

2005 No. 483

NATIONAL HEALTH SERVICE, ENGLAND

**The National Health Service (Optical Charges and Payments) and
(General Ophthalmic Services) Amendment Regulations 2005**

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|---|------------------------|
| <i>Made</i> - - - - | <i>4th March 2005</i> |
| <i>Laid before Parliament</i> | <i>10th March 2005</i> |
| <i>Coming into force</i> | |
| <i>Regulations 1, 3(1) and (3), 4 and 5</i> | <i>1st April 2005</i> |
| <i>Regulations 2 and 3(2)</i> | <i>6th April 2005</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 2005 and shall come into force on 1st April 2005 except for regulations 2 and 3(2) which shall come into force on 6th April 2005.

(2) These Regulations apply in relation to England.

(3) In these Regulations—

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

(a) 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) was amended by section 65(2) of the National Health Service and Community Care Act 1990 (c.19), by section 65(1) of, and paragraphs 37(1) and(6) of Schedule 4 to the Health Act 1999(c.8) (“the 1999 Act”), by section 67(1) of, and paragraphs 5(1) and 13(b) of Schedule 5 to the Health and Social Care Act 2001(c.15), by section 6(3)(c) and 37(1) of, and paragraphs 1 and 10 of Schedule 8 to, the NHS Reform Act and by sections 184, 196 and paragraphs 7 and 38 of Schedule 11 to, and Part 4 of Schedule 14 to, the Health and Social Care (Community Health and Standards) Act 2003(c.43). 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 I of Schedule 8 to, the Health and Social Security Act. 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 the above mentioned powers are transferred to the National Assembly for Wales under 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.

(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, S.I. 2003/657, S.I. 2003/2381, S.I. 2004/642, S.I. 2004/936 and S.I. 2004/1138.

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

Amendment to the Ophthalmic Regulations

2. In regulation 13(2)(1)(ii) of the Ophthalmic Regulations (sight tests-eligibility) for “£14,600”, substitute “£15,050”.

Amendments to the Optical Regulations

3.—(1) In regulation 1(2) of the Optical Regulations (citation, commencement and interpretation), in the definition of “NHS sight test fee”—

- (a) for “£49.19” substitute “£50.77”; and
- (b) for “£17.82” substitute “£18.39”.

(2) In regulation 8(3)(1)(ii)(eligibility-supply of optical appliances) for “£14,600”, substitute “£15,050”.

(3) In regulation 19 (redemption value of voucher for replacement or repair)—

- (a) in paragraph (1)(b), for “£46.80” substitute “£48.00”; and
- (b) in paragraph (3), for “£12.10” substitute “£12.40”.

Amendments to 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) of the table (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 the table below.

| <i>(1)</i> <i>Old amount</i> | <i>(2)</i> <i>New amount</i> |
|---------------------------------|---------------------------------|
| £32.10 | £32.90 |
| £48.80 | £50.00 |
| £71.30 | £73.10 |
| £161.00 | £165.00 |
| £55.40 | £56.80 |
| £70.40 | £72.20 |
| £91.30 | £93.60 |
| £177.00 | £181.40 |
| £164.90 | £169.00 |
| £46.80 | £48.00 |

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

- (a) in paragraph 1(1)(a), for “£10.40” substitute “£10.70”;
- (b) in paragraph 1(1)(b), for “£12.50” substitute “£12.80”;
- (c) in paragraph 1(1)(c), for “£3.50” substitute “£3.60”;
- (d) in paragraph 1(1)(d), for “£4.00” substitute “£4.10”;
- (e) in paragraph 1(1)(e), for “£52.80”, “£46.80” and “£25.40” substitute “£54.10”, “£48.00” and “£26.00” respectively;
- (f) in paragraph 1(1)(g), for “£52.80” substitute “£54.10”;
- (g) in paragraph 2(a), for “£12.10” substitute “£12.40”; and

(a) 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, S.I. 2004/642, S.I. 2004/936 and S.I. 2004/1138.

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 these Regulations also amend regulation 13 of the National Health Service (General Ophthalmic Services) Regulations 1986 to increase the amount used as the basis for calculating entitlement to a free sight test under those Regulations.

Regulation 3 amends the Optical Regulations to increase the NHS sight test fee. It amends regulation 8 of the Optical Regulations to increase the amount used as the basis for calculating eligibility for a contribution to the cost of an optical appliance under those Regulations. It also amends regulation 19 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 voucher to the cost of repair of a frame.

Regulation 4 and the Schedule amend the Schedules of the Optical Regulations to increase the value of vouchers issued towards the costs of the supply and replacement of glasses and contact lenses, to increase the additional values for vouchers for prisms, tints, photocromic lenses and special categories of appliances and to increase the value of vouchers issued towards the cost of the repair and replacement of optical appliances. The rate of increase in the Schedule to these Regulations is approximately 2.5%.

These Regulations do not impose a cost on business.

£3.00

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under the authority and superintendence of Carol Tullo, Controller of Her Majesty’s
Stationery Office and Queen’s Printer of Acts of Parliament.
E0372 3/2005 150372T 19585

ISBN 0-11-072395-3



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