



National Health Service Act 2006

2006 CHAPTER 41

PART 9

CHARGING

Charging for optical appliances

180 [F¹Payments in respect of costs of optical appliances and sight tests]

- (1) The Secretary of State must provide by regulations for payments to be made by [F²NHS England] to meet, or to contribute towards, the cost incurred (whether by way of charge under this Act or otherwise) for the supply of optical appliances for which—
- (a) a prescription has been given for a person mentioned in subsection (2) in consequence of a sight test under this Act, or
 - (b) a prescription has been given for a person mentioned in subsection (2) in consequence of a sight test otherwise than under this Act which took place in prescribed circumstances.
- (2) The persons are—
- (a) a child,
 - (b) a person whose resources fall to be treated under the regulations as being less than or equal to his requirements,
 - ^{F³}(c)
 - (d) a person of such other description as may be prescribed.
- (3) The Secretary of State may by regulations—
- [F⁴(za) provide for payments to be made by [F²NHS England] to meet, or to contribute towards, any cost accepted by [F²NHS England] as having been incurred for the cost of a sight test of a person who—
 - (i) falls within section 115(2)(c), but
 - (ii) at the time of the test has not been issued with a notice by the Secretary of State of entitlement to receive assistance in respect of the cost of a

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sight test (or has been issued with such a notice but has yet to receive it).]

- (a) provide for [F²NHS England] to contribute to the cost of a sight test which [F²NHS England] accepts as having been incurred by a person whose resources fall to be treated under the regulations as exceeding his requirements but only by an amount calculated under the regulations, and
- (b) provide for payments to be made by [F²NHS England] to meet, or to contribute towards, any cost accepted by [F²NHS England] as having been incurred (whether by way of charge under this Act or otherwise) for the replacement or repair in prescribed circumstances of optical appliances for which a prescription was given in consequence of a sight test of a person of a prescribed description.

[F⁵(3A) The amount of a payment by virtue of subsection (3)(za) or (a) must not exceed the amount for the time being set in regulations under this section as the applicable fee in the case in question for the provision of the sight-testing service under section 115(1) (a).]

- (4) Regulations under this section may direct how a person's resources and requirements must be calculated and may, in particular, direct that they must be calculated—
 - (a) by a method set out in the regulations,
 - (b) by a method described by reference to a method of calculating or estimating income or capital specified in an enactment other than this section or in an instrument made under an Act of Parliament or by reference to such a method but subject to prescribed modifications,
 - (c) by reference to an amount applicable for the purposes of a payment under an Act of Parliament or an instrument made under an Act of Parliament, or
 - (d) by reference to the person's being or having been entitled to payment under an Act of Parliament or an instrument made under an Act of Parliament.
- (5) Descriptions of persons may be prescribed for the purposes of this section by reference to any criterion and, in particular, by reference to any of the following criteria—
 - (a) their age,
 - (b) the fact that a prescribed person or a prescribed body accepts them as suffering from a prescribed medical condition,
 - (c) the fact that a prescribed person or a prescribed body accepts that a prescribed medical condition from which they suffer arose in prescribed circumstances,
 - (d) their receipt of benefit in money or in kind under any enactment or their entitlement to receive any such benefit,
 - (e) the receipt of any such benefit by other persons satisfying prescribed conditions or the entitlement of other persons satisfying prescribed conditions to receive such benefits, and
 - (f) the relationship, as calculated in accordance with the regulations by a prescribed person, between their resources and their requirements.
- (6) Regulations under this section which refer to an Act of Parliament or an instrument made under an Act of Parliament may direct that the reference must be construed as a reference to that Act or instrument—
 - (a) as it has effect at the time when the regulations are made, or
 - (b) both as it has effect at that time and as amended subsequently.

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[^{F6}(6A) [^{F2}NHS England] may direct a Special Health Authority, or such other body as may be prescribed, to exercise any of [^{F2}NHS England’s] functions under regulations under this section.]

- (7) In subsection (2)(a) “child” means—
 - (a) a person who is under the age of 16 years, or
 - (b) a person who is under the age of 19 years and receiving qualifying full-time education.
- (8) In subsection (7)(b) “qualifying full-time education” means full-time instruction at a recognised educational establishment or by other means accepted as comparable by the Secretary of State.
- (9) For the purposes of subsection (8)—
 - (a) “recognised educational establishment” means an establishment recognised by the Secretary of State as being, or as comparable to, a school, college or university, and
 - (b) regulations may prescribe the circumstances in which a person must, or must not, be treated as receiving full-time instruction.

^{F7}(10)

(11) Sums falling to be paid in pursuance of regulations under this section are payable subject to such conditions as to records, certificates or otherwise as the Secretary of State may determine [^{F8}in accordance with the regulations].

