
WELSH STATUTORY INSTRUMENTS

2007 No. 1104

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

PART 2

ENTITLEMENT TO PAYMENT OF NHS TRAVELLING EXPENSES AND REMISSION OF NHS CHARGES

Entitlement to full remission and payment

5.—(1) Subject to paragraph (3), a person is entitled, without making a claim under regulation 7 (claims to entitlement), to the payment in full of NHS travelling expenses and the full remission of an NHS charge if he or she—

- (a) is receiving income support;
- (b) is receiving income based jobseeker's allowance;
- (c) is receiving pension credit guarantee credit;
- (d) is a member of the same family as a person who is receiving income support, income based jobseeker's allowance or pension credit guarantee credit; or
- (e) is a member of a family one member of which is receiving—
 - (i) working tax credit and child tax credit,
 - (ii) working tax credit which includes a disability element or a severe disability element, or
 - (iii) child tax credit, but is not eligible for working tax credit,

provided that the relevant income of the member or members to whom the tax credit is made under section 14 of the Tax Credits Act 2002 is determined at the time of the award not to exceed £15,050.

(2) Subject to paragraph (3), the following persons are entitled to the payment in full of NHS travelling expenses and the remission in full of an NHS charge but are required to make a claim for such payment or remission in accordance with regulation 7 (claims to entitlement)—

- (a) a person who lives permanently in —
 - (i) a care home, or
 - (ii) accommodation provided by a local authority under sections 21 to 24 and 26 of the National Assistance Act 1948 (provision of accommodation),and who has satisfied that authority that he or she is unable to pay for that accommodation at the standard rate, or, as the case may be, the full rate;
- (b) an asylum-seeker for whom support is provided under Part VI of the Immigration and Asylum Act 1999;
- (c) a member of the same family as an asylum-seeker described in sub-paragraph (b);

- (d) a relevant child within the meaning of section 23A of the Children Act 1989(1) for whom a responsible local authority is providing support under section 23B(8) of that Act;
 - (e) any other person who satisfies the National Assembly for Wales in accordance with Part 4 that his or her capital resources do not exceed the capital limit and that his or her income resources do not exceed his or her requirements or exceed his or her requirements by fifty per cent or less of the amount of the charge specified in regulation 3(1)(b) of the National Health Service (Charges for Drugs and Appliances) Regulations 2000(2); and
 - (f) a member of the same family as a person described in sub-paragraph (e).
- (3) A person's entitlement to the payment in full of NHS travelling expenses or the full remission of an NHS charge arises only if at the time when—
- (a) the charge is made;
 - (b) the NHS travelling expenses are incurred; or
 - (c) in the case of a charge for relevant dental services—
 - (i) the arrangements for the treatment or urgent course of treatment under the Act are made,
 - (ii) the arrangements for the supply of a denture or other dental appliance under the Act otherwise than as part of relevant primary dental services are made, or
 - (iii) when the charge is made,
 he or she is a person described in paragraph (1) or (2).

Entitlement to partial remission and payment

- 6.—(1) Subject to paragraphs (2) and (3), a person is entitled to the payment in part of any NHS travelling expenses and to the remission in part of an NHS charge for relevant dental services provided at the time the travelling expenses are incurred or the charge is made—
- (a) his or her capital resources do not exceed the capital limit; and
 - (b) either—
 - (i) his or her income resources exceed his or her requirements by less than a third of the charge, or as the case may be, by less than the travelling expenses incurred in any week, or
 - (ii) he or she is a member of the family of the person described in sub-paragraph (b)(i), but is required to make a claim for such remission or payment in accordance with regulation 7 (claims to entitlement).
- (2) Subject to paragraph (3), the amount to which a person is entitled under paragraph (1) is—
- (a) in the case of an NHS charge for relevant dental services, the difference between the charge and three times the amount by which his or her income resources exceed his or her requirements; and
 - (b) in the case of recoverable travelling expenses, the difference between the amount of the expenses incurred and the amount by which his or her income resources exceed his or her requirements.
- (3) In the case of an NHS charge for relevant dental services, the charge which is partially remissible under this regulation, and which must be used for the purposes of the calculation required under paragraph (2)(a), is the charge made—

(1) S.I. 2002/1792

(2) 1989 c. 41.

