
STATUTORY INSTRUMENTS

2004 No.1138

NATIONAL HEALTH SERVICE, ENGLAND

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

<i>Made</i>	- - - -	<i>13th April 2004</i>
<i>Laid before Parliament</i>		<i>15th April 2004</i>
<i>Coming into force</i>	- -	<i>6th May 2004</i>

The Secretary of State for Health, in exercise of the powers conferred on him by sections 38 and 126(4) of, and paragraph 2A(3) of Schedule 12 to, the National Health Service Act 1977(1) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the National Health Service (Optical Charges and Payments) and (General Ophthalmic Services) (Miscellaneous Amendments) Regulations 2004 and shall come into force on 6th May 2004.

(2) These Regulations apply to England only.

Amendment of the Optical Regulations

2. In regulation 1(2) of the National Health Service (Optical Charges and Payments) Regulations 1997(2) (citation, commencement and interpretation) in the definition of “NHS sight test fee”—

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- (1) 1977 (c. 49). Section 38 was amended by section 1 of, and paragraph 51 of Schedule 1 to, the Health Services Act 1980(c. 53)(“the Health Services Act”), section 1(3) of the Health and Social Security Act 1984 (c. 48) (“the Health and Social Security Act”), article 7(11) of S.I.1985/39, section 13(1) of the Health and Medicines Act 1988(c. 49) (“the Health and Medicines Act”), paragraph 27 of Schedule 1 to the Health Authorities Act 1995 (c. 17) (“the Health Authorities Act”) and section 1(3) of, and paragraph 11 of Schedule 2 to, the National Health Service Reform and Health Care Professions Act 2002 (c. 17) (“the NHS Reform Act”). Section 78(1) was amended by section 25 of, and Schedule 3 to, the Health and Medicines Act. Section 126(4) has been amended by section 65(2) of the 1990 Act, section 65(1) of, and paragraphs 4 and 37 of Schedule 4 to, the Health Act 1999 (c. 8)(“the 1999 Act”), section 67(1) of, and paragraph 5 and 13 of Part 1 of Schedule 5 to, the Health and Social Care Act 2001 (c. 15), and sections 6(3)(c) and 37(1) of the NHS Reform Act 2002. Paragraph 2A of Schedule 12 was inserted by Schedule 1, paragraph 3 of the Health and Social Security Act and amended by section 13(2) and (3) of the Health and Medicines Act. The functions of the Secretary of State under these provisions are, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2(a) of the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672, as amended by section 66(5) of the 1999 Act.
- (2) S.I. 1997/818, as amended by S.I. 1999/609, S.I. 1999/2562, S.I. 2000/594, S.I. 2001/414, S.I. 2001/3066, S.I. 2001/3323, S.I. 2002/547, S.I. 2002/1326, S.I. 2003/657 and S.I. 2004/642.

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- (a) for “£46.16”, there is substituted “£49.19”; and
- (b) for “£16.72”, there is substituted “£17.82”.

Amendment of the Ophthalmic Regulations

3. In regulation 13(2)(1) of the National Health Service (General Ophthalmic Services) Regulations 1986(3) (sight tests-eligibility) in head (ii) for “£14,200”, there is substituted “£14,600”.

Signed by authority of the Secretary of State for Health

13th April 2004

Rosie Winterton
Minister of State,
Department of Health

(3) S.I. 1986/975; relevant amending instruments are S.I. 1989/395, S.I. 1995/558, S.I. 1996/2320, S.I. 1996/2320, S.I. 1999/2562, S.I. 2001/1084, S.I. 2001/3739, S.I. 2003/657 and S.I. 2004/642.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (Optical Charges and Payments) Regulations 1997 (“the Optical Regulations”) and the National Health Service (General Ophthalmic Services) Regulations 1986 (“the Ophthalmic Regulations”).

Regulation 2 amends the Optical Regulations to increase the amount of the NHS sight test fee. Regulation 3 amends regulation 13 of the Ophthalmic Regulations to increase the amount used as the basis for calculating entitlement to a free sight test under those regulations.