OFFERYNNAU STATUDOL CYMRU

2011 Rhif 1940 (Cy.208)

Y GWASANAETH IECHYD GWLADOL, CYMRU

Rheoliadau'r Gwasanaeth Iechyd Gwladol (Treuliau Teithio a Pheidio â Chodi Tâl) (Cymru) (Diwygio) (Rhif 2) 2011

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn, sy'n gymwys o ran Cymru, yn diwygio ymhellach Reoliadau'r Gwasanaeth Iechyd Gwladol (Treuliau Teithio a Pheidio â Chodi Tâl) (Cymru) 2007 ("y prif Reoliadau"). Mae'r Rheoliadau hynny yn darparu ar gyfer talu treuliau teithio a pheidio â chodi ffioedd Gwasanaeth Iechyd Gwladol ('GIG') ar, ymhlith pobl eraill, bersonau sydd ar incwm isel, drwy gyfeirio at derfynau ar eu hincwm a'u cyfalaf.

Wrth gyfrifo adnoddau a gofynion person o dan y prif Reoliadau er mwyn canfod a yw'n cael hawlio hawl i beidio â thalu ffioedd GIG ac i gael taliad am dreuliau teithio GIG, defnyddir fersiwn addasedig o Reoliadau Cymhorthdal Incwm (Cyffredinol) 1987.

Mae rheoliad 3 yn diweddaru cyfeiriadau at reoliadau ariannu myfyrwyr yng Nghymru, Lloegr a Gogledd Iwerddon. Mae'r rhain yn nodi'r hawliau i grantiau a benthyciadau sydd ar gael i fyfyrwyr. Mae symiau penodol o grantiau cynnal myfyrwyr yn cael eu diystyru wrth gyfrifo hawliau myfyrwyr i gael taliad am eu treuliau teithio ac i beidio â thalu ffioedd o dan y prif Reoliadau. Mae'n diweddaru hefyd y cyfeiriad at y 'Student Support Information Guide' a ddyroddir gan Asiantaeth Dyfarniadau Myfyrwyr yr Alban.

Mae rheoliad 4 yn gwneud tri mân gywiriad i'r prif Reoliadau.

WELSH STATUTORY INSTRUMENTS

2011 No. 1940 (W.208)

NATIONAL HEALTH SERVICE, WALES

The National Health Service (Travelling Expenses and Remission of Charges) (Wales) (Amendment) (No.2) Regulations 2011

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 ('NHS') 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. It also updates the reference to the Student Support Information Guide issued by the Student Awards Agency for Scotland.

Regulation 4 makes three minor corrections to the principal Regulations.

Mae rheoliad 5 yn dirymu Rheoliadau'r Gwasanaeth Iechyd Gwladol (Treuliau Teithio a Pheidio â Chodi Tâl) (Cymru) (Diwygio) (Rhif 2) 2010.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar wneud Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, barnwyd nad oedd yn angenrheidiol gwneud asesiad effaith rheoleiddiol ynghylch costau a buddiannau tebygol cydymffurfio â'r Rheoliadau hyn.

Regulation 5 revokes the National Health Service (Travelling Expenses and Remission of Charges) (Wales) (Amendment) (No.2) Regulations 2010.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

OFFERYNNAU STATUDOL CYMRU

2011 Rhif 1940 (Cy.208)

Y GWASANAETH IECHYD GWLADOL, CYMRU

Rheoliadau'r Gwasanaeth Iechyd Gwladol (Treuliau Teithio a Pheidio â Chodi Tâl) (Cymru) (Diwygio) (Rhif 2) 2011

Gwnaed *31 Gorffennaf 2011*

Gosodwyd gerbron Cynulliad Cenedlaethol Cymru *4 Awst 2011*

Yn dod i rym yn unol â rheoliad 1

Mae Gweinidogion Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd gan adrannau 130, 131, 132 a 203(9) a (10) o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006(**1**) ac a freiniwyd bellach ynddynt hwy(**2**).

Enwi, cychwyn ac effaith

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Treuliau Teithio a Pheidio â Chodi Tâl) (Cymru) (Diwygio) (Rhif 2) 2011.

