992 c. 4.
(**4**) S.I. 1987/1967
(**5**) 1993 c. 48
(**6**) 1993 c. 49

""single person" means a person who does not have a partner and is not responsible for, and is not a member of the same household as, a child or young person;";

(l) after the definition of "standard rate" insert—

""State Pension Credit Regulations" means the State Pension Credit Regulations 2002(**7**);";

(m) in the definition of "trade dispute" for the words "the Social Security Act 1975" substitute "section 35(1) of the Jobseekers Act 1995(**8**);"; and

(n) after the definition of "working tax credit" insert—

""young person" has the meaning prescribed in regulation 14 of the Income Support Regulations;".

**Amendment of regulation 4 of the principal Regulations**

**3.** In regulation 4(2)(e) of the principal Regulations (persons entitled to full remission and payment) for "£14,600" substitute "£15,050".

**Amendment of regulation 6 of the principal Regulations**

**4.** In regulation 6(2)(b) of the principal Regulations (calculation of resources and requirements) for the words "at the date when he paid the relevant charge or travelling expenses" substitute "at the date when the relevant charges or travelling expenses are paid in full".

**Amendment of regulation 7 of the principal Regulations**

**5.**—(1) Regulation 7 of the principal Regulations (claims for remission or payment) is amended in accordance with the following provisions of this regulation.

(2) After paragraph (6)(d) insert—

"(e) in the case of a notice issued to a person described in paragraph (6B) it is valid for the length of time prescribed in that paragraph.".

(3) After paragraph (6) insert—

"(6B) A notice of entitlement issued under paragraph (4) is valid for 5 years beginning on the date when 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 any personal pension scheme; or

(iv) payments from an annuity contract.

(6C) Paragraph (6B) does not apply to a person who has a dependent child or a young person as a member of his or her household.".

(4) In paragraph (7) for the words "paragraph (8)" substitute "paragraphs (7A), (8), (9) and (10)".

(**7**) S.I. 2002/1792
(**8**) 1995 c. 18