

2013 No. 1856

NATIONAL HEALTH SERVICE, ENGLAND

**The National Health Service (Optical Charges and Payments)
(Amendment) Regulations 2013**

<i>Made</i>	- - - -	<i>23rd July 2013</i>
<i>Laid before Parliament</i>		<i>29th July 2013</i>
<i>Coming into force</i>	- -	<i>1st November 2013</i>

The Secretary of State for Health makes the following Regulations in exercise of the powers conferred by sections 180, 272(7) and (8), and 274 of the National Health Service Act 2006(a).

Citation and commencement

1. These Regulations may be cited as the National Health Service (Optical Charges and Payments) (Amendment) Regulations 2013 and come into force on 1st November 2013.

Amendment of the National Health Service (Optical Charges and Payments) Regulations 2013

2.—(1) The National Health Service (Optical Charges and Payments) Regulations 2013(b) are amended as follows.

(2) For regulation 24, substitute—

“**24.**—(1) A payment may be made under this regulation to a person of a description specified in regulation 8(2) or 16(3) who pays for the supply, replacement or repair of an optical appliance without exercising their right under regulation 9, 10 or 17 to a payment to meet or contribute towards the cost incurred for that supply, replacement or repair.

(2) A person who wishes to receive a payment under this regulation must make a claim to the Board within three months of—

- (a) the date of payment for the supply, replacement or repair of the optical appliance, or
- (b) where the person pays by instalments, the date of payment of the first instalment,

or within such further period as the Board may allow.

(3) The claim must be made on a form provided by or on behalf of the Board and approved by the Secretary of State for that purpose.

(a) 2006 c.41. By virtue of section 271(1) of the National Health Service Act 2006 (“the 2006 Act”), the powers conferred by these sections are exercisable by the Secretary of State only in relation to England. Relevant amendments to section 180 are: sections 205 and 55(1) of, and paragraph 96 of Schedule 4 to, the Health and Social Care Act 2012 (c.7). See section 275(1) of the 2006 Act for the definitions of “prescribed” and “regulations”.

(b) S.I. 2013/461.

(4) A person who makes a claim under paragraph (2) must produce such evidence in support of the claim as the Board may reasonably require, which may include the receipt for any fee paid for the supply, replacement or repair of the optical appliance.

(5) Where the Board is satisfied that the person is entitled to a payment as a result of a claim under paragraph (2), it must make a payment to the person of an amount equal to the redemption value of the voucher which could have been completed under regulation 9, 10 or 17, as the case may be.

(6) Where the Board makes a payment under paragraph (5) to a person who pays by instalments for the supply, replacement or repair of an optical appliance, that payment must be made as soon as reasonably practicable after the date on which the total value of the instalments paid becomes equal to or greater than the redemption value of the voucher.”

Signed by authority of the Secretary of State for Health.

Earl Howe
Parliamentary Under-Secretary of State,
Department of Health

23rd July 2013

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (Optical Charges and Payments) Regulations 2013 (“the 2013 Regulations”), which provide for payments to be made to eligible persons to meet or contribute towards the cost incurred for the supply, replacement or repair of optical appliances (glasses and contact lenses), or to contribute towards the cost of a sight test.

Regulation 24 of the 2013 Regulations allows payments to be made to a person who pays for the supply, replacement or repair of an optical appliance, without exercising their right under the 2013 Regulations to a payment to meet or contribute towards the cost incurred. A claim for a payment under regulation 24 must be made to the National Health Service Commissioning Board (known as NHS England). These regulations amend regulation 24 to remove reference to a claim being made to the Secretary of State.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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