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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations consolidate with amendments the National Health Service (Optical Charges and Payments) Regulations 1989 (“the 1989 Regulations”) which provide a scheme for 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 1989 Regulations and all subsequent amendments to them are revoked by regulations 24 and Schedule 4. The Regulations, contained in the instruments referred to in Schedule 4, which amended Regulations other than the 1989 Regulations remain in force.

The amendments made to the 1989 Regulations are as follows:—

Amendments to update references to various enactments including, in particular, references to the Opticians Act 1958 (which has been replaced by the Opticians Act 1989); references in regulation 22 of the 1989 Regulations (signatures in respect of persons under disability) to the Children and Young Persons Act 1969 and the Child Care Act 1980 consequential on the introduction of the Children Act 1989, and references to the Social Security Act 1986 (which has now been replaced, in part, by the Social Security Contributions and Benefits Act 1992).

Amendments to the definition of “patients contribution” (regulation 1(2)) as a result of the abolition of the linkage between the patient’s contribution in respect of a sight test and the value of voucher for an optical appliance supplied under these Regulations. This linkage was previously contained in regulation 15(3) of the 1989 Regulations which is omitted in these Regulations. As a result of this amendment, any sight test conducted on or after 1st April 1997 will be a separate transaction from the optical appliance supplied as a result of that test. The changes, which will simplify the arrangements for helping people entitled to partial remission of their optical costs, ensure that no one eligible for help will pay more than they would have done had the arrangements under the 1989 Regulations continued.

Amendments to extend the payment provisions (regulation 6) for patients who are eligible for a contribution to be made towards the cost of their sight test (ie: those who are entitled to partial remission of National Health Service (NHS) charges) and to introduce payments (regulation 20) for patients who are entitled to a voucher towards the cost of the supply, replacement or repair of an optical appliance. Patients who establish entitlement to a voucher as at the date of the sight test, supply, replacement or repair of their optical appliance but who have paid a fee for that sight test, supply, replacement or repair may claim a payment within three months (which may be extended for good cause) of the sight test, supply, replacement or repair either by applying to the Secretary of State (where they have low income entitlement) or to the responsible authority in all other cases. In the case of sight tests, the amount of the payment will be calculated in accordance with regulation 7; in the case of supply of an optical appliance the amount of the payment will be calculated in accordance with regulation 14; and in the case of replacement or repair of an optical appliance the amount of the payment will be calculated in accordance with regulation 19.

Amendments to the voucher values specified in those regulations and schedules providing for the level of payment (regulation 20, and Schedules 1, 2 and 3) under the scheme. These amendments increase the value of the vouchers issued under the Regulations. All voucher values and supplements are increased by 2 per cent.

**Status:** *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

British Standard 3521/91, referred to in regulation 1(2) of these Regulations, may be obtained from the British Standards Institution at 389 Chiswick High Road, London, W44AL.