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WELSH STATUTORY INSTRUMENTS

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**2004 No. 1014 (W.111)**

**NATIONAL HEALTH SERVICE, WALES**

**The National Health Service (Optical Charges  
and Payments) and (General Ophthalmic  
Services) (Amendment) (Wales) Regulations 2004**

*Made - - - - 31st March 2004  
Coming into force in accordance with regulation 1(2)  
and (3).*

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 38, 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:

**Citation, commencement, interpretation and application**

1.—(1) These Regulations may be cited as the National Health Service (Optical Charges and Payments) and (General Ophthalmic Services) (Amendment) (Wales) Regulations 2004.

(2) Subject to paragraph (3) these Regulations will come into force on 1st April 2004.

(3) Regulations 2, 3, 7 and 8 will come into force on 6th April 2004.

(4) In these Regulations unless the context otherwise requires —

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

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- (1) 1977 c. 49; see section 128(1) as amended by the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”), section 26(2)(g) and (i) for the definitions of “prescribed” and “regulations”. Section 38 was amended by the Health Services Act 1980 (c. 53) (“the 1980 Act”), section 1 and Schedule 1, paragraph 51; by the Health and Social Security Act 1984 (c. 48) (“the 1984 Act”), section 1(3); by S.I.1985/39, article 7(11); by the Health and Medicines Act 1988 (c. 49) (“the 1988 Act”), section 13(1); and by the Health Authorities Act 1995 (c. 17) (“the 1995 Act”), Schedule 1, paragraph 27. Section 126(4) was amended by the 1990 Act, section 65(2) and by the Health Act 1999 (c. 8) (“the 1999 Act”), Schedule 4, paragraph 37(6). Paragraph 2(1) of Schedule 12 was substituted by the 1988 Act, Schedule 2, paragraph 8(1); Paragraph 2A of Schedule 12 was inserted by the 1984 Act, Schedule 1, Part 1, paragraph 3 and amended by the 1988 Act, section 13(2) and (3). The functions of the Secretary of State under sections 38, 39, 78, 126(4) and 127 of, and paragraphs 2 and 2A of Schedule 12 to the 1977 Act are transferred to the National Assembly for Wales by The National Assembly for Wales (Transfer of Functions) Order 1999, S.I.1999/672, article 2 and Schedule 1, as amended by the 1999 Act, section 66(4), the Health and Social Care Act 2001 (c. 15), section 68(1), the National Health Service Reform and Health Care Professions Act 2002 (c. 17), section 40(1) and the Health and Social Care (Community Health and Standards) Act 2003 (c. 43), section 197(1).
- (2) S.I.1997/818; the relevant amending instruments are S.I.1997/2488, 1998/499, 1999/609, 2000/978 (W.48), 2000/3119 (W.198), 2001/1362 (W.90) and 1423 (W.98), 2002/186 (W.25) and 1506 (W.151), 2003/301 (W.43) and 955 (W.129).

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

(5) These Regulations apply to Wales only.

### **Amendment of regulation 1 of the 1997 Regulations**

2.—(1) Regulation 1 of the 1997 Regulations (citation, commencement and interpretation), is amended in accordance with the following provisions of this regulation.

(2) Insert the following definitions in the appropriate place in the alphabetical order—

““Local Health Board” has the meaning assigned to it by section 16BA(4) of the Act;

“pension credit guarantee credit” is to be construed in accordance with sections 1 and 2 of the State Pension Credit Act 2002(5);

“severe disability element” means the severe disability element of working tax credit specified in section 11(6)(d) of the Tax Credits Act 2002(6);”.

(3) After paragraph (2), insert the following paragraph—

“(2A) In the application of these Regulations in relation to Wales—

“Health Authority” shall, in each place where these words occur, have effect as if there were substituted the words “Local Health Board”.”.

### **Amendment of regulation 8 of the 1997 Regulations**

3. In regulation 8 of the 1997 Regulations (eligibility — supply of optical appliances)—

(a) in paragraph (3)(1)(i)(bb), after “disability element”, insert “or severe disability element”.

