EXPLANATORY MEMORANDUM TO

THE NATIONAL HEALTH SERVICE (OPTICAL CHARGES AND PAYMENTS) AMENDMENT (No.2) REGULATIONS 2006

2006 No. 3123

1. This explanatory memorandum has been prepared by the Department of Health and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 A fee is paid to NHS contractors to carry out NHS funded sight tests. The fee is negotiated annually with professional bodies and this SI increases the fee for this year.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Background

4.1 To effect an increase in line with inflation in the NHS sight test fee. A three-year pay agreement with optometrists and ophthalmic medical practitioners has ended and a new fee was negotiated with the profession for this year.

5. Extent

5.1 This instrument applies to England.

6. European Convention on Human Rights

6.1 As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The Government recognises that certain groups of the general public should be entitled to free sight tests.

7.2 The level of the NHS sight test fee is uprated annually following negotiation between the Department of Health and the Optometric Fees Review Committee (OFRC). The fee is payable to an optometrist or ophthalmic medical practitioner who has undertaken a sight test for one of the categories of people eligible to receive it under the NHS.

7.3 Arrangements for the payment of the new fee to optometrists and ophthalmic medical practitioners is made via a determination in accordance with the NHS (General Ophthalmic Services) Regulations.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

9. Contact

Claire Osborne at the Department of Health Tel: 0207 633 4126 or e-mail: claire.osborne@dh.gsi.gov.uk can answer any queries regarding the instrument.