WELSH STATUTORY INSTRUMENTS

2004 No. 1014 (W.111)

NATIONAL HEALTH SERVIVCE, WALES

The National Health Service (Optical Charges and Payments) and (General Ophthalmic Services) (Amendment) (Wales) Regulations 2004

Made - - - - 31st March 2004
Coming into force in accordance with regulation 1(2) and (3).

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 38, and 126(4) of, and paragraphs 2 and 2A of Schedule 12 to the National Health Service Act 1977 (**1**) hereby makes the following Regulations:

Citation, commencement, interpretation and application

1.—(1) These Regulations may be cited as the National Health Service (Optical Charges and Payments) and (General Ophthalmic Services) (Amendment) (Wales) Regulations 2004.

(2) Subject to paragraph (3) these Regulations will come into force on 1st April 2004.

(3) Regulations 2, 3, 7 and 8 will come into force on 6th April 2004.

(4) In these Regulations unless the context otherwise requires —

"the 1997 Regulations" ("*Rheoliadau 1997*") means the National Health Service (Optical Charges and Payments) Regulations 1997(**2**);

(**1**) 1977 c. 49; *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 Services Act 1980 (c. 53) ("the 1980 Act"), section 1 and Schedule 1, paragraph 51; by the Health and Social Security Act 1984 (c. 48) ("the 1984 Act"), section 1(3); by S.I.1985/39, article 7(11); by the Health and Medicines Act 1988 (c. 49) ("the 1988 Act"), section 13(1); and by the Health Authorities Act 1995 (c. 17) ("the 1995 Act"), Schedule 1, paragraph 27. Section 126(4) was amended by the 1990 Act, section 65(2) and by the Health Act 1999 (c. 8) ("the 1999 Act"), Schedule 4, paragraph 37(6). Paragraph 2(1) of Schedule 12 was substituted by the 1988 Act, Schedule 2, paragraph 8(1); Paragraph 2A of Schedule 12 was inserted by the 1984 Act, Schedule 1, Part 1, paragraph 3 and amended by the 1988 Act, section 13(2) and (3). The functions of the Secretary of State under sections 38, 39, 78, 126(4) and 127 of, and paragraphs 2 and 2A of Schedule 12 to the 1977 Act are transferred to the National Assembly for Wales by The National Assembly for Wales (Transfer of Functions) Order 1999, S.I.1999/672, article 2 and Schedule 1, as amended by the 1999 Act, section 66(4), the Health and Social Care Act 2001 (c. 15), section 68(1), the National Health Service Reform and Health Care Professions Act 2002 (c. 17), section 40(1) and the Health and Social Care (Community Health and Standards) Act 2003 (c. 43), section 197(1).

(**2**) S.I.1997/818; the relevant amending instruments are S.I.1997/2488, 1998/499, 1999/609, 2000/978 (W.48), 2000/3119 (W.198), 2001/1362 (W.90) and 1423 (W.98), 2002/186 (W.25) and 1506 (W.151), 2003/301 (W.43) and 955 (W.129).

"the 1986 Regulations" ("*Rheoliadau 1986*") means the National Health Service (General Ophthalmic Services) Regulations 1986(**3**).

(5) These Regulations apply to Wales only.

Amendment of regulation 1 of the 1997 Regulations

2.—(1) Regulation 1 of the 1997 Regulations (citation, commencement and interpretation), is amended in accordance with the following provisions of this regulation.

(2) Insert the following definitions in the appropriate place in the alphabetical order—

""Local Health Board" has the meaning assigned to it by section 16BA(**4**) of the Act;

"pension credit guarantee credit" is to be construed in accordance with sections 1 and 2 of the State Pension Credit Act 2002(**5**);

"severe disability element" means the severe disability element of working tax credit specified in section 11(6)(d) of the Tax Credits Act 2002(**6**);".

