OFFERYNNAU STATUDOL CYMRU

2008 Rhif 1480 (Cy.153)

Y GWASANAETH IECHYD GWLADOL, CYMRU

Rheoliadau'r Gwasanaeth Iechyd Gwladol (Treuliau Teithio a Pheidio â Chodi Tâl) (Cymru) (Diwygio) 2008

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

Mae'r Rheoliadau hyn yn diwygio Rheoliadau'r Gwasanaeth Iechyd Gwladol (Treuliau Teithio a Pheidio â Chodi Tâl) (Cymru) 2007 ("y prif Reoliadau").

Wrth gyfrifo adnoddau a gofynion person o dan y prif Reoliadau er mwyn canfod a oes gan berson hawl i beidio â thalu taliadau GIG a thalu treuliau teithio GIG, defnyddir fersiwn addasedig o Reoliadau Cymhorthdal Incwm (Cyffredinol) 1987 ("y Rheoliadau Cymhorthdal Incwm").

Mae'r Rheoliadau hyn yn addasu Atodlen 1 i'r prif Reoliadau yn y dulliau a ganlyn:

1. Maent yn darparu y bydd unrhyw fenthyciad ychwanegol, y nodir y cymhwystra ar ei gyfer yn y "Student Support in Scotland Guide" a gyhoeddir gan Asiantaeth Dyfarndaliadau Myfyrwyr yr Alban ac a delir o dan Reoliadau Addysg (Benthyciadau i Fyfyrwyr) (Yr Alban) 2007, yn cael ei ddiystyru wrth gyfrifo incwm benthyciad i fyfyriwr. (Rheoliad 2(4)).

2. Maent yn darparu mai dim ond £20 o daliad gwirfoddol a wneir i fyfyriwr sydd i'w ddiystyru wrth gyfrifo incwm y myfyriwr hwnnw. Uchafswm y taliadau gwirfoddol i fyfyriwr y gellir ei ddiystyru yw £20 yr wythnos (Rheoliad 2(5). Mae'r prif Reoliadau eisoes yn addasu ystyr "taliad gwirfoddol" er mwyn eithrio taliadau penodol a wneir i fyfyrwyr (gweler y cofnod yn rheoliad 65 yn Nhabl A yn Atodlen 1 i'r prif

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NATIONAL HEALTH SERVICE, WALES

The National Health Service (Travelling Expenses and Remission of Charges) (Wales) (Amendment) Regulations 2008

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 ("the principal Regulations").

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 the payment of NHS travelling expenses, a modified version of the Income Support (General) Regulations 1987 ("the Income Support Regulations") is applied.

These Regulations modify Schedule 1 to the principal Regulations in the following ways:

1. They provide that any additional loan, the eligibility for which is set out in the Student Support in Scotland Guide issued by the Student Awards Agency for Scotland, and which is paid under the Education (Student Loans) (Scotland) Regulations 2007, will be disregarded in the calculation of a student's loan income. (Regulation 2(4)).

2. They provide that in respect of a voluntary payment made to a student only £20 of that payment is to be disregarded in calculating that student's income. The maximum amount of voluntary payments to a student that can be disregarded is £20 per week. (Regulation 2(5)).The principal Regulations already modify the meaning of "voluntary payment" to exclude certain payments made to students (see the entry for

Reoliadau).

3. Maent yn gosod cofnod newydd yn lle'r addasiad o reoliad 45 o'r Rheoliadau Cymhorthdal Incwm (terfyn cyfalaf) (Rheoliad 2(2)) ac yn diwygio'r cofnod ar gyfer addasu rheoliad 53 o'r Rheoliadau Cymhorthdal Incwm er mwyn cynyddu'r terfyn cyfalaf isaf, a ddefnyddir, mewn achosion rhagnodedig, ar gyfer cyfrifo hawlogaeth i dderbyn budd-daliadau o dan Gynllun Incwm Isel y GIG (Rheoliad 2(3)).

regulation 65 in Table A in Schedule 1 to the principal Regulations).

