

EXPLANATORY MEMORANDUM TO

THE NATIONALHEALTH SERVICE (OPTICAL CHARGES AND PAYMENTS) AND (GENERAL OPHTHALMIC SERVICES) AMENDMENT REGULATIONS 2005

2005 No.483

1. This explanatory memorandum has been prepared by the Department of Health and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 These Regulations amend the National Health Service (Optical Charges and Payments) Regulations 1997 and the National Health Service (General Ophthalmic Services) Regulations 1986. They are made under the powers in sections 38, 78(1) and 126(4) of, and paragraphs 2 and 2A of Schedule 12 to, the National Health Service Act 1977

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Background

4.1 These Regulations:

- i) amend the National Health Service (Optical Charges and Payments) Regulations 1997 to increase the level of the NHS sight test fee from 1 April 2005 and to increase the value of vouchers issued towards the cost of the supply, replacement or repair of glasses, contact lenses, and other optical appliances; and
- ii) amend the National Health Service (General Ophthalmic Services) Regulations 1986 and the National Health Service (Optical Charges and Payments) Regulations 1997 to raise the income threshold for help with health costs to low income families receiving tax credits to £15,050.

5. Extent

5.1 This instrument applies to England.

6. European Convention on Human Rights

6.1 The Minister of State has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

6.2 In my view the provisions of the National Health Service (Optical Charges and Payments) and (General Ophthalmic Services) Amendment Regulations 2005 are compatible with the Convention rights.

7. Policy background

7.1 The Government recognises that certain groups of the general public should be entitled to free sight tests and possibly help towards the cost of glasses, contact lenses and other optical appliances.

7.2 The level of the NHS sight test fee is updated annually following negotiation between the Department of Health and the Optometric Fees Review Committee (OFRC). The fee is payable to an optometrist or ophthalmic medical practitioner who has undertaken a sight test for one of the categories of people eligible to receive it under the NHS.

7.3 The Department and the OFRC have agreed a three-year deal to increase the level of the sight test fee by 10% over the three years 2003/04, 2004/05 and 2005/06. Arrangements for the payment of the new fee to optometrists and ophthalmic medical practitioners is made via a determination in accordance with the NHS (General Ophthalmic Services) Regulations.

7.4 Help towards the cost of glasses, contact lenses and other optical appliances is via an NHS optical voucher the values of which are reviewed annually. The voucher scheme is intended to provide children and people on a low income with a voucher that they may use either to buy from a basic range of spectacles or put towards a more expensive pair of their choice or alternatively put towards the cost of contact lenses. The value of the voucher is determined by the power of the prescription required by the patient. There are 10 vouchers bands ranging in value from £32.90 to £181.40 at the 2005/06 prices.

7.5 The threshold for help with health costs to low income families who are receiving tax credits has been increased from £14,600 to £15,050.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies

9. Contact

Claire Housego at the Department of Health Tel: 020 7972 3976 or e-mail: claire.housego@dh.gsi.gov.uk can answer any queries regarding the instrument.