

2004 No. 642

NATIONAL HEALTH SERVICE, ENGLAND

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

<i>Made</i> - - - -	<i>9th March 2004</i>
<i>Laid before Parliament</i>	<i>11th March 2004</i>
<i>Coming into force</i>	
<i>Regulations 1, 2, 3(1) and (4), 4 and 5</i>	<i>1st April 2004</i>
<i>Regulation 3(2) and (3)</i>	<i>6th April 2004</i>

The Secretary of State for Health, in exercise of the powers conferred on him by sections 38, 78(1) and 126(4) of, and paragraphs 2 and 2A of Schedule 12 to, the National Health Service Act 1977(a) and of all other powers enabling him in that behalf, 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 Regulations 2004 and shall come into force on 1 April 2004 except for regulation 3(2) and (3) which shall come into force on 6 April 2004.

(2) In these Regulations—

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

“the Ophthalmic Regulations” means the National Health Service (General Ophthalmic Services) Regulations 1986(c).

(3) These Regulations apply to England only.

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- (a) 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 Health Services Act”), section 1 and Schedule 1, paragraph 51; by the Health and Social Security Act 1984 (c. 48) (“the Health and Social Security Act”), section 1(3); by S.I. 1985/39, article 7(11); by the Health and Medicines Act 1988 (c. 49) (“the Health and Medicines Act”), section 13(1); by the Health Authorities Act 1995 (c. 17) (“the Health Authorities Act”), Schedule 1, paragraph 27; and by the National Health Service Reform and Health Care Professions Act 2002 (c. 17) (“the National Health Service Reform Act”), section 1(3) and Schedule 2, Part 1, paragraph 11. Section 78(1) was amended by section 25 of, and Schedule 3 to, the Health and Medicines Act. Section 126(4) was amended by the 1990 Act, section 65(2), by the Health Act 1999 (c.8) (“the 1999 Act”), Schedule 4, paragraph 37(6) and by the Health and Social Care Act 2001 (c.15) (“the 2001 Act”), Schedule 5, paragraph 5(13)(b). Paragraph 2 of Schedule 12 was substituted by sections 11(8) and 25 of, and paragraph 8 of Schedule 2 to, and Schedule 3 to, the Health and Medicines Act, by section 25(2) of, and paragraph 2 of Schedule 5 to, the Health Services Act, and by section 24 of, and Part 1 of Schedule 8 to, the Health and Social Security Act. Paragraph 2A of Schedule 12 was inserted by the Health and Social Security Act, Schedule 1, Part I, paragraph 3 and amended by section 13(2) and (3) of the Health and Medicines Act. The functions of the Secretary of State under the National Health Service Act 1977 are, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales under the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672, article 2(a) and Schedule 1 as amended by section 66(5) of the 1999 Act.
- (b) 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 and S.I.2003/657.
- (c) S.I. 1986/975; relevant amending instruments are S.I. 1989/395, 1995/558, 1996/2320, 1999/2562, 2001/1084 and 2001/3739 and S.I. 2003/657.

Amendments to the Optical Regulations and the Ophthalmic Regulations concerning prisoners

2.—(1) In both regulation 1(2) of the Optical Regulations (citation, commencement and interpretation) and in regulation 2(1) of the Ophthalmic Regulations (interpretation) after the definition of “pension credit guarantee credit” insert the following new definitions—

““prison” includes a young offender institution but not a secure training centre or a naval, military or air force prison, and for the purposes of this definition—

“secure training centre” means a place in which offenders subject to detention and training orders under section 100 of the Powers of Criminal Courts (Sentencing) Act 2000 (offenders under 18: detention and training orders)(a) may be detained and given training and education and prepared for their release; and

“young offender institution” means a place for the detention of offenders sentenced to detention in a young offender institution or to custody for life;”;

““prisoner” means a person who is detained in a prison in which medical, dental, ophthalmic, pharmaceutical or nursing services are provided under the Act by or under arrangements made by a Primary Care Trust otherwise than by virtue of section 18A(5) of the Act (provision of services) (b);”.

