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STATUTORY INSTRUMENTS

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**2009 No. 409**

**NATIONAL HEALTH SERVICE, ENGLAND**

**The National Health Service (Amendments Relating to Optical Charges and Payments) Regulations 2009**

<i>Made</i>	- - - -	<i>26th February 2009</i>
<i>Laid before Parliament</i>		<i>5th March 2009</i>
<i>Coming into force</i>	- -	<i>1st April 2009</i>

The Secretary of State for Health makes the following Regulations in exercise of the powers conferred by sections 115(3)(b), 179 and 272(7) and (8) of the National Health Service Act 2006<sup>(1)</sup>.

**Citation, commencement, interpretation and application**

1.—(1) These Regulations may be cited as the National Health Service (Amendments Relating to Optical Charges and Payments) Regulations 2009 and come into force on 1st April 2009.

(2) In these Regulations, “the Optical Regulations” means the National Health Service (Optical Charges and Payments) Regulations 1997<sup>(2)</sup>.

(3) These Regulations apply in relation to England.

**Amendments to the Optical Regulations**

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

(2) In regulation 1 (citation, commencement and interpretation)—

(a) in the definition of “NHS sight test fee” for “£53.34” substitute “£55.93” and for “£19.32” substitute “£20.26”; and

(b) for the definition of “prisoner” substitute the following definition—

““prisoner” means a person who is detained in a prison, but is at the time he receives any primary ophthalmic service, on leave from that prison;”.

(3) In regulation 8(3)(1)(ii) (eligibility – supply of optical appliances) for “£15,050” substitute “£15,276”.

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

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<sup>(1)</sup> 2006 c.41.

<sup>(2)</sup> S.I. 1997/818; the relevant amending instruments are S.I. 1999/609, 2000/594, 2002/547, 2003/657, 2004/642 and 1138, 2005/483, 2006/479, 2007/542 and 2008/553 and 2449.

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- (a) in paragraph (1)(b), for “£51.90” substitute “£52.90”; and
- (b) in paragraph (3), for “£13.40” substitute “£13.70”.

(5) In Schedule 1 (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:

(1) Old amount	(2) New amount
£35.50	£36.20
£54.00	£55.10
£79.00	£80.60
£178.40	£182.00
£61.40	£62.70
£78.10	£79.70
£101.20	£103.30
£196.10	£200.10
£182.70	£186.40

(6) In Schedule 2 (prisms, tints, photochromic lenses, small and special glasses and complex appliances)—

- (a) in paragraph 1(1)(a), for “£11.60” substitute “£11.80”;
- (b) in paragraph 1(1)(b), for “£13.90” substitute “£14.20”;
- (c) in paragraph 1(1)(c), for “£3.90” substitute “£4.00”;
- (d) in paragraph 1(1)(d), for “£4.40” substitute “£4.50”;
- (e) in paragraph 1(1)(e), for “£58.50”, “£51.90”, and “£28.00” substitute “£59.70”, “£52.90” and “£28.60” respectively;
- (f) in paragraph 1(1)(g), for “£58.50” substitute “£59.70”;
- (g) in paragraph 2(a), for “£13.40” substitute “£13.70”; and
- (h) in paragraph 2(b), for “£33.90” substitute “£34.60”.

(7) For Schedule 3 (voucher values – repair), substitute —

“SCHEDULE 3

Regulation 19(2) and (3)

VOUCHER VALUES REPAIR

(1) Nature of Repair	(2) Letter of Codes – Values									
	A	B	C	D	E	F	G	H	I	
	£	£	£	£	£	£	£	£	£	£

(1) Nature of Repair	(2) Letter of Codes – Values								
Repair or replacement of one lens	11.25	20.70	33.45	84.15	24.50	33.00	44.80	93.20	86.35
Repair or replacement of two lenses	22.50	41.40	66.90	168.30	49.00	66.00	89.60	186.40	172.70
Repair or replacement of:									
the front of a frame	11.60	11.60	11.60	11.60	11.60	11.60	11.60	11.60	11.60
A side of a frame	6.90	6.90	6.90	6.90	6.90	6.90	6.90	6.90	6.90
the whole frame	13.70	13.70	13.70	13.70	13.70	13.70	13.70	13.70	13.70”.

### Transitional Provision

3. The amounts substituted by regulation 2(4) to (7) shall 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 2009.

### Amendment to the Primary Ophthalmic Services Regulations 2008

4. In regulation 3(2)(g)(ii) of the Primary Ophthalmic Services Regulations 2008(3)(sight tests –eligibility) for “£15,050” substitute “£15,276”.

Signed by authority of the Secretary of State for Health.

26th February 2009

*Ann Keen*  
Parliamentary Under-Secretary of State,  
Department of Health

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## 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, and the Primary Ophthalmic Services Regulations 2008 in relation to sight tests eligibility.

Regulation 2(2) amends the definition of “NHS sight test fee” in regulation 1 of the Optical Regulations to take account of the increase in the fee for NHS sight tests by an overall 2.3% approximately, and inserts a new definition for “prisoner” to correct a drafting error that was inserted into the Optical Regulations by the Primary Ophthalmic Services and National Health Service (Optical Charges and Payments) Amendment Regulations 2008(4).

Regulation 2(3) amends regulation 8 of the Optical Regulations to increase the amount used as the basis for calculating entitlement to optical vouchers in those Regulations in relation to entitlement to tax credits. Regulation 4 makes a similar amendment to regulation 3 of the Primary Ophthalmic Services Regulations 2008 in relation to sight tests.

Regulation 2(4) 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 voucher to the cost of a repair of a frame by an overall increase of approximately 2.0%.

Regulation 2(5), (6) and (7) amends the Schedules to 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, photochromic 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 value of vouchers in these Regulations is approximately 2.0%.

Regulation 3 makes transitional provision in relation to vouchers accepted or used on or before 31st March 2009.

A full Impact Assessment has not been produced for this Instrument as it has no impact on the cost of business, charities or voluntary bodies.

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(4) [S.I. 2008/2449](#).