(b) in paragraph (3)(1)(ii) for “£14,200” substitute “£14,600”.

### **Amendment of regulation 19 of the 1997 Regulations**

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

(a) in paragraph (1)(b), for “£45.70” substitute “£46.80”; and

(b) in paragraph (3), for “£11.80” substitute “£12.10”.

### **Amendment of the Schedules to the 1997 Regulations**

5.—(1) In Schedule 1 to the 1997 Regulations (voucher letter codes and face values — supply and replacement) in column (3) (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 that table.

**TABLE**

(1) <i>Old amount</i>	(2) <i>New amount</i>
£ 31.30	£ 32.10

(3) S.I.1986/975; the relevant amending instruments are S.I.1988/486, 1989/395 and 1175, 1990/1051, 1991/583, 1992/404, 1995/558, 1996/705 and 2320, 1999/693, 1999/2481 (W.21), 2001/1362 (W.90), 2003/955 (W.129).

(4) Section 16BA was inserted into the National Health Service Act 1977 (c. 49) by the National Health Service Reform and Health Care Professions Act 2002 (c. 17), section 6.

(5) 2002 c. 16.

(6) 2002 c. 21.

(1) <i>Old amount</i>	(2) <i>New amount</i>
£ 47.60	£ 48.80
£ 64.80	£ 71.30
£ 146.30	£ 161.00
£ 54.00	£ 55.40
£ 68.70	£ 70.40
£ 83.00	£ 91.30
£ 160.90	£ 177.00
£ 160.90	£ 164.90
£ 45.70	£ 46.80

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

- (a) in paragraph 1(1)(a) (prism — single vision lens), for “£10.10” substitute “£10.40”;
- (b) in paragraph 1(1)(b) (prism — other lens), for “£12.20” substitute “£12.50”;
- (c) in paragraph 1(1)(c) (single vision tinted lens), for “£3.40” substitute “£3.50”;
- (d) in paragraph 1(1)(d) (other tinted lens), for “£3.90” substitute “£4.00”;
- (e) in paragraph 1(1)(e) (small glasses)—
  - (i) for “£51.50” substitute “£52.80”,
  - (ii) for “£45.70” substitute “£46.80”, and
  - (iii) for “£24.80” substitute “£25.40”;
- (f) in paragraph 1(1)(g) (specially manufactured frames) for “£51.50” substitute “£52.80”;
- (g) in paragraph 2(a) (minimum complex appliance payment — single vision lenses), for “£11.00” substitute “£12.10”;
- (h) in paragraph 2(b) (minimum complex appliance payment — other lenses), for “£27.70” substitute “£30.50”.

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

### Use of these Regulations

6. The amendments made by regulations 4 and 5 of these Regulations apply only in relation to a voucher accepted or used pursuant to regulations 12 or 17 of the 1997 Regulations on or after 1st April 2004.

### Amendment of regulation 2 of the 1986 Regulations

7.—(1) Regulation 2 of the 1986 Regulations (interpretation), is amended in accordance with the following provisions of this regulation.

- (2) In paragraph (1)—
  - (a) in the definition of “notice of entitlement”, after “under regulation 7” insert “or 7A”;
  - (b) in the appropriate positions in the alphabetical order insert the following definitions—

““Local Health Board” has the meaning assigned to it by section 16BA(7) of the Act;  
“pension credit guarantee credit” is to be construed in accordance with sections 1 and 2 of the State Pension Credit Act 2002(8);  
“severe disability element” means the severe disability element of working tax credit specified in section 11(6)(d) of the Tax Credits Act 2002(9);”.

(3) After paragraph (1), insert the following paragraph—

“(1A) In the application of these Regulations in relation to Wales—

“Health Authority” shall, in each place where these words occur, have effect as if there were substituted the words “Local Health Board”.”.

### **Amendment of regulation 13 of the 1986 Regulations**

8.—(1) Regulation 13 of the 1986 Regulations (sight tests — eligibility) is amended in accordance with the following provisions of this regulation.

