

2007 No. 3289

NATIONAL HEALTH SERVICE, ENGLAND

**The National Health Service (Optical Charges and Payments)
Amendment (No. 2) Regulations 2007**

<i>Made</i> - - - -	<i>19th November 2007</i>
<i>Laid before Parliament</i>	<i>23rd November 2007</i>
<i>Coming into force</i> - -	<i>14th December 2007</i>

The Secretary of State for Health makes the following Regulations in exercise of the powers conferred 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).

Citation, commencement and application

1.—(1) These Regulations may be cited as the National Health Service (Optical Charges and Payments) Amendment (No. 2) Regulations 2007 and shall come into force on 14th December 2007.

(2) These Regulations apply in relation to England.

Amendment of regulation 1 of the National Health Service (Optical Charges and Payments) Regulations 1997

2. In the definition of “NHS sight test fee” in regulation 1(2) of the National Health Service (Optical Charges and Payments) Regulations 1997(b)—

- (a) for “£52.04” substitute “£53.34”; and
- (b) for “£18.85” substitute “£19.32”.

(a) 1977 c.49 (“the 1977 Act”); see section 128(1), as amended by the National Health Service and Community Care Act 1990 (c.19) (“the 1990 Act”), section 26(2)(g) and (i), for the definitions of “prescribed” and “regulations”. Section 38 was amended by: the Health and Social Security Act 1984 (c.48) (“the 1984 Act”), section 1(3); the Health and Medicines Act 1988 (c.49) (“the 1988 Act”), section 13; S.I. 1985/39, art. 7(11); the Health Authorities Act 1995 (c.17), Schedule, paragraphs 1 and 27 and by the National Health Service Reform and Health Care Professions Act 2002 (c.17) (“the 2002 Act”), Schedule 2, paragraphs 1 and 11. Section 78(1) was amended by the 1988 Act, section 25 and Schedule 3. Section 126(4) was amended by: the 1990 Act, section 65(2); the 1999 Act, Schedule 4, paragraph 37(6); and the 2001 Act, Schedule 5, paragraph 5(13)(b). Paragraph 2 of Schedule 12 was amended by: section 25(2) of and paragraph 2 of Schedule 5 to the Health Services Act 1980 (c.53); section 24 and Schedule 8 of the 1984 Act; and the 1988 Act, sections 11(8) and 25 of and paragraph 8 of Schedule 2 and Schedule 3. Paragraph 2A of Schedule 12 was inserted by paragraph 3 of Schedule 1 to the 1984 Act and amended by section 13 of the 1988 Act. The ophthalmic provisions of the 1977 Act will be repealed and replaced by the corresponding provisions of the National Health Service Act 2006 (“the 2006 Act”) when the relevant provisions of the Health Act 2006 (c.28) come into force, but they have not yet done so – see section 277(3)(j) and (4) of the 2006 Act. As regards Wales, the functions of the Secretary of State under sections 29 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; section 68 of the 2001 Act provides that Schedule 1 shall be construed so as to include the amendments made by that Act to the 1977 Act; these Regulations therefore extend only to England.

(b) S.I. 1997/818; amended by S.I. 1999/609, 2000/5934, 2001/414, 3066 and 3323, 2002/547 and 1306, 2003/657 and 2381, 2004/642, 936 and 1138, 2005/818, 2006/3123 and 2007/ 542.

Signed by authority of the Secretary of State for Health.

19th November 2007

Ann Keen
Parliamentary Under Secretary of State,
Department of Health

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (Optical Charges and Payments) Regulations 1997 so as to make reference to an increase in the NHS sight test fees of 2.5%.

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