

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2005 No. (W.)

**NATIONAL HEALTH
SERVICE, WALES**

The National Health Service
(Optical Charges and Payments)
and (General Ophthalmic Services)
(Amendment) (Wales) Regulations
2005

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the National Health Service (Optical Charges and Payments) Regulations 1997 (“the 1997 Regulations”) and the National Health Service (General Ophthalmic Services) Regulations 1986 (“the 1986 Regulations”).

The 1986 Regulations contain provision for the arrangements for general ophthalmic services under the National Health Service. Regulation 2 of these Regulations amends regulation 13 of the 1986 Regulations to increase the amount used as the basis for calculating entitlement to a free sight test under those Regulations.

The 1997 Regulations provide for payments to be made by means of a voucher system in respect of costs incurred by certain categories of persons in connection with the supply, replacement and repair of optical appliances.

Regulation 3 amends regulation 1 of the 1997 Regulations to increase the NHS sight test fee.

Regulation 4 amends regulation 8 of the 1997 Regulations to increase the amount used as the basis for calculating eligibility for a contribution to the cost of an optical appliance under those Regulations.

Regulation 5 amends regulation 19 of the 1997 Regulations to increase the redemption value of a voucher issued towards the cost of replacement of a

single contact lens and to increase the maximum contribution by way of voucher to the cost of repair of a frame.

Regulation 6 and the Schedule amend the Schedules of the 1997 Regulations to increase the value of vouchers issued towards the costs of the supply and replacement of glasses and contact lenses, to increase the additional values for vouchers for prisms, tints, photocromic lenses and special categories of appliances and to increase the value of vouchers issued towards the cost of the repair and replacement of optical appliances. The rate of increase in the Schedule to these Regulations is approximately 2.5%.

2005 No. (W.)

**NATIONAL HEALTH
SERVICE, WALES**

**The National Health Service
(Optical Charges and Payments)
and (General Ophthalmic Services)
(Amendment) (Wales) Regulations
2005**

Made 2005

Coming into force 24 June 2005

The National Assembly for Wales, in exercise of the powers conferred by sections 38, 78(1), 83A and 126(4) of, and paragraphs 2 and 2A of Schedule 12 to, the National Health Service Act 1977⁽¹⁾ hereby makes the following Regulations:

⁽¹⁾ 1977 c.49. Section 38 was amended by section 1 of, and paragraph 51 of Schedule 1 to, the Health Services Act 1980 (c.53), section 1(3) of the Health and Social Security Act 1984 (c.48) (“the Health and Social Security Act”), article 7(11) of S.I. 1985/39, section 13(1) of the Health and Medicines Act 1988 (c.49) (“the Health and Medicines Act”), paragraph 27 of Schedule 1 to the Health Authorities Act 1995 (c.17) (“the Health Authorities Act”).

Section 78(1) was amended by section 25 of, and Schedule 3 to, the Health and Medicines Act.

Section 83A was inserted by section 14(1) of the Social Security Act 1988 (c.7) and amended by paragraph 6 of Schedule 2 to, the Health and Medicines Act, by paragraph 18(5) of Schedule 9 to the National Health Service and Community Care Act 1990 (c.19) (“the 1990 Act”) and by paragraph 40 of Schedule 1 to the Health Authorities Act.

Section 126(4) was amended by section 65(2) of the the 1990 Act, by section 65(1) of, and paragraphs 37(1) and (6) of Schedule 4 to the Health Act 1999 (c.8) (“the 1999 Act”), by section 67(1) of, and paragraphs 5 and 13 of Schedule 5 to the Health and Social Care Act 2001 (c.15), by section 6(3)(c) and 37(1) of the National Health Service Reform and Health Care Professions Act 2002 (c.17) and by sections 184, 196 and paragraphs 7 and 38 of Schedule 11 to, and part 4 of Schedule 14 to, the Health and Social Care (Community Health and Standards) Act 2003 (c.43).

Paragraph 2(1) of Schedule 12 was substituted by paragraph 8 of Schedule 2 to the Health and Medicines Act.

Title, commencement, interpretation and application

1.—(1) The title of these Regulations is the National Health Service (Optical Charges and Payments) and (General Ophthalmic Services) (Amendment) (Wales) Regulations 2005.

(2) These Regulations come into force on 24 June 2005.

(3) These Regulations apply in relation to Wales.

(4) In these Regulations —

“the 1997 Regulations” (*“Rheoliadau 1997”*) means the National Health Service (Optical Charges and Payments) Regulations 1997(2); and

“the 1986 Regulations” (*“Rheoliadau 1986”*) means the National Health Service (General Ophthalmic Services) Regulations 1986(3).

