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STATUTORY INSTRUMENTS

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**2004 No. 936**

**NATIONAL HEALTH SERVICE, ENGLAND**

**The National Health Service (Travel Expenses and Remission of Charges) and (Optical Charges and Payments) and (General Ophthalmic Services) Amendment Regulations 2004**

<i>Made</i>	- - - -	<i>28th March 2004</i>
<i>Laid before Parliament</i>		<i>30th March 2004</i>
<i>Coming into force</i>	- -	<i>6th April 2004</i>

The Secretary of State for Health, in exercise of the powers conferred on him by sections 38, 78(1), 83A and 126(4) of, and paragraph 2A of Schedule 12 to, the National Health Service Act 1977(1) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

**Citation, commencement, application and interpretation**

1.—(1) These Regulations may be cited as the National Health Service (Travel Expenses and Remission of Charges) and (Optical Charges and Payments) and (General Ophthalmic Services) Amendment Regulations 2004 and shall come into force on 6th April 2004.

(2) These Regulations apply to England only.

(3) In these Regulations—

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(1) 1977 (c. 49). Section 38 was amended by section 1 of, and paragraph 51 of Schedule 1 to, the Health Services Act 1980(c. 53)(“the Health Services Act”), section 1(3) of the Health and Social Security Act 1984 (c. 48) (“the Health and Social Security Act”), article 7(11) of S.I. 1985/39, section 13(1) of the Health and Medicines Act 1988(c. 49) (“the Health and Medicines Act”), paragraph 27 of Schedule 1 to the Health Authorities Act 1995 (c. 17) (“the Health Authorities Act”) and section 1(3) of, and paragraph 11 of Schedule 2 to, the National Health Service Reform and Health Care Professions Act 2002 (c. 17) (“the NHS Reform Act”). Section 78(1) was amended by section 25 of, and Schedule 3 to, the Health and Medicines Act. Section 83A was inserted by section 14(1) of the Social Security Act 1988 (c. 7) and amended by section 25 of, and paragraph 6 of Schedule 2 to, the Health and Medicines Act, section 41(10) of, and paragraph 19 of Schedule 2 to, the National Health Service (Primary Care) Act 1997 (c. 46), article 2 of S.I. 1998/2385, article 3(1) of, and paragraph 5 and 13 of Schedule 1 to, S.I. 2000/90, section 66(1) of, and paragraph 18 (5) of Schedule 9 to the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”), section 2(1) of, and paragraph 40 of Schedule 1 to, the Health Authorities Act and section 2(5) of, and paragraphs 1 and 32 of Part 1 of Schedule 2 to, the NHS Reform Act. Section 126(4) has been amended by section 65(2) of the 1990 Act, section 65(1) of, and paragraphs 4 and 37 of Schedule 4 to, the Health Act 1999 (c. 8)(“the 1999 Act”), section 67(1) of, and paragraph 5 and 13 of Part 1 of Schedule 5 to, the Health and Social Care Act 2001 (c. 15), and sections 6(3)(c) and 37(1) of the NHS Reform Act 2002. Paragraph 2A of Schedule 12 was inserted by Schedule 1, paragraph 3 of the Health and Social Security Act and amended by section 13(2) and (3) of the Health and Medicines Act. The functions of the Secretary of State under these provisions 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.

“the Travel Expenses and Remission of Charges Regulations” means the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003(2);

“the Optical Regulations” means the National Health Service (Optical Charges and Payments) Regulations 1997(3); and

“the Ophthalmic Regulations” means the National Health Service (General Ophthalmic Services) Regulations 1986(4).

### **Amendment of regulation 5 of the Travel Expenses and Remission of Charges Regulations**

2. In regulation 5(2)(e) of the Travel Expenses and Remission of Charges Regulations (entitlement to full remission and payment) for “requirements equal or exceed his income resources” there is substituted “income resources do not exceed his requirements or exceed his requirements by fifty per cent or less of the amount of the charge specified in regulation 3(1)(b) (supply of drugs and appliances by chemists) of the Charges Regulations”(5).

### **Amendment of the Optical Regulations and the Ophthalmic Regulations**

3.—(1) In regulation 8(3)(e) of the Optical Regulations (eligibility- supply of optical appliances) after “requirements as so calculated” there is inserted “or exceed his requirements as so calculated by fifty per cent or less of the amount of the charge specified in regulation 3(1)(b) (supply of drugs and appliances by chemists) of the National Health Service (Charges for Drugs and Appliances) Regulations 2000(6)”.

(2) In regulation 13(2)(e) of the Ophthalmic Regulations (sight tests-eligibility) after “requirements as so calculated” there is inserted “or exceed his requirements as so calculated by fifty per cent or less of the amount of the charge specified in regulation 3(1)(b) (supply of drugs and appliances by chemists) of the National Health Service (Charges for Drugs and Appliances) Regulations 2000(7)”.

Signed by authority of the Secretary of State for Health

*Rosie Winterton*  
Minister of State,  
Department of Health

28th March 2004

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- (2) S.I. 2003/2382 as amended by S.I. 2004/663.  
(3) 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, S.I. 2003/657 and S.I. 2004/642.  
(4) S.I. 1986/975; relevant amending instruments are S.I. 1989/395, S.I. 1995/558, S.I. 1996/2320, S.I. 1996/2320, S.I. 1999/2562, S.I. 2001/1084, S.I. 2001/3739, S.I. 2003/657 and S.I. 2004/642.  
(5) S.I. 2000/620, as amended by S.I. 2000/2393, S.I. 2000/3189, S.I. 2001/746, S.I. 2001/2887, S.I. 2002/548, S.I. 2002/1386, S.I. 2002/2352, S.I. 2003/585, S.I. 2003/699, S.I. 2003/1084 and S.I. 2004/663.  
(6) S.I. 2000/620, as amended by S.I. 2000/2393, S.I. 2000/3189, S.I. 2001/746, S.I. 2001/2887, S.I. 2002/548, S.I. 2002/1386, S.I. 2002/2352, S.I. 2003/585, S.I. 2003/699, S.I. 2003/1084 and S.I. 2004/663.  
(7) S.I. 2000/620, as amended by S.I. 2000/2393, S.I. 2000/3189, S.I. 2001/746, S.I. 2001/2887, S.I. 2002/548, S.I. 2002/1386, S.I. 2002/2352, S.I. 2003/585, S.I. 2003/699, S.I. 2003/1084 and S.I. 2004/663.

## EXPLANATORY NOTE

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

These Regulations amend the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003, the National Health Service (Optical Charges and Payments) Regulations 1997 and the National Health Service (General Ophthalmic Services) Regulations 1986.

Regulations 2 and 3 increase the income level at which entitlement arises to repayment of travel expenses and a full remission of NHS charges, an NHS sight test and a voucher to meet the cost of an optical appliance. The income level at which entitlement arises is increased from that which is equal to (or less than) a person's requirements to that which exceeds requirements by fifty per cent or less of the NHS prescription charge. The prescription charge is currently £6.40.