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WELSH STATUTORY INSTRUMENTS

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**2010 No. 2759 (W.231)**

**NATIONAL HEALTH SERVICE, WALES**

The National Health Service (Travelling Expenses and Remission of Charges) (Wales) (Amendment) (No.2) Regulations 2010

<i>Made</i>	- - - -	<i>15 November 2010</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>17 November 2010</i>
<i>Coming into force</i>	- -	<i>20 December 2010</i>

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 130, 131 and 203(9) and (10) of the National Health Service (Wales) Act 2006(1) and now vested in them(2).

**Title, application and commencement**

1.—(1) The title of these Regulations is the National Health Service (Travelling Expenses and Remission of Charges) (Wales) (Amendment) (No.2) Regulations 2010.

(2) These Regulations apply in relation to Wales and come into force on 20 December 2010.

**Interpretation**

2. In these Regulations, “the 2007 Regulations” (“*Rheoliadau 2007*”) means the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007(3).

**Amendment to the 2007 Regulations**

3.—(1) The 2007 Regulations are amended as follows.

(2) In Column 2 of Table A in Schedule 1 (Modifications of the Income Support (General) Regulations 1987), for the modification of regulation 62 (calculation of grant income) of those Regulations for the entry relating to the insertion of paragraph (2C) substitute the following—

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(1) 2006 c. 42.

(2) Functions of the National Assembly for Wales constituted by the Government of Wales Act 1998 (c. 38) were transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(3) S.I.2007/1104 (W.116). Relevant amending instruments are S.I. 2008/1480 (W.153), 1879 and 2568 (W.226), 2009/709 (W.61), and 2010/1237 (W.107).

- “(2) There must also be disregarded from a student’s grant income—
- (a) any sum by way of maintenance grant available to a student under regulations 57 to 59 of the Education (Student Support) Regulations 2009<sup>(4)</sup> which is not taken into account in the calculation of the maximum amount of a loan for living costs under chapter 2 of Part 6 of those Regulations;
  - (b) any sum by way of maintenance grant available to a student under regulations 38 or 39 of the Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2009<sup>(5)</sup> which is not taken into account in the calculation of the maximum amount of a loan for living costs under regulations 46 to 48 of those Regulations; and
  - (c) any sum by way of maintenance grant available to a student under regulation 58 of the Education (Student Support) (No.2) Regulations (Northern Ireland) 2009<sup>(6)</sup> which is not taken into account in the calculation of the maximum amount of a loan for living costs under regulation 66 of those Regulations.”.

15 November 2010

*Edwina Hart*  
Minister for Health and Social Services, one of  
the Welsh Ministers

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<sup>(4)</sup> S.I. 2009/1555.

<sup>(5)</sup> S.I. 2009/2737 (W.235).

<sup>(6)</sup> S.R. 2009/373 (N.I.).

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, which apply in relation to Wales, further amend the National Health Service (Travel Expenses and Remission of Charges) (Wales) Regulations 2007 (“the principal Regulations”). Those Regulations provide for the payment of travel expenses and the remission of National Health Service charges for, amongst others, persons on low incomes, by reference to limits on their income and capital.

In calculating a person’s resources and requirements under the principal Regulations in order to establish whether a person can claim entitlement to the remission of NHS charges and payment of NHS travelling expenses, a modified version of the Income Support (General) Regulations 1987 is applied.

Regulation 3 updates references to student funding regulations in Wales, England and Northern Ireland. These set out the entitlement to grants and loans available to students. Certain amounts of student maintenance grants are disregarded in calculating the entitlement of students to the payment of travel expenses and the remission of charges under the principal Regulations.