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STATUTORY INSTRUMENTS

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**1995 No. 691**

**NATIONAL HEALTH SERVICE,  
ENGLAND AND WALES**

**The National Health Service (Optical Charges and  
Payments) Amendment (No. 2) Regulations 1995**

<i>Made</i>	- - - -	<i>9th March 1995</i>
<i>Laid before Parliament</i>		<i>10th 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 section 126(4) of, and paragraph 2A of Schedule 12 to, the National Health Service Act 1977<sup>(1)</sup> 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 (Optical Charges and Payments) Amendment (No. 2) Regulations 1995 and shall come into force on 1st April 1995.

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

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

2. In regulation 1 of the principal Regulations (citation, commencement and interpretation), in paragraph (2), after the definition of “complex appliance” 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<sup>(3)</sup>”.

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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 126(4) was amended by the 1990 Act, section 65(2). Paragraph 2A of Schedule 12 was inserted by the Health and Social Security Act 1984 (c. 48), Schedule 1, part I, paragraph 3 and amended by the Health and Medicines Act 1988 (c. 49), section 13(2) and (3).

(2) S.I. 1989/396, amended by S.I. 1990/495, 1991/583, 1991/1680, 1991/2465, 1992/404, 1993/418, 1994/131, 1994/495, 1994/2619 and 1995/34.

(3) 1992 c. 4.

### **Amendment of regulation 4 of the principal Regulations**

3. In regulation 4 of the principal Regulations (completion and use of voucher — sight tests), in paragraph (2), after the word “patient” there are inserted the words “,the patient’s date of birth”.

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

4.—(1) Regulation 8 of the principal Regulations (eligibility — supply of optical appliances) is amended as follows.

(2) In paragraph (3), 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<sup>(4)</sup>, were not more than £8,000 at the time that allowance was claimed; or

(h) he is a member of the same family as a person described in sub-paragraph (g) of this paragraph.”.

(3) For paragraph (4) there is substituted—

“(4) In paragraph (3), “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<sup>(5)</sup>—

(a) as it applies to income support<sup>(6)</sup>, in the case of paragraph (3)(b) and (f);

(b) as it applies to family credit<sup>(7)</sup>, in the case of paragraph (3)(d); and

(c) as it applies to disability working allowance<sup>(8)</sup>, in the case of paragraph (3)(h)”.

### **Amendment of regulation 9 of the principal Regulations**

5. In regulation 9 of the principal Regulations (issue of vouchers by ophthalmic medical practitioners or opticians), in paragraph (3)(b), for the words “the patient’s age if under 19” there are substituted the words “the patient’s date of birth”.

### **Amendment of regulation 10 of the principal Regulations**

6. In regulation 10 of the principal Regulation (issue of vouchers by Family Health Services Authorities), in paragraph (3)(b), for the words “the patient’s age if under 19” there are substituted the words “the patient’s date of birth”.

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

7. In regulation 11 of the principal Regulations (issue of vouchers by health authorities), in paragraph (3)(b), for the words “the patient’s age if under 19” there are substituted the words “the patient’s date of birth”.

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(4) S.I. 1991/2887.

(5) 1992 c. 4.

(6) 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.

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

(8) See S.I. 1991/2887, regulations 8 to 11 as amended by S.I. 1993/2119.

### Amendment of regulation 17 of the principal Regulations

8. In regulation 17 of the principal Regulations (completion of vouchers), in paragraphs (2)(b) and (3)(c), for the words “the patient’s age if under 16” there are substituted the words “the patient’s date of birth”.

### Amendment of regulation 20 of the principal Regulations

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

- (a) in paragraph (1)(b), for “£37.80” there is substituted “£38.60”; and
- (b) in paragraph (3), for “£9.60” there is substituted “£9.90”.

### Amendment of Schedules to the principal Regulations

10.—(1) In Schedule 1 to the principal Regulations (voucher letter codes and face values — supply and replacement)(9), in column 3 (face value of voucher), for each amount specified in column 1 of the table below there is substituted the amount specified in relation to it in column 2 of that Table.

