

Explanatory Memorandum to the National Health Service (Optical Charges and Payments) (Amendment) (Wales) Regulations 2025

This Explanatory Memorandum has been prepared by the Primary and Community Care Division of the Health, Social Care and Early Years Group, and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Cabinet Secretary'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 2025.

Jeremy Miles MS
Cabinet Secretary for Health and Social Care
11 February 2025

1. Description

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

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

These Regulations will have retrospective effect back to 21 October 2024 so as to ensure that the voucher value increases take effect from that date as agreed during tripartite negotiations between the Welsh Government, NHS Wales and Optometry Wales. The reason for these Regulations requiring retrospective effect is due to the timing of the annual negotiations which take into consideration the outcome of the Doctors and Dentists Remuneration Board, providing an equitable and fair approach across all primary care contractors.

3. Legislative background

The Regulations will be made pursuant to powers under sections 129, and 203(9) and (10) of the National Health Service (Wales) Act 2006. The instrument will follow the negative resolution procedure.

4. Purpose & intended effect of the legislation

It is recognised that certain groups of the general public should be entitled to help towards the cost of glasses and contact lenses. The voucher scheme is intended to provide eligible patients, including children and people on benefits or low incomes, with a voucher that they may use either to buy from a basic range of spectacles or put towards a more expensive pair of their choice or alternatively put towards the cost of contact lenses. The value of the voucher is determined by the power of the prescription required by the patient. The Regulations increase the optical voucher values from 21 October 2024.

5. Consultation

No public consultation has been undertaken. However, Optometry Wales, acting as the professional body representing community optometrists, opticians and dispensing opticians across Wales, worked in collaboration to reach an agreed negotiated outcome on the voucher values via tripartite discussions with the Welsh Government and NHS Wales. This follows a well-established and collaborative annual process between the key delivery partners deploying a social partnership approach.

6. Regulatory Impact Assessment (RIA)

The Welsh Ministers' Code of Practice on the carrying out of RIAs was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a RIA as to the likely costs and benefits of complying with these Regulations as they simply uplift the value of the vouchers to assist eligible patients towards the purchase, replacement and repair of optical appliances. This legislation has no impact on the statutory duties (sections 77-79 of the Government of Wales Act 2006) or statutory partners (sections 72-75 of that Act).