

2003 No. 2381

NATIONAL HEALTH SERVICE, ENGLAND

The National Health Service (Optical Charges and Payments) and (General Ophthalmic Services) Amendment (No. 2) Regulations 2003

<i>Made</i> - - - - -	<i>14th September 2003</i>
<i>Laid before Parliament</i>	<i>15th September 2003</i>
<i>Coming into force</i> - -	<i>6th October 2003</i>

The Secretary of State for Health, in exercise of the powers conferred upon him by sections 38, 78(1) 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 application

1.—(1) These Regulations may be cited as the National Health Service (Optical Charges and Payments) and (General Ophthalmic Services) Amendment (No. 2) Regulations 2003 and shall come into force on 6th October 2003.

(2) In these Regulations—

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

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

(3) These Regulations apply to England.

(a) 1977. c. 49; *see* section 128(1) as amended by the National Health Service and Community Care Act 1990 (c. 19), section 26(2)(g) and (i), for the definition of “prescribed” and “regulations”. Section 38 was amended by the Health Services Act 1980 (c. 53) (“the Health Services Act”), section 1 and Schedule 1, paragraph 51; by the Health and Social Security Act 1984 (c. 48) (“the Health and Social Security Act”), section 1(3); by S.I. 1985/39, article 7(11); by the Health and Medicines Act 1988 (c. 49) (“the Health and Medicines Act”), section 13(1); by the Health Authorities Act 1995 (c. 17) (“the Health Authorities Act”), Schedule 1, paragraph 27; and by the National Health Service Reform and Health Care Professions Act 2002 (c. 17) (“the National Health Service Reform Act”), section 1(3) and Schedule 2, Part 1, paragraph 11. Section 39 was extended by the Health and Medicines Act, section 17; and amended by the Health Services Act, section 1 and Schedule 1, paragraph 52; by the Health and Social Security Act, section 1(4), Schedule 1, Part I, paragraph 1 and Schedule 8, Part I; by S.I. 1985/39, article 7(12); by the Health Authorities Act, Schedule 1, paragraph 28; by the Health Act 1999 (c. 8), section 9(4); by the Health and Social Care Act 2001 (c. 15), section 20(5) and 23(4); and by the National Health Service Reform Act, section 1(3) and Schedule 2, Part 1, paragraph 12. Section 78(1) was amended by section 25 of, and Schedule 3 to, the Health and Medicines Act. Paragraph 2 of Schedule 12 was substituted by sections 11(8) and 25 of, and paragraph 8 of Schedule 2 to, and Schedule 3 to, the Health and Medicines Act, by section 25(2) of, and paragraph 2 of Schedule 5 to, the Health Services Act, and by section 24 of, and Part 1 of Schedule 8 to, the Health and Social Security Act. Paragraph 2A of Schedule 12 was inserted by section 1 of, and paragraph 3 of Part 1 of Schedule 1 to, the Health and Social Security Act and by section 13 of the Health and Medicines Act. As regards Wales, the functions of the Secretary of State under sections 38, 39, 78 and 126(4) of the 1977 Act are transferred to the National Assembly for Wales under article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672.

(b) S.I. 1997/818, as amended by S.I. 1999/609, S.I. 1999/2562, S.I. 2000/594, S.I. 2001/414, S.I. 2001/3066, S.I. 2001/3323, S.I. 2002/547, S.I. 2002/1326 and S.I. 2003/657.

(c) S.I. 1986/975; relevant amending instruments are S.I. 1989/395, 1995/558, 1996/2320, 1999/2562, 2001/1084 and 2001/3739 and S.I. 2003/657.

Amendment of the Optical Regulations

2.—(1) The Optical Regulations are amended as follows.

(2) In regulation 1 (citation, commencement and interpretation), in paragraph (2), after the definition of “patient’s resources” there is inserted—

““pension credit guarantee credit” shall be construed in accordance with sections 1 and 2 of the State Pension Credit Act 2002(a);”.

(3) In regulation 8 (eligibility—supply of optical appliances)—

(a) in paragraph (3), after sub-paragraph (m), there is inserted—

“(n) he is receiving pension credit guarantee credit or is a member of the same family as a person who is receiving pension credit guarantee credit;” and

(b) in paragraph (4), in sub-paragraph (a) (definition of family), for “sub-paragraphs (b) and (f)”, there is substituted “sub-paragraphs (b), (f) and (n)”.

Amendment of the Ophthalmic Regulations

3.—(1) The Ophthalmic Regulations are amended as follows.

(2) In regulation 2 (Interpretation), in paragraph (1), after the definition of “patient”, there is inserted—

““pension credit guarantee credit” shall be construed in accordance with sections 1 and 2 of the State Pension Credit Act 2002;”.

(3) In regulation 13 (sight tests—eligibility)—

(a) in paragraph (2) after sub-paragraph (m) there is inserted—

“(n) he is a member of the same family as a person who is receiving pension credit guarantee credit;” and

(b) in paragraph (3), in sub-paragraph (a) (definition of family), for “sub-paragraphs (b) and (f)”, there is substituted “sub-paragraphs (b), (f) and (n)”.

Signed by authority of the Secretary of State for Health

14th September 2003

Rosie Winterton
Minister of State,
Department of Health

(a) 2002 c. 16.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to the National Health Service (Optical Charges and Payments) Regulations 1997 and the National Health Service (General Ophthalmic) Regulations 1986 consequent on the introduction of pension credit guarantee credit in the State Pension Credit Act 2002. The purpose of the amendments is to ensure that those in receipt of pension credit guarantee credit and members of their families will be entitled to National Health Service vouchers to put towards the cost of spectacles and contact lenses and to General Ophthalmic Services free of charge.

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and (General Ophthalmic Services) Amendment (No. 2)
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