
WELSH STATUTORY INSTRUMENTS

2023 No. 1053

The National Health Service (Ophthalmic Services) (Wales) Regulations 2023

PART 3

Eligibility and applications for a sight test

Eligibility for a sight test

5. A person who meets any of the criteria in paragraph 1 of Schedule 1 is eligible for a sight test under general ophthalmic services (and is referred to in these Regulations as an “eligible person”).

Application for a sight test

- 6.—**(1) An eligible person may apply to a contractor for a sight test.
- (2) The application must—
- (a) be made on a form provided for that purpose to contractors by the relevant Local Health Board, and
 - (b) contain a written declaration, signed by the applicant in writing or electronically, to the effect that they are an eligible person.
- (3) Before providing such a sight test, a contractor to whom an application has been made must—
- (a) except where paragraph (4) applies, ask the person to produce satisfactory evidence that they meet one of the criteria in paragraph 1 of Schedule 1,
 - (b) where the person has been asked for, but has not provided, satisfactory evidence that they are an eligible person, record that fact on the person’s primary ophthalmic services form,
 - (c) ensure that the person’s details and the approximate date of their last sight test, if any, are recorded on a primary ophthalmic services form, and
 - (d) satisfy themselves that the sight test is necessary.
- (4) This paragraph applies where—
- (a) the person is eligible by reason of paragraph 1(1)(d) of Schedule 1, and
 - (b) satisfactory evidence of the person’s eligibility is already available to the contractor.
- (5) Paragraph 2 of Schedule 1 makes provision about the specific evidence that a contractor must request before providing a sight test to certain persons.
- (6) The contractor—
- (a) may appoint a member of their staff to carry out the requirements of paragraph (3)(a) and (b) on their behalf, and
 - (b) must ensure that the member of staff appointed for that purpose is given instruction to enable them to fulfil the requirements on behalf of the contractor.

(7) Subject to paragraph (8), an application for general ophthalmic services under these Regulations may be made and a signature required by these Regulations may be given—

- (a) on behalf of any person under 16 years of age, by either parent, the guardian or other adult who has care of the child;
- (b) on behalf of any person under 18 years of age—
 - (i) in the care of a local authority to whose care they have been committed under the Children Act 1989⁽¹⁾ or which has received them into care under the Social Services and Well-being (Wales) Act 2014⁽²⁾, by a person duly authorised by that authority;
 - (ii) in the care of a voluntary organisation, by that organisation or a person duly authorised by them;
- (c) on behalf of any other person who is incapable of making the application or giving the signature, by a relative or any other adult who has care of that person.

(8) A signature on an application may not be given by the contractor to whom the application is made.

Other services treated as general ophthalmic services

7.—(1) Paragraph (5) applies where—

- (a) a person receives a sight test, other than general ophthalmic services, from a contractor,
- (b) immediately before receiving the sight test, that person was not an eligible person, and
- (c) Condition A, Condition B or Condition C is met in relation to the person.

(2) Condition A is met in relation to the person if,

during the provision of the sight test, the person is shown to meet the eligibility criterion at paragraph 1(1)(e) of Schedule 1.

(3) Condition B is met in relation to the person if—

- (a) before the end of a period of 14 days beginning with the day on which the sight test was provided, the person becomes an eligible person by reason of meeting the eligibility criterion in paragraph 1(1)(d) of Schedule 1 by reference to paragraph 1(2)(c), (d) or (g) of that Schedule, and
- (b) before the end of the period of 3 months beginning with the day on which the sight test was provided, the person provides to the Local Health Board a notice of entitlement to that effect.

(4) Condition C is met in relation to the person if, before the end of the period of 3 months beginning with the day on which the sight test was provided, the person becomes an eligible person by reason of meeting the eligibility criterion in paragraph 1(1)(d) of Schedule 1 by reference to paragraph (2)(n) of that Schedule.

(5) Where this paragraph applies the sight test must be treated as having been general ophthalmic services under the Act—

- (a) for the purposes of regulation 8(1)(a) of the National Health Service (Optical Charges and Payments) Regulations 1997⁽³⁾, and
- (b) for the purposes specified in section 71(8) and (9) of the Act.

(6) Where the sight test received by a person is treated by virtue of paragraph (3) or (4) as being general ophthalmic services—

(1) 1989 c. 41.

(2) 2014 anaw 4

(3) S.I. 1997/818, to which there are amendments not relevant to these Regulations.

- (a) that person may provide to the Local Health Board a receipt for, or other evidence of, any fee paid for that sight test, and
- (b) if the Local Health Board is satisfied as to the amount paid for that sight test, it must pay that person an amount equal to the fee paid.