^{F9}(12)

Textual Amendments

- F1** S. 180 title substituted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(1)(d)(4), **Sch. 4 para. 96(9)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F2** Words in Act substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), Sch. 1 para. 1(1)(2); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F3** S. 180(2)(c) repealed (1.9.2012, 12.1.2010) by [Health Act 2009 \(c. 21\)](#), ss. 34, 40(7)(a), **Sch. 6**; S.I. 2012/1902, art. 2(f)
- F4** S. 180(3)(za) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 205(2)**, 306(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F5** S. 180(3A) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 205(3)**, 306(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F6** S. 180(6A) inserted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(1)(d)(4), **Sch. 4 para. 96(5)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F7** S. 180(10) omitted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(1)(d)(4), **Sch. 4 para. 96(6)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F8** Words in s. 180(11) inserted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(1)(d)(4), **Sch. 4 para. 96(7)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F9** S. 180(12) omitted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(1)(d)(4), **Sch. 4 para. 96(8)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

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Modifications etc. (not altering text)

- C1** S. 180 modified (temp.) (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 3 para. 8\(2\)\(a\)](#) (with Sch. 3 Pt. 1)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 3B(1)(aa) inserted by [2022 c. 31 Sch. 3 para. 2\(b\)](#)
- s. 3B(1)(za) inserted by [2022 c. 31 Sch. 3 para. 2\(a\)](#)
- s. 13G(4) words omitted by virtue of 2012 c. 7, Sch. 14 para. 4A (as inserted) by [2014 c. 23 s. 120\(18\)\(a\)](#)
- s. 35(3A)(3B) inserted by [2012 c. 7 s. 159\(4\)](#)
- s. 35(3A) words substituted by [2022 c. 31 Sch. 5 para. 12\(4\)](#) (This amendment not applied to legislation.gov.uk. The insertion of s. 35(3A) by 2012 c. 7 s.159(4) not yet in force.)
- s. 40(4)-(4B) substituted for s. 40(4) by [2012 c. 7 Sch. 14 para. 5](#)
- s. 42(1A) inserted by [2012 c. 7 Sch. 14 para. 6](#)
- s. 65F(2A)-(2F) inserted by [2012 c. 7 Sch. 14 para. 15\(4\)](#) (This amendment is itself amended before it comes into force by 2014 c. 23, ss. 85(15), 120(18)(b)(c), 127(1); S.I. 2014/1714, art. 3(2)(b)(c))
- s. 65H(10A) inserted by [2012 c. 7 Sch. 14 para. 17\(4\)](#)
- s. 65H(10A) omitted by [2022 c. 31 Sch. 8 para. 7\(7\)](#) (This amendment not applied to legislation.gov.uk. 2012 c. 7 Sch. 14 revoked at 1.7.2022 by 2022 c. 31, s. 186(6), Sch. 7 para. 13 before the insertion of s. 65H(10A) could come into effect.)
- s. 82A-83A and cross-heading substituted for s. 83 and cross-heading by [2022 c. 31 Sch. 3 para. 3](#)
- s. 84(4)-(4B) substituted for s. 84(4) by [2022 c. 31 Sch. 3 para. 4\(4\)](#)
- s. 92(5A) inserted by [2022 c. 31 Sch. 3 para. 9\(4\)](#)
- s. 94(3)(ca)(cb) substituted for s. 94(3)(ca) by [2022 c. 31 Sch. 3 para. 11\(3\)](#)
- s. 98A98B substituted for s. 98A by [2022 c. 31 Sch. 3 para. 14](#)
- s. 98BC-99B and cross-heading substituted for s. 99 and cross-heading by [2022 c. 31 Sch. 3 para. 15](#)
- s. 100(3A)(3B) inserted by [2022 c. 31 Sch. 3 para. 16\(4\)](#)
- s. 109(3)(ca)(cb) substituted for s. 109(3)(ca) by [2022 c. 31 Sch. 3 para. 23\(3\)](#)
- s. 112(1)(za) inserted by [2022 c. 31 Sch. 3 para. 24\(2\)\(b\)](#)
- s. 114A114B substituted for s. 114A by [2022 c. 31 Sch. 3 para. 26](#)
- s. 114C and cross-heading inserted by [2022 c. 31 Sch. 3 para. 27](#)
- s. 116A116B and cross-heading inserted by [2022 c. 31 Sch. 3 para. 30](#)
- s. 117(4)(4A) substituted for s. 117(4) by [2022 c. 31 Sch. 3 para. 31\(4\)](#)
- s. 125A125B substituted for s. 125A by [2022 c. 31 Sch. 3 para. 39](#)
- s. 223C(1)(c)(d) inserted by [2022 c. 31 s. 28](#)
- s. 223LA inserted by [2022 c. 31 s. 30\(3\)](#)
- Sch. 15 para. 4(1)(b) and word omitted by [2012 c. 7 Sch. 14 para. 39\(3\)](#)