
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations consolidate with amendments the National Health Service (Optical Charges and Payments) Regulations 1997 (“the 1997 Regulations”). The 1997 Regulations provided for a scheme for payments to be made 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.

Under the 1997 Regulations payments were made by the responsible authority, which was the Primary Care Trust for the area in which the sight test took place, or in which the optical appliances were supplied or in which the eligible person (meaning a person eligible for a voucher) resided. Primary Care Trusts are abolished by the Health and Social Care Act 2012 with effect from 1st April 2013 and their relevant functions transfer to the National Health Service Commissioning Board (“the Board”) established under that Act. These regulations accordingly provide for payments to be made by the Board.

The requirement in the 1997 Regulations for the responsible authority to meet or contribute towards the cost incurred by a supplier of an optical appliance in complying with the regulations is removed.

Regulation 2 provides for a charge to be made for the supply of glasses or contact lenses.

Regulations 3 to 7 provide for a voucher to be issued to an eligible person in respect of the cost of a sight test and for an ophthalmic practitioner to use that voucher in part payment of the cost of the test.

Regulations 8 to 15 provide for the issue of a voucher to an eligible person in respect of the cost of supply of an optical appliance and for the supplier to use the voucher in whole or part payment of the cost of supply. Regulation 8 is amended to include receipt of universal credit as a ground for eligibility for a voucher during the period April to October 2013. Regulation 11 allows the issue of a replacement voucher where a voucher has been lost or destroyed. Regulation 13 provides that the Secretary of State must issue a notice of entitlement to the family of certain eligible persons.

Regulations 16 to 20 provide for a voucher to be issued in respect of the replacement or repair of an optical appliance, and for the supplier (who can be the person repairing or replacing the appliance) to use the voucher in whole or part payment of the cost of the repair or replacement.

Regulations 21 to 23 set out the circumstances in which payments to a supplier must cease and also make provision for a supplier to have a right of appeal to the First-tier Tribunal against any notice given by the Secretary of State that no further payments may be made. They also make provision for the Secretary of State to apply to the Tribunal for a stop order and for the review of notices or stop orders.

Regulation 24 allows a payment to be made to a person who paid for the supply, repair or replacement of an optical appliance despite being entitled to a voucher.

Regulations 25 and 26 make miscellaneous provisions. Regulation 27 prescribes NHS trusts and NHS foundation trusts for the purposes of section 180(6A) of the 2006 Act, which means that the Board may direct a trust to make payments under these Regulations in respect of vouchers issued by that trust. Regulation 28 makes transitional provisions.

Regulation 29 and Schedule 4 revoke the 1997 Regulations and subsequent amendments made to them, to the extent those regulations and amendments apply to England.