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STATUTORY INSTRUMENTS

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**2003 No. 657**

**National Health Service (Optical Charges and Payments) and  
(General Ophthalmic Services) Amendment Regulations 2003**

**PART 1**

**AMENDMENTS OF OPTICAL REGULATIONS**

**Amendment of regulation 1 of the Optical Regulations**

**2.** In regulation 1 of the Optical Regulations (citation, commencement and interpretation), in subparagraph (2)—

- (a) after the definition of “child”, there is inserted—  
““child tax credit” means child tax credit under the Tax Credits Act 2002(1);”;
- (b) after the definition of “complex appliance”, there is inserted—  
““disability element” means the disability element of working tax credit as specified in section 11(3) of the Tax Credits Act 2002;”;
- (c) after the definition of “the 1989 regulations”, there is inserted—  
““relevant income” has the same meaning as in section 7(3) of Part 1 of the Tax Credits Act 2002;”;
- (d) after the definition of “voucher”, there is inserted—  
““working tax credit” means working tax credit under the Tax Credits Act 2002.”;  
and
- (e) the definitions of “amount withdrawn”, “disabled person’s tax credit” and “working families’ tax credit” are omitted.

**Amendment of regulation 8 of the Optical Regulations**

**3.—(1)** Regulation 8 of the Optical Regulations (eligibility—supply of optical appliances) is amended as follows.

(2) In paragraph (3)—

- (a) at the end there is added—
  - “(l) he is a member of a family—
    - (i) one member of which is receiving—
      - (aa) working tax credit and child tax credit;
      - (bb) working tax credit which includes a disability element; or
      - (cc) child tax credit, but is not eligible for working tax credit; and

- (ii) where the relevant income of the person or persons to whom an award of a tax credit is made under section 14 of the Tax Credits Act 2002 is determined at the time of the award not to exceed £14,200; or
- (m) he is a member of a family, in respect of whom there is a current notice of entitlement under regulation 12A.”;
- (b) sub-paragraphs (c), (d), (g) and (h) are omitted.
- (3) For paragraph (4) there is substituted—
  - “(4) In paragraph —
    - (a) in sub-paragraphs (b) and (f), “family” has the meaning given to it by section 137(1) of the Social Security Contributions and Benefits Act 1992<sup>(2)</sup>, as it applies to income support;
    - (b) in sub-paragraph (j), “family” has the meaning given to it by section 35 of the Jobseekers Act 1995<sup>(3)</sup>; and
    - (c) in sub-paragraphs (1) and (m), “family” has the meaning given to it by regulation 2(2) of the Tax Credits (Definition and Calculation of Income) Regulations 2002<sup>(4)</sup>.”.

#### **New regulation 12A inserted into the Optical Regulations**

4. After regulation 12 of the Optical Regulations (use of vouchers for supply of optical appliances), there is inserted—

“**12A.**—(1) Where a person is entitled to the payment of, or contribution towards, the cost incurred for the supply of an optical appliance because he is a member of a family described in regulation 8(3)(1), the Secretary of State shall issue a notice of entitlement to that family.

(2) Such a notice of entitlement shall apply to—

- (a) any family member who is named in the notice of entitlement; and
- (b) any other member of such a person’s family.

(3) A notice of entitlement issued under paragraph (1) shall be effective—

- (a) from such date; and
- (b) for such period,

as the Secretary of State may determine.

(4) Any change in the financial or other circumstances of a person who is a member of a family in respect of which a notice of entitlement has been issued under paragraph (1), during the period for which the notice of entitlement has been issued, shall not affect the validity of the notice of entitlement in respect of that period.”.

#### **Amendment of regulation 19 of the Optical Regulations**

5. In regulation 19 of the Optical Regulations (redemption value of voucher for replacement or repair)—

- (a) in paragraph (1)(b) for “£44.60”<sup>(5)</sup> there is substituted “£45.70”; and

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(2) 1992 c. 4.

(3) 1995 c. 18.

(4) S.I.2002/2006.

(5) The amount of £44.60 was substituted by S.I. 2002/547.

(b) in paragraph (3) for “£11.50”(6) there is substituted “£11.80”.

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

6.—(1) In Schedule 1 to the Optical Regulations (voucher letter codes and face values—supply and replacement), 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*

| <i>(1) Old amount</i>                     | <i>(2) New amount</i> |
|---|-----------------------|
| £30.50                                    | £31.30                |
| £46.40                                    | £47.60                |
| £63.20                                    | £64.80                |
| £142.70                                   | £146.30               |
| £52.70                                    | £54.00                |
| £67.00                                    | £68.70                |
| £81.00                                    | £83.00                |
| £157.00 (in both places where it appears) | £160.90               |
| £44.60                                    | £45.70                |

(2) In Schedule 2 to the Optical Regulations (prisms, tints, photochromic lenses, small and special glasses and complex appliances)—

- (a) in paragraph 1(1)(a) for “£9.90” there is substituted “£10.10”;
- (b) in paragraph 1(1)(b) for “£11.90” there is substituted “£12.20”;
- (c) in paragraph 1(1)(c) for “£3.30” there is substituted “£3.40”;
- (d) in paragraph 1(1)(d) for “£3.80” there is substituted “£3.90”;
- (e) in paragraph 1(1)(e)—
  - (i) for “£50.20” there is substituted “£51.50”;
  - (ii) for “£44.60” there is substituted “£45.70”, and
  - (iii) for “£24.20” there is substituted “£24.80”;
- (f) in paragraph 1(1)(g) for “£50.20” there is substituted “£51.50”;
- (g) in paragraph 2(a) for “£10.70” there is substituted “£11.00”; and
- (h) in paragraph 2(b) for “£27.00” there is substituted “£27.70”.

(3) For Schedule 3 to the Optical Regulations (voucher values—repair), there is substituted the Schedule 3 set out in the Schedule to these Regulations.

### **Application of Regulations 5 and 6**

7. The amendments made in regulations 5 and 6 of these Regulations apply only in relation to a voucher accepted or used pursuant to regulation 12 or regulation 17 of the Optical Regulations on or after 1st April 2003.

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(6) The amount of £11.50 was substituted by S.I. [2002/547](#).

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

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