- (a) for one course of treatment or urgent course of treatment, including any charge made for a denture or other dental appliance supplied in that course of treatment; or
- (b) for the supply of a denture or other dental appliance under the Act otherwise than as part of relevant primary dental services.

Claims to entitlement

7.—(1) Subject to paragraph (3), a person who wishes to claim entitlement under regulation 5(2) (entitlement to full remission and payment) or regulation 6(1) (entitlement to partial remission and payment) must make a claim to the National Assembly for Wales on a form either provided for the purpose by it or approved by it.

(2) On a claim under paragraph (1), the claimant must provide such evidence and information as the National Assembly for Wales may reasonably request within such time as it may reasonably request.

(3) A claim may be made on behalf of another person where that person is unable, by reason of mental or physical incapacity, to make the claim himself or herself.

(4) Where a claimant does not comply with requests made by the National Assembly for Wales in respect of the evidence or information or timing mentioned in paragraph (2), the National Assembly for Wales may notify the claimant that the claim will not be determined and must be regarded as closed.

Notices of entitlement

8.—(1) Where the National Assembly for Wales determines, on a claim made under regulation 7 (claims to entitlement), that the claimant and any member of his or her family are entitled to any remission of an NHS charge or any payment in respect of NHS travelling expenses, it must issue a notice of entitlement to the claimant.

(2) Where a person is entitled to full remission of an NHS charge and payment in full of NHS travelling expenses because he or she is a member of a family described in regulation 5(1)(e) (tax credit families), the National Assembly for Wales must issue a notice of entitlement to that family and in such a case the notice will apply to all members of that family.

(3) A notice of entitlement issued under paragraph (1) applies to all members of the claimant's family and must state—

- (a) whether those persons are entitled to full or partial remission or payment; and
- (b) in the case of partial remission or payment, the amount of any NHS charge for relevant dental services or NHS travelling expenses for which there is no entitlement to remission or payment.

(4) A notice of entitlement issued under paragraph (1) or paragraph (2) must state the length of time for which it is valid and the dates upon which that time begins and ends.

(5) A notice of entitlement issued under paragraph (1) is valid for 12 months beginning on the date of the claim except that—

- (a) in the case of a notice issued to a full time student in the final or only year of a course of study, it is valid from the date of the claim until the last day of that course;
- (b) in the case of a notice issued to a relevant child, it is valid for 12 months or until the child's 18th birthday, whichever is the later;
- (c) in the case of a notice issued to a person mentioned in regulation 5(2)(b) (asylum-seeker), it is valid for 6 months beginning on the date of the claim;

(d) in the case of a notice issued to a person mentioned in paragraph (6) it is valid for the length of time specified in that paragraph.

(6) A notice of entitlement issued under paragraph (1) is valid for 5 years beginning on the date of the claim where 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 a personal pension scheme; or
- (iv) payments from an annuity contract.

(7) Paragraph (6) does not apply to a person who has a dependant child or young person as a member of his or her household.

(8) A notice of entitlement issued under paragraph (2) is valid from such date and for such period as the National Assembly for Wales may determine.

(9) Subject to paragraphs (10), (12) and (13), any change in the financial or other circumstances of a claimant, or of any member of his or her family, during the period of validity of a notice of entitlement will not affect its validity in respect of that period, or in the case of partial remission or payment, the amounts referred to in paragraph (3)(b).

(10) A claimant who is issued with a notice of entitlement which falls under paragraph (6) must notify the National Assembly for Wales of any change in the composition of his or her family or household during the period of validity of the notice of entitlement and the National Assembly for Wales may withdraw the notice of entitlement or vary the amounts stated on the notice of entitlement as referred to in paragraph (3)(b) if the claimant no longer meets the requirements of paragraphs (6) and (7).

(11) A claimant who is issued with a notice of entitlement to the payment in part of NHS travelling expenses or the remission in part of an NHS charge for relevant dental services may make a further claim in accordance with regulation 7 at any time during the life of the notice if he or she considers that by reason of a change in his or her financial circumstances, or those of any member of his or her family, the amounts stated on the notice of entitlement as referred to in paragraph 3(b) should be reduced.

(12) A claimant to whom a notice of entitlement has been issued under this regulation must return it to the National Assembly for Wales in any case where his or her claim is subsequently found to have been based on a false representation.

(13) A notice of entitlement issued under this regulation is effective only for the purposes of entitlement to remission of NHS charges and payment of NHS travelling expenses in accordance with these Regulations.