TABLE

Column 1 Old Amount	Column 2 New Amount
£25.50	£26.40
£39.30	£40.10
£53.60	£54.70
£105.20	£107.30
£44.00	£45.50
£56.80	£57.90
£68.40	£69.80
£115.70 (in both places where it appears)	£118.00
£37.80	£38.60

(2) 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 “£4.90” there is substituted “£5.10”;
- (b) in paragraph 1(1)(b) (prism — other lens), for “£6.10” there is substituted “£6.30”;
- (c) in paragraph 1(1)(c) (single vision tinted lens), for “£2.50” there is substituted “£2.60”;
- (d) in paragraph 1(1)(d) (other tinted lens), for “£3.00” there is substituted “£3.10”;
- (e) in paragraph 1(1)(e) (small glasses)—
  - (i) in sub-head (i), for “£42.10” there is substituted “£43.50”,
  - (ii) in sub-head (ii), for “£37.40” there is substituted “£38.60”, and
  - (iii) in sub-head (iii), for “£20.20” there is substituted “£20.90”;

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(9) Schedule 1 was substituted by regulation 4 of [S.I. 1992/404](#), and subsequently amended by [S.I. 1993/418](#) and [1994/495](#).

- (f) in paragraph 1(1)(f) (photochromic lenses), for “£2.50” there is substituted “£2.60” and for “£3.00” there is substituted “£3.10”;
  - (g) in paragraph 1(1)(g) (specially manufactured frame), for “£42.10” there is substituted “£43.50”;
  - (h) in paragraph 2(a) (minimum complex appliance payment — single vision lenses), for “£4.20” there is substituted “£4.30”; and
  - (i) in paragraph 2(b) (minimum complex appliance payment — other lenses), for “£22.70” there is substituted “£23.40”.
- (3) For Schedule 3 to the principal Regulations (voucher values — repair)(10) there is substituted the Schedule 3 set out in the Schedule to these Regulations.

### **Application of these Regulations**

**11.** The amendments made by regulations 9 and 10 of these Regulations apply only in relation to a voucher—

- (a) accepted or used pursuant to regulation 12 or regulation 18 of the principal Regulations on or after 1st April 1995; or
- (b) provided to a health authority pursuant to regulation 14(2)(c) of the principal Regulations in respect of cost incurred on or after that date.

Signed by authority of the Secretary of State for Health

9th March 1995

*Gerald Malone*  
Minister of State,  
Department of Health

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(10) Schedule 3 was last substituted by [S.I. 1994/495](#).

**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 4(3)

SCHEDULE 3 TO THE PRINCIPAL REGULATIONS  
AS SUBSTITUTED BY THESE REGULATIONS

“SCHEDULE 3

Regulations 20(2) and (3)

VOUCHER VALUES REPAIR

1 Nature of Repair	2 Letter Codes — Values							
	A £	B £	C £	D £	E £	F £	G £	H&I £
Repair or replacement of one lens	8.20	15.10	22.40	48.70	17.80	24.00	29.90	54.00
Repair or replacement of two lenses	16.50	30.20	44.80	97.40	35.60	48.00	59.90	108.10
Repair or replacement of—								
the front of a frame	8.50	8.50	8.50	8.50	8.50	8.50	8.50	8.50
a side of a frame	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00
the whole frame	9.90	9.90	9.90	9.90	9.90	9.90	9.90	9.90”

**EXPLANATORY NOTE**

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

These Regulations further 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, replacement and repair of optical appliances.

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

Regulations 3,5, 6, 7 and 8 of these Regulations amend regulations 4(2), 9(3), 10(3), 11(3) and 17(2) and (3) respectively of the principal Regulations so as to require the ophthalmic medical practitioner, optician or other responsible authority completing an optical voucher to include on it the patient's date of birth.

Regulation 4 of these Regulations extends the categories of eligibility for payments towards the cost of optical appliances 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.

Regulation 10 of these Regulations amends regulation 20 of the principal Regulations (redemption value for replacement or repair) to increase the value of an optical voucher issued towards the cost of replacing a single contact lens, and to increase the maximum contribution by way of voucher to the cost of repairing a frame.

Regulation 11(1) amends Schedule 1 to the principal Regulations to increase the value of vouchers issued towards the cost of the supply and replacement of glasses and contact lenses.

Regulation 11(2) increases the additional values for vouchers for prisms, tints, photo-chromic lenses and special categories of appliances.

Regulation 11(3) and the Schedule substitute a new Schedule 3 in the principal Regulations to increase the value of vouchers issued towards the cost of the repair and replacement of optical appliances.

The increases in voucher values range from approximately 1.68% to 4.16% (approximately 1.94% or 3.53% in the case of vouchers for the supply of optical appliances).