

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

This Explanatory Memorandum has been prepared by the Health and Social Services Directorate General and is laid before the National Assembly for Wales in accordance with Standing Order 24.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of The National Health Service (Travelling Expenses and Remission of Charges) (Wales) (Amendment) (No.2) Regulations 2010.

Edwina Hart

15 November 2010

Description

These Regulations will amend the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 / 1104(W.116) (*the Principal Regulations*).

Matters of special interest to the Constitutional Affairs Committee

These Regulations amend the NHS (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 / 1104 (W.116) (*the Principal Regulations*), which provide for payment of travel expenses and remission of NHS charges for, amongst others, students, by reference to amounts of student grant and loan.

The Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2009 [SI 2009 / 2737 (W.235)] set out the relevant amount of grant or loan available to students who are domiciled in Wales. These regulations came into force on 5 November 2009 and apply to the Academic year September 2010 / 2011.

The amendments made by these Regulations update the amounts of student grant or loan applicable under the Principal Regulations by reference to the Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2009 [SI 2009 / 2737 (W.235)]

Legislative Background

These Regulations are being made in exercise of powers conferred by sections 130, 131, 132 and 203(9) and (10) of the National Health Service (Wales) Act 2006.

These Regulations are subject to the negative resolution procedure.

Purpose and intended effect of the legislation

Policy Background

Income based entitlement to help with health costs may be available through the NHS Low Income Scheme (*“the LIS”*) to those who are not automatically entitled through receipt of a pass - porting benefit such as income support. Students may apply under the LIS for help with paying health costs and travel expenses associated with travel to hospital.

In the main, the Principal Regulations rely on the Income Support (General) Regulations (*“ the IS Regulations”*) for the calculation of income, capital and requirements. The Principal Regulations also rely on the Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations which set out the relevant amount of grant or loan available to students who are domiciled in Wales, this amount being used in the assessment of a LIS claim made by a student.

Operations Services, a part of the Business Services Authority (*“the BSA”*), administers the LIS on behalf of all four home nations. The processing system within Operations Services applies a single set of LIS rules to all the applications received with variations relating to student grant or loan amounts. This arrangement was developed before devolution, when the Department of Health was the department responsible for the NHS (Travel Expenses & Remission of Charges) Regulations.

Objective

These Regulations seek to amend the Principal Regulations in order to ensure the most recent amounts of student grant or loan, as set out in the Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2009, are applied in making an assessment of a claim under the LIS.

Implementation

It is intended that these Regulations will come into force on 20 December 2010.

If these Regulations were to be annulled then the failure to implement the changes to the Principal Regulations would result in Operations Services (a part of the BSA) not processing claims from students domiciled in Wales based under the current amounts for grants and loans as set out in the Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2009 (SI 2009 / 2737 (W.235))

Consultation

There has been no consultation with stakeholders because these are technical changes to the Principal Regulations and these regulations do not alter existing policy; they simply enable the correct amount of student grant or loan to be applied in the assessment of a student's claim for help with health costs made under the LIS.

Regulatory Impact Assessment

These Regulations have no impact on the statutory duties (sections 77 – 79 Government of Wales Act 2006) or impose any additional burdens upon the statutory partners (sections 73 – 75 of that Act).

A Regulatory Impact Assessment has not been prepared for these Regulations because they have no impact on business, charities or voluntary bodies.

Summary

These Regulations, if made, will ensure that the current amount of student grant or loan is applied to an assessment of a claim made by a student under the LIS.