(3) After paragraph (2), insert the following paragraph—

"(2A) In the application of these Regulations in relation to Wales—

"Health Authority" shall, in each place where these words occur, have effect as if there were substituted the words "Local Health Board".".

Amendment of regulation 8 of the 1997 Regulations

3. In regulation 8 of the 1997 Regulations (eligibility — supply of optical appliances)—

(a) in paragraph (3)(l)(i)(bb), after "disability element", insert "or severe disability element".

(b) in paragraph (3)(l)(ii) for "£14,200" substitute "£14,600".

Amendment of regulation 19 of the 1997 Regulations

4. In regulation 19 of the 1997 Regulations (redemption value of voucher for replacement or repair)—

(a) in paragraph (1)(b), for "£45.70" substitute "£46.80"; and

(b) in paragraph (3), for "£11.80" substitute "£12.10".

Amendment of the Schedules to the 1997 Regulations

5.—(1) In Schedule 1 to the 1997 Regulations (voucher letter codes and face values — supply and replacement) in column (3) (face value of voucher), for each amount specified in column 1 of the table below substitute the amount specified in relation to it in column 2 of that table.

TABLE

(1) *Old amount*	(2) *New amount*
£ 31.30	£ 32.10

(**3**) S.I.1986/975; the relevant amending instruments are S.I.1988/486, 1989/395 and 1175, 1990/1051, 1991/583, 1992/404, 1995/558, 1996/705 and 2320, 1999/693, 1999/2481 (W.21), 2001/1362 (W.90), 2003/955 (W.129).

(**4**) Section 16BA was inserted into the National Health Service Act 1977 (c. 49) by the National Health Service Reform and Health Care Professions Act 2002 (c. 17), section 6.

(**5**) 2002 c. 16.

(**6**) 2002 c. 21.

(1) *Old amount*	(2) *New amount*
£ 47.60	£ 48.80
£ 64.80	£ 71.30
£ 146.30	£ 161.00
£ 54.00	£ 55.40
£ 68.70	£ 70.40
£ 83.00	£ 91.30
£ 160.90	£ 177.00
£ 160.90	£ 164.90
£ 45.70	£ 46.80

(2) In Schedule 2 to the 1997 Regulations (prisms, tints, photochromic lenses, small and special glasses and complex appliances)—

(a) in paragraph 1(1)(a) (prism — single vision lens), for "£10.10" substitute "£10.40";

(b) in paragraph 1(1)(b) (prism — other lens), for "£12.20" substitute "£12.50";

(c) in paragraph 1(1)(c) (single vision tinted lens), for "£3.40" substitute "£3.50";

(d) in paragraph 1(1)(d) (other tinted lens), for "£3.90" substitute "£4.00";

(e) in paragraph 1(1)(e) (small glasses)—

(i) for "£51.50" substitute "£52.80",

(ii) for "£45.70" substitute "£46.80", and

(iii) for "£24.80" substitute "£25.40";

(f) in paragraph 1(1)(g) (specially manufactured frames) for "£51.50" substitute "£52.80";

(g) in paragraph 2(a) (minimum complex appliance payment — single vision lenses), for "£11.00" substitute "£12.10";

(h) in paragraph 2(b) (minimum complex appliance payment — other lenses), for "£27.70" substitute "£30.50".

(3) For Schedule 3 to the 1997 Regulations (voucher values — repair), substitute the Schedule 3 set out in the Schedule to these Regulations.

Use of these Regulations

6. The amendments made by regulations 4 and 5 of these Regulations apply only in relation to a voucher accepted or used pursuant to regulations 12 or 17 of the 1997 Regulations on or after 1st April 2004.

Amendment of regulation 2 of the 1986 Regulations

7.—(1) Regulation 2 of the 1986 Regulations (interpretation), is amended in accordance with the following provisions of this regulation.

(2) In paragraph (1)—

(a) in the definition of " notice of entitlement", after "under regulation 7" insert "or 7A";

(b) in the appropriate positions in the alphabetical order insert the following definitions—