
STATUTORY INSTRUMENTS

2023 No. 848

The National Health Service (Ophthalmic Services and Optical Charges and Payments) (Amendment) Regulations 2023

Amendment of the General Ophthalmic Services Contracts Regulations 2008

- 2.—(1) The General Ophthalmic Services Contracts Regulations 2008(1) are amended as follows.
- (2) In regulation 13 (testing of sight)—
- (a) omit “paragraph (5)”; and
 - (b) omit “paragraphs (7) to (9)”.
- (3) In regulation 16 (fees, charges and financial interests of the contractor)—
- (a) in paragraph (5), for “6 months after” substitute “3 months of”;
 - (b) after paragraph (5), insert—

“(5A) Notwithstanding paragraph (5), where a claim is made by a contractor for fees in respect of mandatory or additional services completed on or before 31 December 2023, NHS England must consider the claim if it is sent to it within 6 months of the date of completion of the provision of services.”.
 - (c) in paragraph (6)—
 - (i) omit “which may be submitted in either electronic form or on paper and”;
 - (ii) at the end of sub-paragraph (a), omit “and”, and
 - (iii) at the end of sub-paragraph (b), insert—

“;and
 - (c) submitted in electronic form, subject to paragraph (6A).”; and
 - (d) after paragraph (6), insert—

“(6A) NHS England(2) may accept submission of a claim in paper form in such exceptional circumstances as NHS England may reasonably determine.”.
- (4) In Part 7 of Schedule 1, in paragraph 38 (termination on the death of an individual contractor), for “7 days” in both places it occurs, substitute “28 days”.
- (5) In Schedule 3, (applications for a contract), in paragraph 3, omit “sex and”.

(1) [S.I. 2008/1185](#); relevant amending instruments are [S.I. 2008/1700](#), [2009/309](#), [2010/22](#) and [634](#), [2013/365](#), [2014/418](#) and [1887](#), [2015/416](#), [2016/211](#), [2017/1056](#) and [2020/885](#).

(2) NHS England (formerly known as the National Health Service Commissioning Board) was established by section 1H of the NHS Act 2006 (c. 41). Section 1H was inserted by section 9(1) of the Health and Social Care Act 2012 (c. 7). The National Health Service Commissioning Board was renamed “NHS England” by section 1 of the Health and Care Act 2022 (c. 31). References to the National Health Service Commissioning Board in any instrument or other document made prior to the commencement of section 1 of the Health and Care Act 2022 are construed as references to NHS England pursuant to paragraph 1(3) of Schedule 1 to that Act.