(2) Mae'r Rheoliadau hyn yn dod i rym ar 1 Medi 2011 ac yn cael effaith o'r dyddiad hwnnw, ac eithrio fel a ddarperir ym mharagraffau (3) a (4).

(3) Mae effaith rheoliad 3(3) yn peidio ar 1 Medi 2012.

(4) Mae rheoliad 3(4) yn cael effaith o 1 Medi 2012 ymlaen.

(**1**) 2006 p.42.

(**2**) Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru a gyfansoddwyd gan Ddeddf Llywodraeth Cymru 1998 (p.38) i Weinidogion Cymru gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32).

WELSH STATUTORY INSTRUMENTS

2011 No. 1940 (W.208)

NATIONAL HEALTH SERVICE, WALES

The National Health Service (Travelling Expenses and Remission of Charges) (Wales) (Amendment) (No.2) Regulations 2011

Made *31 July 2011*

Laid before the National Assembly for Wales *4 August 2011*

Coming into force in accordance with regulation 1

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 130, 131, 132 and 203(9) and (10) of the National Health Service (Wales) Act 2006(**1**) and now vested in them(**2**).

Title, commencement and effect

1.—(1) The title of these Regulations is the National Health Service (Travelling Expenses and Remission of Charges) (Wales) (Amendment) (No.2) Regulations 2011.

(2) These Regulations come into force on 1 September 2011 and have effect from that date, except as provided in paragraphs (3) and (4).

(3) Regulation 3(3) ceases to have effect on 1 September 2012.

(4) Regulation 3(4) has effect from 1 September 2012.

(**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).

Dehongli

2. Yn y Rheoliadau hyn—

ystyr "Rheoliadau 1987" ("*the 1987 Regulations*") yw Rheoliadau Cymhorthdal Incwm (Cyffredinol) 1987(**1**); ac

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

Diwygio Tabl A o Atodlen 1 i Reoliadau 2007

3.—(1) Mae Colofn 2 o Dabl A o Atodlen 1 i Reoliadau 2007 (addasiadau i Reoliadau Cymhorthdal Incwm (Cyffredinol) 1987 wedi ei diwygio fel a ganlyn.

(2) Yn yr addasiad o reoliad 23 (cyfrifo incwm a chyfalaf aelodau o deulu hawlydd ac o briodas amlbriod) o Reoliadau 1987, yn lle'r geiriau "section 22(5) of the Act" rhodder "section 136 of the Social Security Contributions and Benefits Act(**3**)".

(3) Yn yr addasiad o reoliad 62 o Reoliadau 1987 (cyfrifo incwm grant), yn lle'r cofnod sy'n ymwneud â mewnosod paragraff (2), rhodder y canlynol—

"(2C) 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(**4**) 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 to 40 of the Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2011(**5**) which is not taken into account in the calculation of the maximum amount of a loan for living costs under regulations 48 to 51 of those Regulations; and

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

(**2**) O.S. 2007/1104 (Cy.116). Yr offerynnau diwygio perthnasol yw O.S. 2008/1480 (Cy.153), O.S. 2009/54 (Cy.18), O.S. 2010/1237 (Cy.107), O.S. 2010/2759 (Cy.231) ac O.S. 2011/681(Cy.100).

(**3**) 1992 p.4.

(**4**) O.S. 2009/1555.

(**5**) O.S. 2011/148 (Cy.32).

Interpretation

2. In these Regulations—

"the 1987 Regulations" ("*Rheoliadau 1987*") means the Income Support (General) Regulations 1987(**1**); and

"the 2007 Regulations" ("*Rheoliadau 2007*") means the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007(**2**).

Amendment of Table A of Schedule 1 to the 2007 Regulations

3.—(1) Column 2 of Table A of Schedule 1 to the 2007 Regulations (modifications of the Income Support (General) Regulations 1987) is amended as follows.

(2) In the modification of regulation 23 (calculation of income and capital of members of claimant's family and of a polygamous marriage) of the 1987 Regulations for the words "section 22(5) of the Act" substitute "section 136 of the Social Security Contributions and Benefits Act(**3**)".

