

Statutory Instruments with Clear Reports

21 November 2016

SL(5)025 – The National Health Service (General Ophthalmic Services and Optical Charges and Payments) (Amendment) (Wales) Regulations 2016

Procedure: Negative

These Regulations amend the National Health Service (General Ophthalmic Services) Regulations 1986 (“the GOS regulations”), the National Health Service (General Ophthalmic Services Supplementary List) and (General Ophthalmic Services) (Amendment and Consequential Amendment) (Wales) Regulations 2006 (“the Supplementary List Regulations”) and the National Health Service (Optical Charges and Payments) Regulations 1997 (“the Charges Regulations”).

The amendments to the GOS Regulations relate to the terms under which ophthalmic medical practitioners (“OMPs”) and opticians provide general ophthalmic services including the list of those persons providing such services.

The amendments to the GOS Regulations will:

- Remove the requirement for the optician/OMP to inform a patient’s doctor of the results of a sight test of a patient diagnosed with diabetes or glaucoma.
- Insert a new provision to allow for Electronic claims for payments.
- Allow the Local Health Board (LHB) to remove an optician/OMP from the ophthalmic list if they have not performed general ophthalmic services in the preceding 12 months rather than six.
- Give LHBs discretion as to whether they refuse to include an optician/OMP in its list or remove an optician/OMP from its ophthalmic list if they have been convicted of any criminal offence (other than murder) and has been sentenced to a term of imprisonment (whether suspended or not) of over 6 months; and to allow for a right of appeal if the LHB refuses to include an optician/OMP in its Ophthalmic List.



The amendments to the GOS and the Supplementary Lists Regulations will:

- Allow the LHB to remove an optician/OMP from the Supplementary list if they have not assisted in General Ophthalmic Services in the preceding 12 months rather than six.
- Give LHBs discretion as to whether they refuse to include an optician/OMP in its list or remove an optician/OMP from its ophthalmic list if they have been convicted of any criminal offence (other than murder) and has been sentenced to a term of imprisonment (whether suspended or not) of over 6 months; and to allow for a right of appeal if the LHB refuses to include an optician/OMP in its Ophthalmic List.

The current provision made by the Charges Regulations do not enable an optician/OMP to provide and certify a voucher under General Ophthalmic Services to a patient in respect of glasses the frame of which needs to be specially manufactured on account of the patient's facial characteristics; the patient must attend the Eye Hospital to obtain this voucher. This amendment will allow opticians/OMPs to issue a voucher in these circumstances.

Currently these Regulations provide that small frames can only be provided to a child under the age of 7 years; this potentially disadvantages individuals over the age of 7 years who require small frames for clinical reasons. The proposed amendment will lift this restriction.

Parent Act: National Health Service (Wales) Act 2006

Date Made: 1 November 2016

Date Laid: 3 November 2016

Coming into force date: 1 December 2016



SL(5)026 – The Agricultural Holdings (Units of Production) (Wales) Order 2016

Procedure: Negative

This Order provides for the assessment of productive capacity of agricultural land in Wales and sets out the amount which is to be regarded as the net annual income from each such unit for the year 12 September 2016 to 11 September 2017 for certain purposes.

An assessment of the productive capacity of agricultural land is required in determining whether or not the land in question is a “commercial unit of agricultural land” for the purposes of succession law (i.e. the succession of certain agricultural tenancies).

Parent Act: Agricultural Holdings Act 1986

Date Made: 9 November 2016

Date Laid: 10 November 2016

Coming into force date: 2 December 2016

SL(5)027 – The Home Loss Payments (Prescribed Amounts) (Wales) Regulations 2016

Procedure: Negative

These Regulations increase the maximum and minimum amounts of home loss payments payable under the Land Compensation Act 1973 to those occupying a dwelling who have an owner’s interest. They also increase the amount of home loss payment payable under the Act in any other case.

Parent Act: Land Compensation Act 1973

Date Made: 7 November 2016

Date Laid: 11 November 2016

Coming into force date: 5 December 2016



SL(5)028 – The Plant Health (Export Certification) (Wales) (Amendment) Order 2016

Procedure: Negative

This Order amends the Plant Health (Export Certification) (Wales) Order 2006 (S.I. 2006/1701 (W. 163)) (“the 2006 Order”).

It provides for a 10.7% increase to the fees specified in the 2006 Order for services in respect of applications for certificates (article 2(2)) and pre-export services (article 2(3)).

The fee levels provided for in this Order form the third and final part of a move towards full cost recovery of fees.

Parent Act: Plant Health Act 1967

Date Made: 9 November 2016

Date Laid: 14 November 2016

Coming into force date: 7 December 2016

SL(5)029 – The Education Workforce Council (Registration of Youth Workers, Youth Support Workers and Work Based Learning Practitioners) Order 2016

Procedure: Affirmative

This Order amends Schedule 2 of the Education (Wales) Act 2014 so as to add additional categories of persons to the Table in that Schedule who must register with the Education Workforce Council.

The Order provides that a person may not provide youth development services (i.e. work as a youth worker or youth support worker) for or on behalf of a local authority, further education institute, school governing body or a voluntary body unless registered within their relevant category.

The Order makes similar provision in respect of work based learning practitioners. A work based learning practitioner may not provide work based learning practitioner



services for or on behalf of a work based learning body unless registered in the category of work based learning practitioner.

Parent Act: Education (Wales) Act 2014

Date Made: Not stated

Date Laid: 15 November 2016

Coming into force date: In accordance with Article 1(2)

