

**2001 No. 3066**

**NATIONAL HEALTH SERVICE, ENGLAND**

**The National Health Service (Optical Charges and Payments) and (General Ophthalmic Services) Amendment (No. 2) Regulations 2001**

*Made* - - - - - *10th September 2001*

*Laid before Parliament* *10th September 2001*

*Coming into force* - - *1st October 2001*

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

**Citation, commencement, interpretation and extent**

1.—(1) These Regulations may be cited as the National Health Service (Optical Charges and Payments) and (General Ophthalmic Services) Amendment (No. 2) Regulations 2001 and shall come into force on 1st October 2001.

(2) In these Regulations—

“the 1997 Regulations” means the National Health Service (Optical Charges and Payments) Regulations 1997(b),

“the 1986 Regulations” means the National Health Service (General Ophthalmic Services) Regulations 1986(c).

(3) These Regulations extend to England only.

**Amendment of the 1997 Regulations**

2.—(1) For paragraph (2) of regulation 3 of the 1997 Regulations (eligibility—sight tests) there shall be substituted the following—

“(2) An eligible person is—

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(a) 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 28(3)(g) and (i); and by the Health Act 1999 (c. 8) (“the 1999 Act”) Schedule 4, paragraph 38(2), for the definitions of “prescribed” and “regulations”. Section 38 was amended by the Health Services Act 1980 (c. 53) (“the 1980 Act”), section 1 and Schedule 1, paragraph 51; by the Health and Social Security Act 1984 (c. 48) (“the 1984 Act”), section 1(3); by S.I. 1985/39, article 7(11), by the Health and Medicines Act 1988 (c. 49) (“the 1988 Act”), section 13(1) and by the Health Authorities Act 1995 (c. 17) (“the 1995 Act”), Schedule 1, paragraph 27. Section 126(4) was amended by the 1990 Act, section 65(2) and by the 1999 Act, Schedule 4, paragraph 37(6). 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 (c. 48), Schedule 1, Part 1, paragraph 3 and amended by section 13(2) and (3) of the 1988 Act. The functions of the Secretary of State under the National Health Service Act 1977 are, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2(a) of the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672 as amended by section 66(5) of the 1999 Act.

(b) S.I. 1997/818; the relevant amending regulations are S.I. 1999/609, 1999/2562, 2000/594, 2001/749.

(c) S.I. 1986/975; the relevant amending regulations are S.I. 1989/395, 1995/558, 1996/2320, 1999/693, 1999/2562 and 2001/1084.

- (a) a person whose income resources, as calculated in accordance with regulation 6 of, and Schedule 1 to, the Remission Regulations for the purposes of remission of charges under the Act, exceed his requirements as so calculated, but whose patient's contribution does not exceed the NHS sight test fee and whose capital resources as so calculated do not exceed the capital limit, or
  - (b) a relevant child within the meaning of section 23A of the Children Act 1989 whom a responsible local authority is supporting under section 23B(8) of that Act.”(a).
- (2) In regulation 8(2) of the 1997 Regulations (eligibility—supply of optical appliances) after sub-paragraph (e) there shall be added—
- “(f) a relevant child within the meaning of section 23A of the Children Act 1989 whom a responsible local authority is supporting under section 23B(8) of that Act”.
- (3) In regulation 15(1) of the 1997 Regulations (eligibility—replacement or repair) after sub-paragraph (b) there shall be added—
- “(c) a relevant child within the meaning of section 23A of the Children Act 1989 whom a responsible local authority is supporting under section 23B(8) of that Act”.
- (4) In regulation 15(2) of the 1997 Regulations (eligibility—replacement or repair) for “or (b)” there shall be substituted “, (b) or (c)”.

#### **Amendment of the 1986 Regulations**

3. In regulation 13(1) of the 1986 Regulations after sub-paragraph (g) there shall be added—
- “(h) a relevant child within the meaning of section 23A of the Children Act 1989 whom a responsible local authority is supporting under section 23B(8) of that Act”.

Signed by authority of the Secretary of State for Health

10th September 2001

*John Hutton*  
Minister of State,  
Department of Health

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(a) 1989 c. 41; sections 23A and 23B were inserted by section 2 of the Children (Leaving Care) Act 2000 c. 35

## **EXPLANATORY NOTE**

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

These Regulations further amend the National Health Service (Optical Charges and Payments) Regulations 1997 (“the 1997 Regulations”) and the National Health Service (General Ophthalmic Services) Regulations 1986 (“the 1986 Regulations”). The 1997 Regulations provide a scheme for payments to be made by Health Authorities and NHS trusts by means of a voucher system in respect of costs incurred by certain categories of persons in connection with sight tests and the supply, replacement and repair of optical appliances. The 1986 Regulations provide for arrangements for general ophthalmic services under the National Health Service. These Regulations enable 16 and 17 year old children leaving the care of a local authority (as well as certain other 16 and 17 year old children who have been looked after by a local authority for at least thirteen weeks since they were 14) who are being wholly or partly maintained by a responsible local authority to benefit from free eye tests and the free supply, replacement and repair of optical appliances.

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**The National Health Service (Optical Charges and  
Payments) and (General Ophthalmic Services) Amendment  
(No. 2) Regulations 2001**

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