3. They substitute a new entry for the modification of regulation 45 of the Income Support Regulations (capital limit) (Regulation 2(2)) and amend the entry for the modification of regulation 53 of the Income Support Regulations to increase the lower capital limit, which is used, in prescribed cases, for calculating entitlement to receive benefits under the NHS Low Income Scheme (Regulation 2(3)).

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Y GWASANAETH IECHYD GWLADOL, CYMRU

Rheoliadau'r Gwasanaeth Iechyd Gwladol (Treuliau Teithio a Pheidio â Chodi Tâl) (Cymru) (Diwygio) 2008

Gwnaed *9 Mehefin 2008*

Gosodwyd gerbron Cynulliad Cenedlaethol Cymru *10 Mehefin 2008*

Yn dod i rym *1 Gorffennaf 2008*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd iddynt gan adrannau 130 a 131, 132 a 203(9) a (10) o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006(**1**) drwy hyn yn gwneud y Rheoliadau a ganlyn:

Enwi, cychwyn, dehongli a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Treuliau Teithio a Pheidio â Chodi Tâl) (Cymru) (Diwygio) 2008.

(2) Daw'r Rheoliadau hyn i rym ar 1 Gorffennaf 2008.

(3) Yn y Rheoliadau hyn—

(a) ystyr "y prif Reoliadau" ("*the principal Regulations*") yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Treuliau Teithio a Pheidio â Chodi Tâl) (Cymru) 2007(**2**); a

(b) ystyr "y Rheoliadau Cymhorthdal Incwm" ("*the Income Support Regulations*") yw Rheoliadau Cymhorthdal Incwm (Cyffredinol) 1987(**3**).

(4) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(**1**) 2006 p.42. *Gweler* adran 206(1) i gael y diffiniad o "*prescribed*" a "*regulations*".

(**2**) O.S. 2007/1104 (Cy.116).

(**3**) O.S. 1987/1967.

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NATIONAL HEALTH SERVICE, WALES

The National Health Service (Travelling Expenses and Remission of Charges) (Wales) (Amendment) Regulations 2008

Made *9 June 2008*

Laid before the National Assembly for Wales *10 June 2008*

Coming into force *1 July 2008*

The Welsh Ministers, in exercise of the powers conferred upon them by sections 130, 131, 132 and 203(9) and (10) of the National Health Service (Wales) Act 2006(**1**) hereby make 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) (Wales) (Amendment) Regulations 2008.

(2) These Regulations come into force on 1 July 2008.

(3) In these Regulations—

(a) "the principal Regulations" ("*y prif Reoliadau*") means the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007(**2**); and

(b) "the Income Support Regulations" ("*y Rheoliadau Cymhorthdal Incwm*") means the Income Support (General) Regulations 1987(**3**).

(4) These Regulations apply in relation to Wales.

(**1**) 2006 c.42. *See* section 206(1) for the definitions of "prescribed" and "regulations".

(**2**) S.I. 2007/1104 (W.116).

(**3**) S.I. 1987/1967.

Addasu'r Rheoliadau Cymhorthdal Incwm yn Atodlen 1 i'r prif Reoliadau

2.—(1) Mae Atodlen 1 i'r prif Reoliadau (Addasu Rheoliadau Cymhorthdal Incwm (Cyffredinol) 1987) wedi'i diwygio fel a ganlyn.

(2) Yn Nhabl A, yn lle'r addasiad i reoliad 45 o'r Rheoliadau Cymhorthdal Incwm (Terfyn Cyfalaf), rhodder—

"Yn lle'r rheoliad hwn rhodder—

"Capital Limit

45

For the purposes of regulations 5(2)(e) and 6(1)(a) of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 the capital limit is—

(a) for a claimant permanently residing in accommodation as defined in regulation 19A- £22,000;

(b) in any other case-£16,000.".".

(3) Yn Nhabl A, yn yr addasiad i reoliad 53 o'r Rheoliadau Cymhorthdal Incwm, yn lle "(a) until 8 April 2007 £16,000; (b) from 9 April 2007 £17,250" rhodder "£19,000".

