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STATUTORY INSTRUMENTS

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**1995 No. 558**

**NATIONAL HEALTH SERVICE,  
ENGLAND AND WALES**

**The National Health Service (General Ophthalmic  
Services) Amendment Regulations 1995**

<i>Made</i>	- - - -	<i>6th March 1995</i>
<i>Laid before Parliament</i>		<i>7th March 1995</i>
<i>Coming into force</i>	- -	<i>1st April 1995</i>

The Secretary of State for Health, in exercise of powers conferred on her by sections 38 and 126(4) of the National Health Service Act 1977(1) and of all other powers enabling her in that behalf, hereby makes the following Regulations:—

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the National Health Service (General Ophthalmic Services) Amendment Regulations 1995 and shall come into force on 1st April 1995.

(2) In these regulations, the “principal Regulations” means the National Health Service (General Ophthalmic Services) Regulations 1986(2).

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

2. — In regulation 2(1) of the principal Regulations (interpretation), after the definition of “deputy” there is inserted the following definition—

““disability working allowance” means disability working allowance under Part VII of the Social Security Contributions and Benefits Act 1992(3);”.

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(1) 1977 c. 49; see section 128(1) as amended by the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”), section 26(2)(g) and (i), for the definitions of “prescribed” and “regulations”. Section 38 was amended by the Health Services Act 1980 (c. 53), section 1 and Schedule 1, paragraph 51; by the Health and Social Security Act 1984 (c. 48), section 1(3); by S.I. 1985/39, article 7(11); and by the Health and Medicines Act 1988 (c. 49), section 13(1). Section 126(4) was amended by the 1990 Act, section 65(2).

(2) S.I. 1986/975; the relevant amending instrument is S.I. 1989/395.

(3) 1992 c. 4.

### **Amendment of regulation 13 of the principal Regulations**

3.—(1) In regulation 13(2) of the principal Regulations (sight tests — eligibility)(4) the word “or” at the end of paragraph (e) is omitted and after paragraph (f) there is inserted—

- “(g) he is in receipt of disability working allowance and his capital resources, calculated in accordance with the regulations concerning entitlement to that allowance(5), were not more than £8,000 at the time that allowance was claimed; or
- (h) he is a member of the same family as the person described in paragraph (g) of this paragraph.”.

(2) For regulation 13(3) of the principal Regulations, there is substituted—

“(3) In paragraph (2), “family” (in references to membership of the same family) has the meaning given to it by section 137(1) of the Social Security Contributions and Benefits Act 1992(6)—

- (a) as it applies to income support(7), in the case of paragraph (2)(b) and (f);
- (b) as it applies to family credit(8), in the case of paragraph (2)(d); and
- (c) as it applies to disability working allowance(9), in case of paragraph (2)(h).”.

Signed by authority of the Secretary of State for Health

6th March 1995

*Gerald Malone*  
Minister of State,  
Department of Health

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(4) Regulation 13 was substituted by [S.I. 1989/395](#).

(5) [S.I. 1991/2887](#).

(6) [1992 c. 4](#).

(7) See [S.I. 1987/1967](#), regulations 14 to 16; relevant amending instruments are [S.I. 1988/663](#) and [1445](#), [1989/534](#), [1990/547](#), [1992/468](#) and [3147](#) and [1993/2119](#).

(8) See [S.I. 1987/1973](#), regulations 6 to 9; relevant amending instruments are [S.I. 1988/660](#), [1990/574](#), [1992/573](#) and [1993/2119](#).

(9) See [S.I. 1991/2887](#), regulations 8 to 11 as assembled by [S.I. 1993/2119](#).

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## EXPLANATORY NOTE

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

These Regulations further amend the National Health Service (General Ophthalmic Services) Regulations 1986 (“the principal Regulations”) which provide for arrangements under which ophthalmic medical practitioners and ophthalmic opticians provide general ophthalmic services (i.e. sight testing services).

Regulation 2 of these Regulations amends regulation 2(1) of the principal Regulations in order to include a definition of Disability Working Allowance.

Regulation 3 of these Regulations extends the categories of eligibility for free sight tests to include people in receipt of Disability Working Allowance whose capital resources (calculated in accordance with the Regulations concerning entitlement to that allowance) were £8,000 or less at the time that allowance was claimed, and also certain relatives of such people.