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## EXPLANATORY NOTE

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

These Regulations further amend the National Health Service (Travelling Expenses and Remission of Charges) Regulations 1988 (“the principal Regulations”) which provide for the remission of National Health Service charges and for the payment of travelling expenses in certain cases.

Regulation 3 of these Regulations amends the principal Regulations to provide that the same rules which govern payment of travelling expenses to hospitals in Wales will apply to travelling expenses to a port in Great Britain for a person who travels to a country outside the United Kingdom to receive NHS services. Regulation 4 inserts a new 3A into the principal Regulations to provide that all NHS patients receiving services outside the United Kingdom will be entitled to payment of all travel expenses (including in some cases, those of a companion) from a port in Great Britain to the place where they are to receive those services.

Regulations 6-8 make consequential amendments providing for claims for payment under the new provisions.

The amendments made to regulations 2, 4 and 7 of the principal Regulations add asylum-seekers and their dependants to the description of persons entitled to receive full remission and payment of travelling expenses. (regulations 2, 5 and 7 of these Regulations).

The amendments to regulations 2, 5A, 8 and 8A of the principal Regulations provide for payment of expenses incurred in attending establishments managed by Local Health Boards (regulations 2, 6, 9 and 10 of these Regulations).

Amendments made to regulation 2 omit the definitions of “amount withdrawn”, “disabled person’s tax credit” and “working families’ tax credit”, substitute a new definition for “family” and insert definitions for “child tax credit”, “disability element”, “gross annual income” and “working tax credit” into the principal Regulations.

The amendments reflect the changes made by the Tax Credits Act 2002 and introduce into the categories of persons entitled to full remission and payment within regulation 4 of the principal Regulations persons who are members of a family that gets working tax credit and child tax credit or working tax credit with a disability addition and whose income falls below a specified income limit. In addition, a family that is entitled to child tax credit but not to working tax credit is also included within the new regulation 4(2)(q) of the principal Regulations provided its income is below the same income limit.

The income limit is based on the gross annual income (i.e. income before the deduction of tax and national insurance contributions) of the family and is currently “£14,200” or less (regulations 2 and 5 of these Regulations).

The changes made by these amendments replace entitlement to remission and payment of charges that was based on working families’ tax credit and disabled person’s tax credit.

These Regulations also make amendments to regulations 7(1)(b) and 8(4)(a)(i) of the principal Regulations to reflect the changes in the principal Regulations governing charges for NHS drugs and appliances which are now set out in the National Health Service (Charges for Drugs and Appliances) (Wales) Regulations 2001 (regulations 7 and 10 of these Regulations).

Regulation 12 amends Table A of Schedule 1 to the principal Regulations to uprate the capital limits used in remission and repayment calculations relating to people living permanently in residential care or nursing homes.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The National Health Service (Travelling Expenses and Remission of Charges) (Amendment) (Wales) Regulations 2003. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

Regulation 13 of these Regulations amends Schedule 1A to the principal Regulations is amended so that the provisions governing the period of validity of a notice of entitlement to remission or payment of charges held by a student will relate only to full-time students.

Regulation 14 contains a transitional provision that provides that where entitlement to remission or payment existed immediately before these Regulations came into force, on the basis of a person being in receipt of working families' tax credit or disabled person's tax credit or being a member of such a person's family, that entitlement will continue until 31st July 2003.

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**Changes and effects yet to be applied to :**

- Regulations revoked by [S.I. 2007/1104 reg. 18Sch. 2](#)