(3) In the modification of regulation 62 of the 1987 Regulations (calculation of grant income) for the entry relating to the insertion of paragraph (2) substitute the following—

"(2C) 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(**4**) 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 to 40 of the Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2011(**5**) which is not taken into account in the calculation of the maximum amount of a loan for living costs under regulations 48 to 51 of those Regulations; and

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

(**2**) S.I. 2007/1104 (W.116). Relevant amending instruments are S.I. 2008/1480 (W.153), S.I. 2009/54 (W.18), S.I. 2010/1237 (W.107), S.I. 2010/2759 (W.231) and S.I. 2011/681(W.100).

(**3**) 1992 c.4.

(**4**) S.I. 2009/1555.

(**5**) S.I. 2011/148 (W.32).

(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(1) 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.".

(4) Yn yr addasiad o reoliad 62 (cyfrifo incwm grant) o Reoliadau 1987, yn lle'r cofnod sy'n ymwneud â mewnosod paragraff (2), rhodder y canlynol—

"(2C) 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 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 39 to 41 of the Assembly Learning Grants and Loans (Higher Education) (Wales) (No.2) Regulations 2011(2) which is not taken into account in the calculation of the maximum amount of a loan for living costs under regulations 49 to 52 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 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.".

(5) Yn yr addasiad o reoliad 66A (trin benthyciadau i fyfyrwyr) o Reoliadau 1987 yn y paragraff amnewid (1)(b), yn lle "Student Support Information Guide 2009-10" rhodder "Student Support Information Guide 2011-12(3)".

Diwygio Tabl B o Atodlen 1 i Reoliadau 2007

4.—(1) Mae Colofn 2 o Dabl B o Atodlen 1 i Reoliadau 2007 (addasiadau i Reoliadau Cymhorthdal Incwm (Cyffredinol) 1987) wedi ei diwygio fel a ganlyn.

(1) O.S. 2009/373 (G.I.).

(2) O.S. 2011/886 (Cy.130).

(3) Mae'r "Guide" ar gael ar wefan Asiantaeth Dyfarniadau Myfyrwyr yr Alban yn http://www.saas.gov.uk.

(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(1) 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.".

(4) In the modification of regulation 62 (calculation of grant income) of the 1987 Regulations for the entry relating to the insertion of paragraph (2) substitute the following—

"(2C) 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 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 39 to 41 of the Assembly Learning Grants and Loans (Higher Education) (Wales) (No.2) Regulations 2011(2) which is not taken into account in the calculation of the maximum amount of a loan for living costs under regulations 49 to 52 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 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.".

(5) In the modification of regulation 66A (treatment of student loans) of the 1987 Regulations in the substitute paragraph (1)(b), for "Student Support Information Guide 2009-10" substitute "Student Support Information Guide 2011-12(3)".

Amendment of Table B of Schedule 1 to the 2007 Regulations

4.—(1) Column 2 of Table B of Schedule 1 to the 2007 Regulations (modifications of the Income Support (General) Regulations 1987) is amended as follows.

(1) S.I. 2009/373 (N.I.).

(2) S.I. 2011/886 (W.130).

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

(2) Yn nhestun Saesneg Rheoliadau 2007 yn yr addasiad o Atodlen 2 (symiau cymwysadwy) i Reoliadau 1987, yn y cofnod sy'n ymwneud â mewnosod paragraff 1ZA(2), yn lle "mans" rhodder "means".

(3) Yn nhestun Cymraeg Rheoliadau 2007, yn yr addasiad o Atodlen 2 i Reoliadau 1987 (symiau cymwysadwy) yn y cofnod sy'n ymwneud â pharagraff 15(4)(a), yn lle "11(2)(b) or (c)" rhodder "11A(2)(b) or (c)".

(4) Yn nhestun Cymraeg Rheoliadau 2007(1), yn yr addasiad o Atodlen 2 i Reoliadau 1987 (symiau cymwysadwy) yn lle "Ar ôl paragraff 15(4)(a) rhodder y cofnod a ganlyn—

"(aa) where the (aa) an amount condition in equal to the paragraph 11(1)(c) component in and an additional paragraph 13 of condition in Schedule 4 to the paragraph 11A(2) Employment and (a) or (d) are Support Allowance satisfied; Regulations"" rhodder "

Ar ôl paragraff 15(4)(a) rhodder y cofnod a ganlyn—

"(aa) where the condition in paragraph 11(1)(c) and an additional condition in paragraph 11A(2)(a) or (d) are satisfied;	(aa) an amount equal to the component in paragraph 13 of Schedule 4 to the Employment and Support Allowance Regulations."".

