

**Jane Hutt AM/AC**

Minster for Business and Budget  
Gweinidog dros Fusnes a Chyllideb



Llywodraeth Cynulliad Cymru  
Welsh Assembly Government

Ein cyf / Our ref:

Lord Dafydd Elis-Thomas AM  
Presiding Officer  
National Assembly for Wales

12 April 2010

*Dear Dafydd*

**The National Health Service (Travelling Expenses and Remission of Charges) (Wales) (Amendment) Regulations 2010**

I am writing to inform you that in order to bring the National Health Service (Travelling Expenses and Remission of Charges) (Wales) (Amendment) Regulations 2010 into force in Wales, it has become necessary to breach the 21-day rule.

These Regulations were laid in Table Office on 12 April 2010 and will come into force on 12 April 2010. They amend the NHS (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 / 1104 (W.116), which provide for payment of travel expenses and remission of NHS charges for, amongst others, persons on low incomes, by reference to limits on their income and capital.

The amendments made by these Regulations bring the capital limit applicable under the 2007 Regulations into line with similar amendments ("*the residential care amendments*") made by the National Assistance (Assessment of Resources and Sums for Personal Requirements) (Wales) (Amendment) Regulations 2010, for use in calculating charges for residential care. Those regulations were laid in Table Office on 16 March 2010.

The residential care amendments relating to capital limits will come into force on 12 April 2010. Those persons who are in residential care and who may apply for help with health costs under the Low Income Scheme (LIS) are likely to have a reasonable expectation for their claim to be

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1NA

English Enquiry Line 0845 010 3300  
Llinell Ymholiadau Cymraeg 0845 010 4400  
Ffacs \* Fax 029 2089 8129  
correspondence.jane.hutt@wales.gsi.gov.uk

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calculated against the same capital limits as those set in the 'residential care amendments'; therefore it is imperative that the amendments made by these Regulations also come into force on that date in order that the same capital limits apply to both sets of regulations at the same time.

Without amendment to 'the Principal Regulations', claims under the LIS from persons in residential care in Wales will continue to be processed on last year's capital limits meaning those claimants will not benefit from the uplift in the capital limit.

In order to establish the most appropriate beneficial outcome for persons in Wales who may receive help with health costs, we have awaited the final equivalent English Regulations, which were laid before Parliament on 9 March. This has enabled us to clarify the position with regard to persons other than those in residential care who may still claim help with health costs under the LIS.

For these reasons it is considered necessary to breach the 21 day rule in order that these Regulations can come into force on 12 April 2010.

These Regulations have not been subject to a regulatory impact assessment because they have no impact on business, charities or voluntary bodies and they do not alter existing policy; they simply increase an existing capital limit. An Explanatory Memorandum has been prepared and laid, together with these Regulations, in Table Office.

A copy of this letter goes to Janet Ryder, Chair of the Constitutional Affairs Committee and to Stephen George, Clerk to the Constitutional Affairs Committee.



**Jane Hutt AM**  
Minister for Business and Budget