

**2014 No. 2667**

**NATIONAL HEALTH SERVICE, ENGLAND**

**The National Health Service (Exemptions from Charges,  
Payments and Remission of Charges) Amendment and  
Transitional Provisions Regulations 2014**

<i>Made</i>	- - - -	<i>1st October 2014</i>
<i>Laid before Parliament</i>		<i>8th October 2014</i>
<i>Coming into force</i>	- -	<i>1st November 2014</i>

The Secretary of State for Health makes the following Regulations in exercise of the powers conferred by sections 115(1) and (2), 116, 180, 181, 182, 183, 184 and 272(7) and (8)(a) of the National Health Service Act 2006(a).

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the National Health Service (Exemptions from Charges, Payments and Remission of Charges) Amendment and Transitional Provisions Regulations 2014 and come into force on 1st November 2014.

(2) In these Regulations—

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

“the 2008 Regulations” means the Primary Ophthalmic Services Regulations 2008(c); and

“the 2013 Regulations” means the National Health Service (Optical Charges and Payments) Regulations 2013(d).

**Amendment to the 2003 Regulations**

2. In regulation 5 of the 2003 Regulations (entitlement to full remission and payment), for subparagraph (1)(f) substitute—

“(f) he is—

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- (a) 2006 c.41. Section 115 has been amended by the Health and Social Care Act 2012 (c. 7) (“the 2012 Act”), Schedule 4, paragraph 54; section 180 has been amended by the Health Act 2009 (c. 21), Schedule 6, and the 2012 Act, section 205, and Schedule 4, paragraph 96; section 181 has been amended by S.I. 2010/22 and by the 2012 Act, Schedule 4, paragraph 97; section 183 has been amended by S.I. 2010/915 and by the 2012 Act, Schedule 4, paragraph 98. By virtue of section 271(1) of the National Health Service Act 2006, the functions of the Secretary of State being exercised in the making of these Regulations are exercisable only in relation to England. *See also* section 275(1) of the 2006 Act, which contains definitions of “prescribed” and “regulations” that are relevant to the powers being exercised.
- (b) S.I. 2003/2382; amended by S.I. 2004/663, 696 and 936, 2005/26, 578 and 2114, 2006/562, 675, 1065 and 2171, 2007/1975 and 2590, 2008/571, 1697, 1700 and 2868, 2009/411 and 1599, 2010/620 and 1727, 2011/1587, 2012/1650, 2013/475 and 1600 and 2014/545.
- (c) S.I. 2008/1186; the relevant amending instruments are S.I. 2013/365 and S.I. 2014/418.
- (d) S.I. 2013/461; amended by S.I. 2013/1856 and 2555 and S.I. 2014/545.

- (i) receiving universal credit either as a single person or as a member of a couple, or
  - (ii) a child or qualifying young person for whom a recipient referred to in paragraph (i) is responsible (within the meaning of Part 1 of the Welfare Reform Act 2012 and regulations made thereunder),
- but (except for the purposes of entitlement that arises before 1st April 2015) this sub-paragraph ceases to have effect on 1st April 2015.”.

#### **Amendment to the 2008 Regulations**

**3.** In regulation 3 of the 2008 Regulations (sight tests – eligibility), for paragraph (2)(l) substitute—

“(l) he is—

- (i) receiving universal credit either as a single person or as a member of a couple, or
  - (ii) a child or qualifying young person for whom a recipient referred to in paragraph (i) is responsible (within the meaning of Part 1 of the Welfare Reform Act 2012 and regulations made thereunder),
- but (except for the purposes of entitlement that arises before 1st April 2015) this sub-paragraph ceases to have effect on 1st April 2015.”.

#### **Amendment to the 2013 Regulations**

**4.** In regulation 8 of the 2013 Regulations (eligibility for a voucher – supply of optical appliances), for paragraph (3)(j) substitute—

“(j) that person is—

- (i) receiving universal credit either as a single person or as a member of a couple, or
  - (ii) a child or qualifying young person for whom a recipient referred to in paragraph (i) is responsible (within the meaning of Part 1 of the Welfare Reform Act 2012 and regulations made thereunder),
- but (except for the purposes of entitlement that arises before 1st April 2015) this sub-paragraph ceases to have effect on 1st April 2015.”.