(2) In the English text of the 2007 Regulations, in the modification of Schedule 2 (applicable amounts) to the 1987 Regulations in the entry relating to the insertion of paragraph 1ZA(2) for "mans" substitute "means".

(3) In the Welsh text of the 2007 Regulations, in the modification of Schedule 2 to the 1987 Regulations (applicable amounts) in the entry relating to paragraph 15(4)(a) for "11(2)(b) or (c)" substitute "11A(2)(b) or (c)".

(4) In the Welsh text of the 2007 Regulations(1), in the modification of Schedule 2 to the 1987 Regulations (applicable amounts) for "Ar ôl paragraff 15(4)(a) rhodder y cofnod a ganlyn—

"(aa) where the (aa) an amount condition in equal to the paragraph 11(1)(c) component in and an additional paragraph 13 of condition in Schedule 4 to the paragraph 11A(2) Employment and (a) or (d) are Support Allowance satisfied; Regulations"" substitute

"Ar ôl paragraff 15(4)(a) rhodder y cofnod a ganlyn—

"(aa) where the condition in paragraph 11(1)(c) and an additional condition in paragraph 11A(2)(a) or (d) are satisfied;	(aa) an amount equal to the component in paragraph 13 of Schedule 4 to the Employment and Support Allowance Regulations."".

Dirymu

5. Mae Rheoliadau'r Gwasanaeth Iechyd Gwladol (Treuliau Teithio a Pheidio â Chodi Tâl) (Cymru) (Diwygio) (Rhif 2) 2010(2) wedi eu dirymu.

Revocation

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

(1) Mewnosododd O.S. 2009/54 (Cy.18), fel y'i gwnaed gan Weinidogion Cymru, gofnod newydd ar ôl paragraff 15(4)(a) yn yr addasiad o Atodlen 2 i Reoliadau Cymhorthdal Incwm (Cyffredinol) 1987 yn Nhabl B o Atodlen 1 i Reoliadau'r Gwasanaeth Iechyd Gwladol (Treuliau Teithio a Pheidio â Chodi Tâl) (Cymru) 2007. Yr oedd y fersiwn Gymraeg o'r O.S. a lofnodwyd gan y Gweinidog yn anghywir. Er hynny, yn y copi printiedig o O.S. 2009/54 (Cy.18) yr oedd y cofnod yn anghywir yn y fersiwn Gymraeg a'r fersiwn Saesneg o'r Rheoliadau. Mae'r Rheoliadau hyn felly yn cywiro'r cofnod yn y fersiwn Gymraeg o'r O.S. a lofnodwyd gan y Gweinidog.

(2) O.S. 2010/2759 (Cy.231).

(1) S.I. 2009/54 (W.18), as made by the Welsh Ministers, inserted a new entry after paragraph 15(4)(a) in the modification of Schedule 2 to the Income Support (General) Regulations 1987 in Table B of Schedule 1 to the National Health Service (Travel Expenses and Remission of Charges) (Wales) Regulations 2007. The Welsh version of the S.I. signed by the Minister was incorrect. However, in the printed copy of S.I. 2009/54 (W.18) the entry was incorrect in both the Welsh and English version of the Regulations. These Regulations therefore correct the entry in the Welsh version of the S.I. signed by the Minister.

(2) S.I. 2010/2759 (W.231).

Lesley Griffiths

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol, un o Weinidogion Cymru

31 Gorffennaf 2011

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

31 July 2011

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2011 Rhif 1940 (Cy.208)

Y GWASANAETH IECHYD GWLADOL, CYMRU

Rheoliadau'r Gwasanaeth Iechyd Gwladol (Treuliau Teithio a Pheidio â Chodi Tâl) (Cymru) (Diwygio) (Rhif 2) 2011

WELSH STATUTORY INSTRUMENTS

2011 No. 1940 (W.208)

NATIONAL HEALTH SERVICE, WALES

The National Health Service (Travelling Expenses and Remission of Charges) (Wales) (Amendment) (No.2) Regulations 2011

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