
STATUTORY INSTRUMENTS

2013 No. 461

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

PART 8

MISCELLANEOUS

Amounts wrongly paid

25.—(1) Where a person who is not an eligible person declares that they are an eligible person and as a consequence the Board makes a payment to that person under these Regulations, the Board may recover the amount of that payment from that person.

(2) Where a supplier makes a claim for a payment to the Board, representing that the conditions specified in regulation 5(2), 14(2) or 19(2) are met, but those conditions are not met and the Board makes a payment to the supplier under these Regulations, the Board may recover the amount of that payment from the supplier.

Signatures and claims for payments

26. A signature required by these Regulations may be given, and a claim for a payment pursuant to regulations 6 or 24 may be made —

- (a) on behalf of a child by either parent or, in the absence of both parents, the guardian or other adult person who has the care of the child;
- (b) on behalf of any other person who is incapable of giving the signature or making the claim, by a relative or any other adult who has the care of that person; or
- (c) on behalf of any person under 18 years of age who is—
 - (i) looked after by a local authority within the meaning of section 22(1) of the Children Act 1989⁽¹⁾ (general duty of local authority in relation to children looked after by them), by a person authorised by that authority;
 - (ii) accommodated by a voluntary organisation within the meaning of section 59 of the Children Act 1989⁽²⁾ (provision of accommodation by voluntary organisations), by that organisation or a person authorised by it.

Exercise of the Board's functions under these Regulations

27. NHS trusts and NHS foundation trusts are prescribed for the purposes of section 180(6A) of the 2006 Act⁽³⁾ (payments in respect of costs of optical appliances and sight tests).

(1) 1989 c.41. Section 22(1) of the Children Act 1989 was amended by paragraph 19 of Schedule 5 to the Local Government Act 2000 (c.22), section 2 of the Children (Leaving Care) Act 2000 (c.35), and section 116 of the Adoption and Children Act 2002 (c.38).

(2) Section 59 of the Children Act 1989 was amended by section 49 of the Children Act 2004 (c.31), paragraph 14 of Schedule 4 to the Care Standards Act 2000 (c.14) and paragraph 2 of Schedule 1 to the Children and Young Persons Act 2008 (c.23).

(3) Section 180(6A) was inserted by paragraph 96 of Schedule 4 to the Health and Social Care Act 2012.

Transitional Provisions

28.—(1) Where, before 1st April 2013, a person was issued with a voucher pursuant to regulations 9, 10, 11 or 16 of the 1997 Regulations, but that voucher has not been accepted before that date, such a voucher may be accepted in accordance with the provisions of the 1997 Regulations as though they remained in force.

(2) The amounts specified in regulation 20(1)(b) and (3), column 3 of Schedule 1, and Schedules 2 and 3 shall apply only to a voucher accepted on or after 1st April 2013 pursuant to regulation 12 or 18.

(3) Where, before 1st April 2013, a person made a claim for payment under regulation 6 or 20 of the 1997 Regulations, but that claim has not been determined before that date, the claim must be determined in accordance with the provisions of the 1997 Regulations as though they remained in force.

(4) For the purposes of paragraphs (1) and (3), references to the responsible authority in the 1997 Regulations shall be taken as a reference to the Board.

Revocations

29. The Regulations specified in column 1 of Schedule 4 are revoked to the extent specified in column 3 of that Schedule.