

EXPLANATORY MEMORANDUM TO
THE NATIONAL HEALTH SERVICE (OPTICAL CHARGES AND PAYMENTS)
(AMENDMENT) REGULATIONS 2024

2024 No. 294

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Department of Health and Social Care (“DHSC”) and is laid before Parliament by Command of His Majesty.

2. Declaration

- 2.1 Andrea Leadsom, Parliamentary Under Secretary of State for Public Health, Start for Life and Primary Care at the Department of Health and Social Care confirms that this Explanatory Memorandum meets the required standard.
- 2.2 Alette Addison, Deputy Director for Pharmacy and Eye Care, at the Department of Health and Social Care confirms that this Explanatory Memorandum meets the required standard.

3. Contact

- 3.1 Claire Osborne at the Department of Health and Social Care Telephone: 0207 210 5273 or email: CommunityPharmacyTeam@dhsc.gov.uk can be contacted with any queries regarding the instrument.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

- 4.1 This instrument amends the National Health Service (Optical Charges and Payments) Regulations 2013 (SI 2013/461) (“the 2013 regulations”) which provides for payments to be made by way of optical vouchers and certain additional supplements to eligible individuals to meet or contribute towards the cost of the supply, replacement or repair of optical appliances (glasses or contact lenses).
- 4.2 This instrument amends the 2013 regulations, to provide for an uprating to the value of NHS optical vouchers and associated supplements from 1 April 2024.

Where does the legislation extend to, and apply?

- 4.3 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales.
- 4.4 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England.

5. Policy Context

What is being done and why?

- 5.1 NHS optical vouchers help individuals to meet or contribute towards the cost of glasses or contact lenses and the value of optical vouchers are reviewed annually.

Following careful consideration of the needs of patients and balancing that with the impact of a rise in NHS optical voucher values and supplements on NHS costs and wider service affordability, the value of optical vouchers and supplements is being increased by approximately 1.68% from 1 April 2024, although some are lower and a few are higher due to rounding.

What was the previous policy, how is this different?

- 5.2 These changes mean that from 1 April 2024 any NHS optical voucher and supplement issued and redeemed by eligible individuals will have a higher value. Old optical voucher values will continue to apply in relation to any vouchers accepted or presented before 1 April 2024.

6. Legislative and Legal Context

How has the law changed?

- 6.1 The National Health Service (Optical Charges and Payments) Regulations 2013 (2013 Regulations) provide for optical vouchers and supplements to be issued to eligible individuals to meet or contribute to the supply, replacement or repair of glasses or contact lenses. The 2013 regulations set the value of optical vouchers and supplements and who is eligible to receive them. This instrument amends the 2013 regulations to provide for an uprating in NHS optical vouchers and supplements from 1 April 2024.

Why was this approach taken to change the law?

- 6.2 This is the only possible approach to make the necessary changes.

7. Consultation

Summary of consultation outcome and methodology

- 7.1 DHSC is not required to consult on the value of NHS optical vouchers.

8. Applicable Guidance

- 8.1 Members of the public will be made aware of the new voucher values by way of patient information leaflets provided by NHS sight testing contractors and through the nhs.uk website. The profession will be advised of the increased optical vouchers through a letter published on gov.uk.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

- 9.1 A full Impact Assessment has not been prepared for this instrument because NHS optical vouchers were first introduced in 1989 and the optical voucher and supplement increases, made by this instrument, place no new requirements on business and add no cost to their current activities.

Impact on businesses, charities and voluntary bodies

- 9.2 There is no impact on business, charities or voluntary bodies because NHS optical vouchers and supplements are given directly to patients to help meet or contribute towards the private cost of glasses or contact lenses, from a supplier of choice.
- 9.3 The legislation does not impact small or micro businesses.

9.4 There is no impact on the public sector because NHS optical vouchers and supplements are given directly to patients to help meet or contribute towards the private cost of glasses or contact lenses, from a supplier of choice.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The value of NHS optical vouchers and supplements is reviewed on an annual basis and the regulations updated accordingly.

10.2 This instrument does not include a statutory review clause since the instrument does not make or amend regulatory provisions that relate to business activity.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 (“relevant European Union Acts”).