WELSH STATUTORY INSTRUMENTS

2008 No. 2552 (W.222)

NATIONAL HEALTH SERVICE, WALES

The National Health Service (General Ophthalmic Services) and (Optical Charges and Payments) (Amendment) (Wales) Regulations 2008

Made - - - -	*29 September 2008*
Laid before the National Assembly for Wales - -	*30 September 2008*
Coming into force - -	*27 October 2008*

The Welsh Ministers in exercise of the powers conferred by sections 71, 128, 129 and 203(9) and (10) of the National Health Service (Wales) Act 2006 (**1**) hereby make the following Regulations:

Title, commencement, application and interpretation

1.—(1) The title of these Regulations is the National Health Service (General Ophthalmic Services) and (Optical Charges and Payments) (Amendment) (Wales) Regulations 2008 and they come into force on 27 October 2008.

(2) These Regulations apply in relation to Wales.

(3) In these Regulations—

"the 1986 Regulations" ("*Rheoliadau 1986*") means the National Health Service (General Ophthalmic Services) Regulations 1986(**2**); and

"the 1997 Regulations" ("*Rheoliadau 1997*") means the National Health Service (Optical Charges and Payments) Regulations 1997(**3**).

Amendments to the 1986 Regulations

2.—(1) The 1986 Regulations are amended in accordance with the following paragraphs of this regulation.

(**1**) 2006 c. 42.
(**2**) S.I.1986/975; the relevant amending instruments are 1989/395, 1992/404, 1995/558, 1996/2320, 1999/693 and 2841 (W.21), 2001/1362 (W.90) and 1423 (W.98) and 3323 (W.276) and 2003/301 (W.43) and 955 (W.129).
(**3**) S.I. 1997/818; the relevant amending instruments are 1999/609, 2000/978 (W.48), 2001/1362 (W.90) and 1423 (W.98), 2003/301 (W.43) and 955 (W.129).

(2) In regulation 2 (interpretation) insert, in the appropriate place in the alphabetical order, the following definition—

""income-related employment and support allowance" means an employment and support allowance, entitlement to which is based on section 1(2)(b) of the Welfare Reform Act 2007 (income-related employment and support allowance)(**4**)."

(3) In regulation 13(2) (sight tests — eligibility)—

(a) omit "or" at the end of sub-paragraph (i); and

(b) after sub-paragraph (n) insert the following sub-paragraphs—

"(o) he is in receipt of income-related employment and support allowance; or

(p) he is a member of the same family as a person in receipt of income-related employment and support allowance.".

(4) In regulation 13(3)—

(a) omit "and" at the end of sub-paragraph (b); and

(b) after sub-paragraph (c) insert the following—

"and

(d) in sub-paragraph (p) "family" has the meaning given to it by regulation 2 of the Employment and Support Allowance Regulations 2008(**5**).".

Amendments to the 1997 Regulations

3.—(1) The 1997 Regulations are amended in accordance with the following paragraphs of this regulation.

(2) In regulation 1(2) (citation, commencement and interpretation), insert, in the appropriate place in the alphabetical order, the following definition—

""income-related employment and support allowance" means an employment and support allowance, entitlement to which is based on section 1(2)(b) of the Welfare Reform Act 2007 (income-related employment and support allowance)(**6**).".

(3) In regulation 8(3) (eligibility — supply of optical appliances)—

(a) omit "or" at the end of sub-paragraph (l); and

(b) after sub-paragraph (n) insert the following—

"(o) he is in receipt of income-related employment and support allowance; or

(p) he is a member of the same family as a person in receipt of income-related employment and support allowance.".

(4) In regulation 8(4)—

(a) omit "and" at the end of sub-paragraph (b); and

(b) after sub-paragraph (c) insert the following—

"and

(d) in sub-paragraph (p) "family" has the meaning given to it in regulation 2 of the Employment and Support Allowance Regulations 2008(**7**).".

(**4**) 2007 c. 5.
(**5**) S.I. 2008/794.
(**6**) 2007 c. 5.
(**7**) S.I. 2008/794.