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STATUTORY INSTRUMENTS

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**1996 No. 2328**

**NATIONAL HEALTH SERVICE,  
ENGLAND AND WALES**

**The National Health Service (Optical Charges and  
Payments) Amendment (No. 2) Regulations 1996**

*Made* - - - - *7th September 1996*  
*Laid before Parliament* *16th September 1996*  
*Coming into force* - - *7th October 1996*

The Secretary of State for Health, in exercise of the powers conferred on him by section 126(4) of, and paragraph 2A of Schedule 12 to, the National Health Service Act 1977<sup>(1)</sup> and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the National Health Service (Optical Charges and Payments) Amendment (No. 2) Regulations 1996 and shall come into force on 7th October 1996.

(2) In these Regulations, “the principal Regulations” means the National Health Service (Optical Charges and Payments) Regulations 1989<sup>(2)</sup>.

**Amendment of regulation 1 of the principal Regulations**

2. In regulation 1 of the principal Regulations (citation, commencement and interpretation), in paragraph (2), after the definition of “family credit” insert—

““an income-based jobseeker’s allowance” has the meaning given to it by section 1(4) of the Jobseekers Act 1995<sup>(3)</sup>”.

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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 126(4) was amended by the 1990 Act, section 65(2). Paragraph 2A of Schedule 12 was inserted by the Health and Social Security Act 1984 (c. 48), Schedule 1, Part I, paragraph 3 and amended by the Health and Medicines Act 1988 (c. 49), section 13(2) and (3).

(2) S.I. 1989/396, amended by S.I. 1990/495, 1991/583, 1991/1680, 1991/2465, 1992/404, 1993/418, 1994/131, 1994/495, 1994/2619, 1995/34, 1995/691, 1995/2307 and 1996/582.

(3) 1995 c. 18.

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

3.—(1) Regulation 8 of the principal Regulations (eligibility—supply of optical appliances)<sup>(4)</sup> is amended as follows.

(2) In paragraph (3)—

(a) in sub-paragraph (g), omit the words from “and his” to the end; and

(b) after sub-paragraph (h), add—

“(i) he is in receipt of an income-based jobseeker’s allowance; or

(j) he is a member of the same family as a person described in sub-paragraph (i) of this paragraph.”.

(3) In paragraph (4), after sub-paragraph (c), add—

““and has the meaning given to it by section 35 of the Jobseekers Act 1995<sup>(5)</sup> in the case of paragraph 3(j).”.”

7th September 1996

*Gerald Malone*  
Secretary of State for Health

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(4) Relevant amendments to regulation 8 were made by S.I. [1995/691](#).

(5) See S.I. [1996/207](#), regulations 76 to 78 as amended by S.I. [1996/1516](#) and [1517](#).

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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 1989 (“the principal Regulations”), which 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 2 of these Regulations amends regulation 1 of the principal Regulations in order to include a definition of an income-based jobseeker’s allowance.

Regulation 3(2)(a) of these Regulations removes the capital restriction relating to disability working allowance so that everyone in receipt of this, and certain of their relatives, will be eligible for payments towards the cost of optical appliances.

Regulation 3(2)(b) and (3) of these Regulations extends the categories of eligibility for payments towards the costs of optical appliances to include people in receipt of an income-based jobseeker’s allowance, and also certain relatives of such people.