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STATUTORY INSTRUMENTS

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**1991 No. 583**

**NATIONAL HEALTH SERVICE,  
ENGLAND AND WALES**

**The National Health Service (Optical Charges and  
Payments) (Miscellaneous Amendments) Regulations 1991**

<i>Made</i>	- - - -	<i>10th March 1991</i>
<i>Laid before Parliament</i>		<i>11th March 1991</i>
<i>Coming into force</i>	- -	<i>1st April 1991</i>

The Secretary of State for Health, in exercise of powers conferred by sections 38(1), (4) and (6), 39, 78(1), 81, 82 and 126(4) of, and paragraphs 2 and 2A of Schedule 12 to, the National Health Service Act 1977(1) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the National Health Service (Optical Charges and Payments) (Miscellaneous Amendments) Regulations 1991 and shall come into force on 1st April 1991.

(2) In these Regulations, “the principal Regulations” means the National Health Service (Optical Charges and Payments) Regulations 1989(2).

**Amendment of regulation 1 of the principal Regulations**

2. In regulation 1(2) of the principal Regulations (Interpretation)—

(a) in the definition of “complex appliance”—

(i) in sub-paragraph (b) for “lens;” there is substituted “lens, or”; and

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(1) 1977 c. 49; see section 128(1) for the definitions of “prescribed” and “regulations”. Section 38 was amended by the Health and Social Security Act 1984 (c. 48) (“the 1984 Act”), section 1(3), S.I. 1985/39, article 7(11) and the Health and Medicines Act 1988 (c. 49) (“the 1988 Act”), section 13(1). Section 39 was amended by the Health Services Act 1980 (c. 53), Schedule 1, paragraph 52, the 1984 Act, section 1(4) and Schedule 1, paragraph 1, and S.I. 1985/39, article 7(12). Sections 81 and 82 were amended by the 1984 Act, section 24 and Schedule 8 and the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”), Schedule 2, paragraph 22. Section 126(4) was amended by the 1990 Act, section 65(2). Paragraph 2(1) of Schedule 12 was substituted by the 1988 Act, Schedule 2, paragraph 8(1), and paragraph 2A of Schedule 12 was inserted by the 1984 Act, Schedule 1, paragraph 3 and amended by section 13(2) and (3) of the 1988 Act.

(2) S.I. 1989/396, amended by S.I. 1990/495.

- (ii) after sub-paragraph (b) there is added the following sub-paragraph:—
  - “(c) is a prism-controlled bifocal lens;”;
- (b) in the definition of “responsible authority”—
  - (i) in sub-paragraph (b) after the words “health authority” there are inserted the words “or NHS trust” (3); and
  - (ii) after sub-paragraph (c) there is inserted the following sub-paragraph:—
    - “(d) in relation to a voucher issued pursuant to regulation 11 or completed pursuant to regulation 17 by an NHS trust, the District Health Authority in whose district the patient resides;”;
- (c) in the definition of “voucher” in sub-paragraph (b) after the words “health authority” in each place where they occur there are inserted the words “or NHS trust”.

### **Amendment of regulation 2 of the principal Regulations**

3. In regulation 2(2) of the principal Regulations (charges for glasses and contact lenses) after the words “health authority” there are inserted the words “or NHS trust”.

### **Amendment of regulation 8 of the principal Regulations**

4. In regulation 8(5) of the principal Regulations (eligibility-supply of optical appliances) after the words “health authority” in both places where they occur there are inserted the words “or NHS trust”.

### **Amendment of regulation 11 of the principal Regulations**

5. In regulation 11 of the principal Regulations (issue of vouchers by health authorities) after the words “health authority” in each place where they occur there are inserted the words “or NHS trust”.

### **Amendment of regulation 14 of the principal Regulations**

6. In regulation 14(1) of the principal Regulations (payments to patients in health authority cases) after the words “health authority” there are inserted the words “or NHS trust”.

### **Amendment of regulation 20 of the principal Regulations**

7. In regulation 20 of the principal Regulations (redemption value of voucher for replacement or repair)—

- (a) in paragraph (1)(b) for “£28.85” there is substituted “£32.15”; and
- (b) in paragraph (3) for “£7.70” there is substituted “£8.20”.

