

Explanatory Memorandum to the National Health Service (Optical Charges and Payments) (Amendment) (Wales) Regulations 2021

This Explanatory Memorandum has been prepared by the Health and Social Services Group and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the National Health Service (Optical Charges and Payments) (Amendment) (Wales) Regulations 2021.

Eluned Morgan AS/MS
Minister for Health and Social Services

3 August 2021

1. Description

These Regulations amend the National Health Service (Optical Charges and Payments) Regulations 1997 to provide for an increase in the NHS sight test fees.

2. Matters of special interest to the Legislation, Justice and Constitution Committee

The provisions under regulation 2 of the National Health Service (Optical Charges and Payments) (Amendment) (Wales) Regulations 2021 will have effect retrospectively from 1 April 2021. This is expressly permitted under section 76(9) of the National Health Service (Wales) Act 2006.

3. Legislative background

Sections 71, 76(9) and 203(9) and (10) of the National Health Service (Wales) Act 2006 give the Welsh Ministers the power to make regulations to provide for an increase in the NHS sight test fees and to provide that the increase has retrospective effect.

The Regulations will follow the negative resolution procedure.

4. Purpose & intended effect of the legislation

The NHS sight test fee and associated allowances are uplifted annually after negotiations between NHS England & Improvement (on behalf of the Department of Health and Social Care in England) and the Optometric Fees Review Committee. For 2021/22 a 1.9% increase was agreed. As in previous years, a common approach has been adopted with England whereby the fee is uplifted by the same percentage rate in Wales. The fee is payable to an optometrist or ophthalmic medical practitioner who has undertaken a sight test for one of the categories of people eligible to receive it under the NHS.

The legislation increases the NHS sight test fees by 1.9% from 1 April 2021.

5. Consultation

No public consultation has been undertaken as this legislation simply uplifts the NHS sight test fees.

NHS England & Improvement undertakes negotiations annually with the Optometric Fees Review Committee regarding the setting of General Ophthalmic Services Fees and Allowances and makes a recommendation to the Department of Health and Social Care. The Optometric Fees Review Committee comprises of the Association of Optometrists, the Federation of

Opticians, the Association of British Dispensing Opticians and the British Medical Association.

Optometry Wales, the representatives of the profession in Wales expect the uplift of the fees, as in previous years, to mirror those in England. Optometry Wales and NHS Wales Shared Services Partnership who make the payments on behalf of the Local Health Boards to the profession have been informally consulted on the proposed increase.

6. Regulatory Impact Assessment (RIA)

A Regulatory Impact Assessment has not been prepared for this instrument as it simply increases a statutory fee.