

Explanatory Memorandum to the National Health Service (Travelling Expenses and Remission of Charges) (Wales) (Amendment) (No. 3) Regulations 2009: SI 2009 No 2365 (W.193)

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

Description

These regulations further amend the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (“the principal Regulations”) to update the reference to the publication which describes additional loans paid under the Education (Student Loans) (Scotland) Regulations 2007. These loans are disregarded in the calculation of a student’s loan income when a person’s entitlement to the payment of NHS travelling expenses and the remission of certain NHS charges is being established under the principal Regulations. This is a technical amendment rather than a policy change.

Matters of special interest to the Subordinate Legislation Committee

None

Legislative Background – Sections 130, 131, 132 and 203(9) and (10) enable the Welsh Ministers to make Regulations that deal with the payment of NHS travelling expenses and the remission of certain NHS Charges. This instrument will follow the negative resolution procedure. This means that it will be made and laid before the National Assembly for Wales but should not be brought into force until at least 21 (calendar) days from the date of laying. However, in addition, there is a 40 (calendar) day period which also commences from the date of laying whereby a Member may table a motion seeking the annulment of the instrument. Unless an annulment motion is tabled, there shall be no debate of this instrument in Plenary.

Purpose and intended effect of the legislation

Income based entitlement to help with health costs may be available through the NHS Low Income Scheme (LIS) to those who are not automatically entitled through receipt of a passporting benefit such as income support. In the main, these regulations rely on the Income Support (General) Regulations 1987 for the calculation of income, capital and requirements. The Prescription Pricing Division (PPD) administers the LIS on behalf of all four home nations.

The purpose of this amendment is to update the reference to a publication, the Student Support Information Guide 2009 -10, which describes an “additional loan”, in line with updated guidance issued by the Student Awards Agency for Scotland for 2009-10. The intention is that Scottish students who are studying in Wales and who make a LIS claim should have any additional loan disregarded from their loan income when calculating their resources. An additional loan is available to Scottish students based on qualifying conditions, which include the family income level. There are similar disregards

for students from England, Wales and Northern Ireland receiving broadly comparable amounts by way of student funding when they apply to the NHS Low Income Scheme.

Implementation

Since devolution we have striven to maintain parity on policy with regard to the income disregards and other matters, although there has been some variance in providing more generous capital limits.

If this legislation is not made students from Scotland who study in Wales would be disadvantaged by our regulations which would not include the most up to date information in respect of the additional loan from which some Scottish students may benefit.

Consultation

There has been no consultation with stakeholders because these are technical changes to the Regulations.

Regulatory Impact Assessment

A Regulatory Impact Assessment has not been prepared as it has no impact on business, charities or voluntary bodies.

Summary

These amending regulations will ensure that students' equality of access to help with NHS charges is maintained,