### **Amendment of Schedules to the principal Regulations**

8.—(1) In Schedule 1 to the principal Regulations (voucher letter codes and face values-supply and replacement) in column 1 (type of optical appliance)—

- (a) in paragraph 3—
  - (i) in sub-paragraph (b) for the words “exceeding 10 dioptries” there are substituted the words “of 10 or more dioptries”; and

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(3) See for the definition of “NHS trust” section 128(1) of the National Health Service Act 1977 (c. 49), as amended by section 26(2)(d) of the National Health Service and Community Care Act 1990 (c. 19).

- (ii) in sub-paragraph (c) for the words “not exceeding 10 dioptries” there are substituted the words “of less than 10 dioptries”; and
  - (b) in paragraph 6—
    - (i) for the words “prism segment bifocal lenses” there are substituted the words “prism-controlled bifocal lenses”;
    - (ii) in sub-paragraph (b) for the words “exceeding 10 dioptries” there are substituted the words “of 10 or more dioptries”; and
    - (iii) in sub-paragraph (c) for the words “not exceeding 10 dioptries” there are substituted the words “of less than 10 dioptries”; and
  - (c) in paragraphs 7 and 8 after the words “health authority” there are inserted the words “or NHS trust”.
- (2) In Schedule 1 to the principal Regulations, in column 3 (face value of voucher) for each amount specified in column 1 of the Table below (old amount) there is substituted the amount specified in relation to it in column 2 of that Table (new amount).

Table

Column 1 Old amount	Column 2 New amount
£18.00	£19.30
£28.75	£30.50
£47.00	£48.00
£34.75	£37.00
£59.75	£61.00
£100.00 (in both places where it appears)	£102.00
£28.85	£32.15

- (3) In Schedule 2 to the principal Regulations (prisms, tints, photochromic lenses, small and special glasses and complex appliances)—
- (a) in paragraph 1(1)(a) (prism-single vision lens) for “£4.00” there is substituted “£4.10”;
  - (b) in paragraph 1(1)(b) (prism-other lens) for “£5.00” there is substituted “£5.10”;
  - (c) in paragraph 1(1)(c) (single vision tinted lens) for “£2.00” there is substituted “£2.05”;
  - (d) in paragraph 1(1)(d) (other tinted lens) for “£2.50” there is substituted “£2.55”;
  - (e) in paragraph 1(1)(e) (small glasses)—
    - (i) in sub-head (i) for “£34.50” there is substituted “£35.20”,
    - (ii) in sub-head (ii) for “£30.70” there is substituted “£31.30”, and
    - (iii) in sub-head (iii) for “£16.60” there is substituted “£16.90”;
  - (f) in paragraph 1(1)(f) (photochromic lenses)—
    - (i) after the words “health authority” there are inserted the words “or NHS trust”, and
    - (ii) for “£2.00” there is substituted “£2.05” and for “£2.50” there is substituted “£2.55”;
  - (g) in paragraph 1(1)(g) (specially manufactured frames)—

- (i) after the words “health authority” in each place where they occur there are inserted the words “or NHS trust”, and
  - (ii) for “£34.50” there is substituted “£35.20”;
  - (h) in paragraph 2(a) (minimum complex appliance payment-single vision lens) for “£3.50” there is substituted “£3.60”; and
  - (i) in paragraph 2(b) (minimum complex appliance payment-other lenses) for “£18.75” there is substituted “£19.25”.
- (4) For Schedule 3 to the principal Regulations (voucher values-repair) there is substituted the Schedule 3 set out in the Schedule to these Regulations.

#### **Amendment of the National Health Service (General Ophthalmic Services) Regulations 1986**

- 9.** In regulation 2(1) of the National Health Service (General Ophthalmic Services) Regulations 1986(4) in the definition of “complex appliance”—
- (a) in sub-paragraph (ii) for “lens;” there is substituted “lens, or”; and
  - (b) after sub-paragraph (ii) there is added the following sub-paragraph:—  
“(iii) is a prism-controlled bifocal lens;”.