(2) In paragraph (2) —

(a) for sub-paragraph (l) substitute the following sub-paragraph—

“(l) he is a member of a family—

(i) one member of which is receiving —

(aa) working tax credit and child tax credit,

(bb) working tax credit which includes a disability element or a severe disability element, or

(cc) child tax credit, but is not eligible to receive working tax credit, and

(ii) where the gross annual income of the person or persons to whom an award of a tax credit is made under section 14 of the Tax Credits Act 2002 is determined at the time of the award not to exceed £14,600; or”;

(b) after sub-paragraph (l), insert the following sub-paragraphs—

“(m) he is a person in respect of whom there is a current notice of entitlement;

(n) he is a member of a family one member of which is receiving pension credit guarantee credit.”.

(3) In paragraph (3), in sub-paragraph (a), for “sub-paragraphs (b) and (f)” substitute “sub-paragraphs (b), (f) and (n)”.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(10)

31st March 2004

*D. Elis-Thomas*  
The Presiding Officer of the National Assembly

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(7) Section 16BA was inserted into the National Health Service Act 1977 (c. 49) by the National Health Service Reform and Health Care Professions Act 2002 (c. 17), section 6.

(8) 2002 c. 16.

(9) 2002 c. 17.

(10) 1998 c. 38.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Regulation 5(3)

SCHEDULE 3 TO THE 1997 REGULATIONS  
AS SUBSTITUTED BY THESE REGULATIONS

“SCHEDULE 3

REGULATIONS 19(2) AND (3)

**VOUCHER VALUES — REPAIR**

(1) Nature of Repair	(2) Letter Codes-Values								
	A £	B £	C £	D £	E £	F £	G £	H £	I £
Repair or replacement of one lens	10.00	18.35	29.60	74.45	21.65	29.15	39.60	82.45	76.40
Repair or replacement of two lenses	20.00	36.70	59.20	148.90	43.30	58.30	79.20	164.90	152.80
Repair or replacement of:									
The front of a frame	10.25	10.25	10.25	10.25	10.25	10.25	10.25	10.25	10.25
A side of a frame	6.10	6.10	6.10	6.10	6.10	6.10	6.10	6.10	6.10
The whole frame	12.10	12.10	12.10	12.10	12.10	12.10	12.10	12.10	12.10”

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## 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 1997 Regulations provide for a scheme of payments to be made by Health Authorities and NHS Trusts by means of a voucher system in respect of costs incurred by certain categories of persons in connection with sight tests and the supply, replacement and repair of optical appliances.

The 1986 Regulations contain provision for the arrangements for general ophthalmic services under the National Health Service.

The changes made by these Regulations introduce into the categories of persons entitled to receive assistance towards the cost of supply of optical appliances (under the 1997 Regulations) and to receive a sight test under general ophthalmic services (under the 1986 Regulations) members of a family whose income falls below a specified limit and which is in receipt of working tax credit with a severe disability element.

They also make amendments consequent upon the introduction of pension credit guarantee credit in the State Pension Act 2002. The purpose of the amendments is to ensure that those in receipt of pension credit guarantee credit and members of their families will be entitled to National Health Service vouchers towards the cost of optical appliances and to general ophthalmic services.

Regulation 4 amends regulation 19 of the 1997 Regulations (redemption value of voucher for replacement or repair) to increase the value of an optical voucher issued towards the cost of replacing a single contact lens, and to increase the maximum contribution by way of a voucher to the cost of repairing a spectacle frame.

Regulation 5(1) amends Schedule 1 of the 1997 Regulations to increase the value of vouchers issued towards the costs of the supply and replacement of glasses and contact lenses.

Regulation 5(2) amends Schedule 2 to the 1997 Regulations to increase the additional values for vouchers for prisms, tints, photochromic lenses and special categories of appliances.

Regulation 5(3) and the Schedule substitute a new Schedule 3 in the 1997 Regulations to increase the value of vouchers issued towards the repair and replacement of optical appliances.

The rate of increase is approximately 2.5%, except that the value of vouchers for certain people with high prescription lenses is increased by approximately 10%.

Regulation 6 provides that the increases to the voucher values made by regulations 4 and 5 will only apply to vouchers accepted or used after 1 April 2004.