
WELSH STATUTORY INSTRUMENTS

2001 No. 3323 (W.276)

NATIONAL HEALTH SERVICE, WALES

The National Health Service (Optical Charges and Payments) and (General Ophthalmic Services) (Amendment) (No.3) (Wales) Regulations 2001

Made - - - - 28th September 2001

Coming into force - - 1st October 2001

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 38, 39, 78, 126(4) and 127 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) (No.3) (Wales) Regulations 2001 and shall come into force on 1st October 2001.

(2) 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);

(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 39 was extended by the 1988 Act, section 17; and amended by the 1980 Act, section 1 and Schedule 1, Part I, paragraph 52, by the 1984 Act, section 1(4) and Schedule 1, paragraph 1 and Schedule 8; by S.I.1985/39, article 7(12); and by the 1995 Act, Schedule 1, paragraph 28.
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 I, 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 National Health Service Act 1977 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 section 66(5) of the 1999 Act.

(2) S.I.1997/818; the relevant amending instruments are S.I.1997/2488, 1998/499, 1999/609, 2000/978 and 3119, 2001/1362 (W.90) and 1423 (W.98).

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

(3) These Regulations shall apply to Wales only.

Amendment of regulation 8 of the 1997 Regulations

2. In regulation 8 of the 1997 Regulations (eligibility - supply of optical appliances), after paragraph (3)(j) add—

“(k) he is a relevant child for the purposes of section 23A of the Children Act 1989 to whose maintenance a responsible local authority is contributing under section 23B(8) of that Act”.(4)

Amendment of regulation 16 of the 1997 Regulations

3. In paragraph (5) of regulation 16 of the 1997 Regulations (completion of vouchers), for “or (f)” substitute “(f) or (k)”.

Amendment of regulation 13 of the 1986 Regulations

4. In regulation 13 of the 1986 Regulations (sight tests - eligibility), after paragraph (2)(j) add—

“(k) he is a relevant child for the purposes of section 23A of the Children Act 1989 to whose maintenance a responsible local authority is contributing under section 23B(8) of that Act”.

Amendment of regulation 13B of the 1986 Regulations

5. In regulation 13B of the 1986 Regulations (sight test treated as a test under general ophthalmic services)—

- (a) in paragraph (1)(b), for “or (f)” substitute “(f) or (k)”; and
- (b) in paragraph (3), for “or (f)” substitute “(f) or (k)”.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(5)

28th September 2001

J.E.Randerson
Assembly Secretary

(3) S.I.1986/975; the relevant amending instruments are S.I.1988/486, 1989/395, 1989/1175, 1990/1051, 1991/583, 1992/404, 1995/558, 1996/705, 1996/2320, 1999/693 and 1999/2481 and 2001/1362 and 1423.
(4) 1989 c. 41; sections 23A and 23B were inserted by section 2 of the Children (Leaving Care) Act 2000 (c. 35).
(5) 1998 c. 38.

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.

Regulations 2 and 3 of these Regulations contain amendments that entitle persons leaving the care of a local authority and who are being wholly or partly maintained by that authority to the supply (and in appropriate cases), replacement and repair of optical appliances in accordance with the 1997 Regulations.

Regulations 4 and 5 contain amendments to the 1986 Regulations so that such persons are entitled to have their sight tested under general ophthalmic services.