#### **Amendment of the National Health Service (Charges for Appliances) Regulations 1974**

- 10.—**(1) The National Health Service (Charges for Appliances) Regulations 1974(5) shall be amended in accordance with the following paragraphs of this regulation.
- (2) In regulation 5 (optical appliances) after the word “Authority” in each place where it occurs there are inserted the words “or NHS trust”.
- (3) In regulation 6 (investigations)—
- (a) in paragraph (1) after the word “Authority” in each place where it occurs there are inserted the words “or NHS trust”;
  - (b) in paragraph (3) for the words “, it shall” there are substituted the words “or an NHS trust refers a matter for investigation under paragraph (1), the Authority or NHS trust shall”; and
  - (c) in paragraph (4) after the word “Authority” there are inserted the words “or NHS trust”.

#### **Application of these Regulations**

- 11.** The amendments made by regulations 7 and 8(2), (3) and (4) of and the Schedule to, these Regulations apply only in relation to a voucher—
- (a) accepted or used on or after 1st April 1991 pursuant to regulation 12 or regulation 18 of the principal Regulations; or
  - (b) sent to a health authority pursuant to regulation 14(2)(c) of the principal Regulations in respect of cost incurred on or after that date.

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(4) S.I. 1986/975, amended by S.I. 1988/486, 1989/395 and 1175 and 1990/1051.

(5) S.I. 1974/284; relevant amending instruments are S.I. 1974/609 and S.I. 1986/976.

Signed by authority of the Secretary of State for Health.

10th March 1991

*Virginia Bottomley*  
Minister of State,  
Department of Health

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Regulation 8(4)

SCHEDULE 3 TO THE PRINCIPAL REGULATIONS  
AS SUBSTITUTED BY THESE REGULATIONS

“SCHEDULE 3

Regulation 20(2) and (3)

VOUCHER VALUES-REPAIR

1 Nature of repair to appliance	2 Letter codes- values					
	A £	B £	C £	D £	E £	F and G £
Repair or replacement of one lens	5.55	11.15	19.90	14.40	26.40	46.90
Repair or replacement of two lenses	11.10	22.30	39.80	28.80	52.80	93.80
Repair or replacement of—	7.30	7.30	7.30	7.30	7.30	7.30
the front of a frame						
a side of a frame	4.00	4.00	4.00	4.00	4.00	4.00
the whole frame	8.20	8.20	8.20	8.20	8.20	8.20”

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the National Health Service (Optical Charges and Payments) Regulations 1989 (“the principal Regulations”) which provide for payments to be made, by means of a voucher system, in respect of costs incurred by certain categories of persons in connection with the supply

and replacement of optical appliances, and make an associated amendment to the Regulations which make provision for general ophthalmic services (ie. sight testing services).

Regulation 2 amends the definition of “complex appliance” to include an optical appliance at least one lens of which is a prism-controlled bifocal lens (and regulation 9 similarly amends the definition of “complex appliance” in the National Health Service (General Ophthalmic Services) Regulations 1986), and regulation 8(1)(b)(i) makes a consequential amendment to the specifications of appliances for which vouchers may be used. Regulation 8(1)(a) and (b)(ii) and (iii) clarify the specifications of appliances to which vouchers with letter codes C and F apply.

These Regulations amend Schedule 1 to, and substitute a new Schedule 3 in, the principal Regulations to increase by an average of 6.00% (11.5% in the case of contact lenses) the value of vouchers issued in respect of the cost of the supply and replacement of glasses and contact lenses (regulation 8(2)) and of the repair and replacement of appliances (regulation 8(4) and the Schedule). Regulation 7 makes consequential amendments to regulation 20 of the principal Regulations (redemption value of voucher for replacement or repair). Regulation 8(3) increases the additional values for vouchers in respect of prisms, tints, photochromic lenses and special categories of appliances.

These Regulations also make amendments in consequence of the provision of NHS services from 1st April 1991 by NHS trusts under the National Health Service and Community Care Act 1990.

Regulation 2 amends the definitions of “responsible authority” and “voucher” to make provision in respect of vouchers issued and completed by an NHS trust, and further amendments are made in the principal Regulations by regulations 3, 4, 5, 6 and 8(3)(f)(i) and (g)(i) so that charges and payments may be made, and vouchers issued, in respect of the supply of optical appliances by NHS trusts.

Regulation 10 makes similar consequential amendments in the National Health Service (Charges for Appliances) Regulations 1974.