(2) In regulation 8 of the Optical Regulations (supply of optical appliances) in paragraph (2) after subparagraph (f) insert—

“(g) a prisoner.”.

(3) In regulation 13 of the Ophthalmic Regulations (sight tests - eligibility) in paragraph (1) after subparagraph (h) insert—

“(i) a prisoner.”.

Amendments to the Optical Regulations

3.—(1) The Optical Regulations are amended as follows.

(2) In regulation 1 in paragraph (2) after the definition of “responsible authority” insert the following new definition—

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

(3) In regulation 8 in paragraph (3)(1)—

(a) in head (i), after “disability element”, insert “or severe disability element”, and

(b) in head (ii) for “£14,200”, substitute “£14,600”.

(4) In regulation 19 (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 Optical Regulations

4.—(1) In Schedule 1 to the Optical 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.

(1) Old amount	(2) New amount
£31.30	£32.10
£47.60	£48.80
£64.80	£71.30
£146.30	£161.00
£54.00	£55.40

(a) 2000.c.6.

(b) Section 18A was inserted by the Health Act 1999(c.8).

(1) Old amount	(2) New amount
£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 Optical Regulations (prisms, tints, photochromic lenses, small and special glasses and complex appliances)—

- (a) in paragraph 1(1)(a), for “£10.10” substitute “£10.40”;
- (b) in paragraph 1(1)(b), for “£12.20” substitute “£12.50”;
- (c) in paragraph 1(1)(c), for “£3.40” substitute “£3.50”;
- (d) in paragraph 1(1)(d), for “£3.90” substitute “£4.00”;
- (e) in paragraph 1(1)(e), for “£51.50”, “£45.70”, and “£24.80” substitute “£52.80”, “£46.80” and “£25.40” respectively;
- (f) in paragraph 1(1)(g), for “£51.50” substitute “£52.80”;
- (g) in paragraph 2(a), for “£11.00” substitute “£12.10”; and
- (h) in paragraph 2(b), for “£27.70” substitute “£30.50”.

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

Application of these Regulations

5. The amendments made in Regulations 3(3) and 4 apply only in relation to a voucher accepted or used pursuant to regulation 12 or regulation 17 of the Optical Regulations on or after 1st April 2004.

Signed by authority of the Secretary of State for Health

9th March 2004

Rosie Winterton
Minister of State,
Department of Health

SCHEDULE 1

Regulation 4(3)

SCHEDULE 3 TO THE PRINCIPAL REGULATIONS AS SUBSTITUTED BY THESE REGULATIONS

SCHEDULE 3

Regulation 19(2) and (3)

VOUCHER VALUES – REPAIR

(1) <i>Nature of Repair</i>	(2) <i>Letter Codes-Values</i>								
	<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>	<i>E</i>	<i>F</i>	<i>G</i>	<i>H</i>	<i>I</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

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”) 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. In regulation 2 they also amend the National Health Service (General Ophthalmic Services) Regulations 1986 so as to provide that prisoners are eligible for free sight tests and are included in the categories of persons who are entitled to vouchers for the supply, replacement and repair of optical appliances. This change is a result of the transfer of responsibility for prison health care from the Home Office to Primary Care Trusts.

Regulation 3 amends regulation 8 of the Optical Regulations to increase the amount used as the basis for calculating the remission of charges under those regulations and extends the eligibility to such remission to families claiming working tax credit with a severe disability element. It also amends regulation 19 of the Optical Regulations to increase the redemption value of a voucher issued towards the cost of replacement of a single contact lens and to increase the maximum contribution by way of a voucher to the cost of repair of a frame.

Regulation 4 and the Schedule amend the Schedules to the Optical Regulations. Firstly, the value of vouchers issued towards the costs of the supply and replacement of glasses and contact lenses is increased; secondly, the additional values for vouchers for prisms, tints, photochromic lenses and special categories of appliances are increased; and thirdly, the value of vouchers issued towards the cost of the repair and replacement of optical appliances is increased.

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%.

£3.00

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under the authority and superintendence of Carol Tullo, Controller of Her Majesty’s
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E0359 3/2004 140359T 19585

ISBN 0-11-048849-0