(4) Yn Nhabl A, yn yr addasiadau i reoliad 66A o'r Rheoliadau Cymhorthdal Incwm (trin benthyciadau i fyfyrwyr), yn lle'r cofnod cyntaf, rhodder—

"Yn lle paragraff (1), rhodder—

"(1) A student loan must be treated as income unless it is—

(a) a hardship loan; or

(b) an additional loan, as described in the Guide to Student Support issued by the Student Awards Agency for Scotland 2007-2008(**1**), paid pursuant to an application for a loan under regulation 5(1) or (9) of the Education (Student Loans) (Scotland) Regulations 2007 (applications for loans)(**2**),

in which case it will be disregarded.".".

(5) Yn Nhabl A, yn yr addasiadau i Atodlen 9 i'r Rheoliadau Cymhorthdal Incwm (symiau i'w diystyru wrth gyfrifo incwm heblaw enillion) yn lle'r cofnod cyntaf rhodder—

"Ym mharagraff 15(1) yn lle "sub-paragraph (3)" rhodder "sub-paragraphs (1A), (1B) and (3)".

Mewnosoder ar ôl paragraff 15(1)—

(**1**) Mae'r Canllawiau ar gael ar wefan Asiantaeth Dyfarndaliadau Myfyrwyr yr Alban yn http://www.saas.gov.uk

(**2**) O.S.A. 2007/154.

Modifications of the Income Support Regulations in Schedule 1 to the principal Regulations

2.—(1) Schedule 1 to the principal Regulations (Modifications of the Income Support (General) Regulations 1987) is amended as follows.

(2) In Table A, for the modification of regulation 45 of the Income Support Regulations (Capital Limit), substitute—

"For this regulation substitute—

"Capital Limit

45

For the purposes of regulations 5(2)(e) and 6(1)(a) of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 the capital limit is—

(a) for a claimant permanently residing in accommodation as defined in regulation 19A- £22,000;

(b) in any other case-£16,000.".".

(3) In Table A, for the modification of regulation 53 of the Income Support Regulations, for "(a) until 8 April 2007 £16,000; (b) from 9 April 2007 £17,250" substitute "£19,000".

(4) In Table A, in the modifications of regulation 66A of the Income Support Regulations (treatment of student loans), for the first entry, substitute—

"For paragraph (1), substitute—

"(1) A student loan must be treated as income unless it is—

(a) a hardship loan; or

(b) an additional loan, as described in the Guide to Student Support issued by the Student Awards Agency for Scotland 2007-2008(**1**), paid pursuant to an application for a loan under regulation 5(1) or (9) of the Education (Student Loans) (Scotland) Regulations 2007 (applications for loans)(**2**),

in which case it will be disregarded.".".

(5) In Table A, in the modifications to Schedule 9 to the Income Support Regulations (sums to be disregarded in the calculation of income other than earnings) for the first entry substitute—

"In paragraph 15(1) for "sub-paragraph (3)" substitute "sub-paragraphs (1A), (1B) and (3)".

Insert after paragraph 15(1)—

(**1**) The Guide is available on the website for the Student Awards Agency for Scotland at http://www.saas.gov.uk.

(**2**) S.S.I. 2007/154.

"(1A) In respect of a voluntary payment made to a student, sub-paragraph (1) will only apply to £20 of that payment.

(1B) The total amount disregarded in respect of voluntary payments to a student under sub-paragraph (1) may not exceed £20 per week.

(1C) In sub-paragraphs (1A) and (1B) "student" has the meaning given in regulation 61(1).".".

"(1A) In respect of a voluntary payment made to a student, sub-paragraph (1) will only apply to £20 of that payment.

(1B) The total amount disregarded in respect of voluntary payments to a student under sub-paragraph (1) may not exceed £20 per week.

(1C) In sub-paragraphs (1A) and (1B) "student" has the meaning given in regulation 61(1).".".

Edwina Hart

Y Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol, un o Weinidogion Cymru

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

9 Mehefin 2008

9 June 2008

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