STATUTORY INSTRUMENTS

2002 No. 35

NATIONAL HEALTH SERVICE, ENGLAND

The National Health Service (Optical Charges and Payments) Amendment (England) Regulations 2002

Made - - - - -	*10th January 2002*
Laid before Parliament	*11th January 2002*
Coming into force - -	*1st February 2002*

The Secretary of State for Health, in exercise of the powers conferred upon him by sections 78(1) and 126(4) of, and paragraph 2A of Schedule 12 to, the National Health Service Act 1977(**a**) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement, interpretation and extent

1.—(1) These Regulations may be cited as the National Health Service (Optical Charges and Payments) Amendment (England) Regulations 2002, and shall come into force on 1st February 2002.

(2) In these Regulations "the principal Regulations" means the National Health Service (Optical Charges and Payments) Regulations 1997(**b**).

(3) These regulations extend to England only.

Amendment of regulation 1 of the principal Regulations

2.—(1) In regulations 1(2) of the principal Regulations (interpretation), in the definition of "NHS sight test fee" for the amount "£42.85" substitute "£44.39" and for the amount "£15.52" substitute "£16.08".

Signed by authority of the Secretary of State for Health

Hazel Blears
Parliamentary Under Secretary of State,
Department of Health

10th January 2002

(**a**) 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 78(1) was amended by the Health and Medicines Act 1988 (c. 49) ("the 1988 Act"), section 25 and Schedule 3. Section 126(4) was amended by the 1990 Act, section 65(2), by the Health Act 1999 (c. 8) ("the 1999 Act"), Schedule 4, paragraph 37(6) and by the Health and Social Care Act 2001 (c. 15) ("the 2001 Act"), Schedule 5, paragraph 5(13)(b), Paragraph 2A of Schedule 12 was inserted by the Health and Social Security Act 1984 (c. 48), Schedule 1, Part I, paragraph 3 and amended by sections 13(2) and (3) of the 1988 Act. The functions of the Secretary of State under the National Health Service Act 1977 are, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales under the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672, article 2 and Schedule 1 as amended by section 66(5) of the 1999 Act and section 68 of the 2001 Act.

(**b**) S.I. 1997/818; the relevant amending instruments are S.I. 1997/2488, 1998/499, 1999/609, 1999/2562, 2000/594, 2000/3029, 2001/414, 2001/749 and 2001/3066.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the National Health Service (Optical Charges and Payments) regulations 1997 ("the principal Regulations") which provide 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.

Regulations 2 amends the definitions of "NHS sight test fee" in regulation 1(2) of the principal Regulations to reflect an increase in the two levels of fees for National Health Service sight tests payable to ophthalmic medical practitioners and opticians (as determined under Regulations 10 of the National Health Service (General Ophthalmic Services) Regulations 1986—S.I. 1986/975). These amounts are relevant to determining eligibility for vouchers which may be used towards the cost of a sight test and the redemption value of such vouchers to those carrying out such tests.

£1.50

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under the authority and superintendence of Carol Tullo, Controller of
Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.
E0006 1/2002 020006 19585

ISBN 0-11-039203-5

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