#### **Transitional provision relating to the amendment of regulation 5 of the 2003 Regulations**

**5.** As respects NHS travel expenses incurred or NHS charges levied before 1st November 2014, if—

- (a) immediately before 1st November 2014, a person was entitled to payment in full of NHS travel expenses or the full remission of an NHS charge by virtue of regulation 5 of the 2003 Regulations (entitlement to full remission and payment); and
- (b) but for the application of this regulation, that entitlement would cease by virtue of the amendment made to regulation 5 of the 2003 Regulations by regulation 2,

until 31st March 2015, regulation 5 of the 2003 Regulations has effect in relation to that person’s entitlement to payment in full of NHS travel expenses and the full remission of an NHS charge as if regulation 2 had not come into force.

#### **Transitional provision relating to the amendment of regulation 3 of the 2008 Regulations**

**6.** As respects eligibility to receive NHS sight tests before 1st November 2014, if—

- (a) immediately before 1st November 2014, a person was eligible to receive an NHS sight test by virtue of regulation 3 of the 2008 Regulations (sights tests – eligibility); and

(b) but for the application of this regulation, that eligibility would cease by virtue of the amendment to regulation 3 of the 2008 Regulations by regulation 3, until 31st March 2015, regulation 3 of the 2008 Regulations has effect in relation to that person's eligibility to receive NHS sight tests as if regulation 3 of these Regulations had not come into force.

#### **Transitional provision relating to the amendment of regulation 8 of the 2013 Regulations**

7. As respects eligibility for a voucher before 1st November 2014, if—

(a) immediately before 1st November 2014, a person was eligible for a payment by virtue of regulation 8 of the 2013 Regulations (eligibility for a voucher – supply of optical appliances); and

(b) but for the application of this regulation, that eligibility would cease by virtue of the amendment to regulation 8 of the 2013 Regulations by regulation 4,

until 31st March 2015, regulation 8 of the 2013 Regulations has effect in relation to that person's eligibility for a payment as if regulation 4 had not come into force.

Signed by authority of the Secretary of State for Health.

*Earl Howe*  
Parliamentary Under-Secretary of State,  
Department of Health

1st October 2014

#### **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 2003 Regulations”), the Primary Ophthalmic Services Regulations 2008 (“the 2008 Regulations”) and the National Health Service (Optical Charges and Payments) Regulations 2013 (“the 2013 Regulations”).

Regulation 5 of the 2003 Regulations makes provision for England to enable people in receipt of certain state benefits or on low incomes, to be reimbursed for travel expenses incurred in obtaining certain NHS services and to be exempt from paying certain NHS charges, without needing to make a claim. This includes persons who are in receipt of universal credit (and certain dependent children and young persons) during the period specified in regulation 5. Regulation 2 amends regulation 5(1)(f) of the 2003 Regulations to extend the final date of the period from 31st October 2014 to 31st March 2015.

Regulation 3 of the 2008 Regulations makes provision in England about who is entitled to primary ophthalmic services sight tests under the National Health Service Act 2006. This includes persons who are in receipt of universal credit and certain dependent children and young persons during the period specified in regulation 3. Regulation 3 of these Regulations amends regulation 3(2)(1) of the 2008 Regulations to extend the final date of the period from 31st October 2014 to 31st March 2015.

Regulation 4 of the 2013 Regulations provides for a scheme for payments to be made by means of a voucher system, in respect of costs incurred by certain categories of persons in connection with sight tests and the supply, replacement and repair of optical appliances. This includes persons who are in receipt of universal credit and certain dependent children and young persons during the period specified in regulation 4. Regulation 4 amends regulation 8(3)(j) of the 2013 Regulations to extend the final date of the period from 31st October 2014 to 31st March 2015.

Regulations 2, 3 and 4 also have the effect of restricting, from 1st November 2014, entitlement to payment in full of NHS travel expenses and full remission of NHS charges, eligibility to receive

NHS sight tests and eligibility for payments in connection with optical appliances in two respects. Firstly, entitlement becomes limited to periods when universal credit is in fact payable whereas previously entitlement to payment in full of NHS travel expenses and full remission of NHS charges, eligibility to receive NHS sight tests and eligibility for payments in connection with optical appliances continued after entitlement to universal credit ceased. Secondly, it removes the previous entitlement to payment in full of NHS travel expenses and full remission of NHS charges, eligibility to receive NHS sight tests and eligibility for payments in connection with optical appliances for partners of those receiving universal credit, where the partner is not in receipt of universal credit either as a single person or as a member of a couple.

There are transitional provisions in regulations 5, 6 and 7 which ensure that, for people who would otherwise lose the low income scheme benefits on 1st November 2014, they will continue to receive those benefits until 31st March 2015 provided that entitlement to them relates to matters that arose before 1st November 2014.

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