Amendment of regulation 13 of the 1986 Regulations

2. In regulation 13(2)(1)(ii) of the 1986 Regulations (sight tests - eligibility) for “£14,600” substitute “£15,050”.

Amendment of regulation 1 of the 1997 Regulations

3. In regulation 1(2) of the 1997 Regulations (citation, commencement and interpretation), in the definition of “NHS sight test fee” —

(a) for “£49.19” substitute “£50.77”; and

(b) for “£17.82” substitute “£18.39”.

Amendment of regulation 8 of the 1997 Regulations

4. In regulation 8(3)(1)(ii) of the 1997 Regulations (eligibility - supply of optical appliances) for “£14,600” substitute “£15,050”.

Paragraph 2A of Schedule 12 was inserted by Schedule 1, paragraph 3 of the Health and Social Security Act and amended by section 13(2) and (3) of the Health and Medicines Act.

The functions of the Secretary of State under the above mentioned powers are transferred to the National Assembly for Wales under article 2 of and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), as amended by section 66(5) of the 1999 Act.

(2) S.I. 1997/818; as amended by S.I. 1998/499, 1999/609 and 2841 (W.21), 2000/978 (W.48), 2001/1362 (W.90), 1423 (W.98) and 3323 (W.276), 2003/301 (W.43) and 955 (W.129), 2004/1014 (W.111), 1659 (W.171) and 1042 (W.124).

(3) S.I. 1986/975; as amended by S.I. 1999/693 and 2841 (W.21), 2001/1362 (W.90), 1423 (W.98) and 3323 (W.276), 2002/1883 (W.192), 2003/955 (W.129) and 837 (W.106), 2004/1014 (W.111) and 1042 (W.124).

Amendment of regulation 19 of the 1997 Regulations

5. In regulation 19 of the 1997 Regulations (redemption value of voucher for replacement or repair) —

- (a) in paragraph (1)(b), for “£46.80” substitute “£48.00”; and
- (b) in paragraph (3), for “£12.10” substitute “£12.40”.

Amendments of the Schedules to the 1997 Regulations

6.—(1) In Schedule 1 to the 1997 Regulations (voucher letter codes and face values - supply and replacement) in column (3) of the table (face value of voucher), for each amount specified in column (1) of the table below substitute the amount specified in relation to it in column (2) of the table below.

<i>(1)</i>	<i>(2)</i>
<i>Old amount</i>	<i>New amount</i>
£32.10	£32.90
£48.80	£50.00
£71.30	£73.10
£161.00	£165.00
£55.40	£56.80
£70.40	£72.20
£91.30	£93.60
£177.00	£181.40
£164.90	£169.00
£46.80	£48.00

(2) In Schedule 2 to the 1997 Regulations (prisms, tints, photocromic lenses, small and special glasses and complex appliances) —

- (a) in paragraph 1(1)(a), for “£10.40” substitute “£10.70”;
- (b) in paragraph 1(1)(b), for “£12.50” substitute “£12.80”;
- (c) in paragraph 1(1)(c), for “£3.50” substitute “£3.60”;
- (d) in paragraph 1(1)(d), for “£4.00” substitute “£4.10”;
- (e) in paragraph 1(1)(e), for “£52.80”, “£46.80” and “£25.40” substitute “£54.10”, “£48.00” and “£26.00” respectively;
- (f) in paragraph 1(1)(g), for “£52.80” substitute “£54.10”;
- (g) in paragraph 2(a), for “£12.10” substitute “£12.40”; and

(h) in paragraph 2(b), for “£30.50” substitute “£31.30”.

(3) For Schedule 3 to the 1997 Regulations (voucher values - repair), substitute the Schedule 3 set out in the Schedule to these Regulations.

Application of these Regulations

7. The amounts substituted by regulations 5 and 6 apply only in relation to a voucher accepted or used pursuant to regulation 12 or regulation 17 of the 1997 Regulations on or after 24 June 2005.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(4)

Date

The Presiding Officer of the National Assembly

(4) 1998 c.38.

SCHEDULE
SCHEDULE 3 TO THE 1997 REGULATIONS AS SUBSTITUTED BY THESE REGULATIONS

Regulation 6(3)

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SCHEDULE 3
VOUCHER VALUES-REPAIR

Regulation 19(2) and (3)

(1)	(2)								
Nature of Repair	Letter of Codes-Values								
	A	B	C	D	E	F	G	H	I
Repair or replacement of one lens	£10.25	£18.80	£30.35	£76.30	£22.20	£29.90	£40.60	£84.50	£78.30
Repair or replacement of two lens	£20.50	£37.60	£60.70	£152.60	£44.40	£59.80	£81.20	£169.00	£156.60

