EXPLANATORY MEMORANDUM TO

THE NATIONAL HEALTH SERVICE (OPTICAL CHARGES AND PAYMENTS) (AMENDMENT) REGULATIONS 2012

2012 No. 515

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

2. Purpose of the Instrument

2.1 The National Health Service (Optical Charges and Payments) (Amendment) Regulations 2012 (the Amendment Regulations) amend the National Health Service (Optical Charges and Payments) Regulations 1997 (S.I. 1997/818) ("the principle Regulations").

2.2 The principle Regulations provide for optical vouchers to be given to eligible members of the public to help with the cost of glasses or contact lenses. The value of these vouchers are reviewed annually and this statutory instrument increases the value of the various vouchers for the 2012/2013 financial year by an overall 2.5%.

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

3.1 None.

4. Legislative Context

4.1 Amending Regulation 2 (2) amends Regulation 19 of the principle Regulations to increase the redemption value of a voucher issued towards the cost of replacement of a single contact lens and to increase the maximum contribution by way of voucher to the cost of a repair of a frame by an overall 2.5%.

4.2 Amending Regulation 2 (3), (4) and (5) amends the Schedules of the principle Regulations to increase the value of vouchers issued towards the costs of supply and replacement of glasses and contact lenses, to increase the additional values for prisms, tints, photochromic lenses and special categories of appliances. These regulations also increase the value of vouchers issued towards the cost of the repair and replacement of optical appliances. The rate of increase in the value of these vouchers is an overall 2.5%.

5 Territorial Extent and Application

5.1 This instrument applies to England.

6. European Convention on Human Rights

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 Department recognises that certain groups of the general public should be entitled to NHS funded sight tests, and help with the cost of glasses or contact lenses.

7.2 In relation to the costs of glasses and contact lenses the help is provided by way of optical vouchers which are given to eligible patients. The value of optical vouchers are reviewed annually.

7.3 Optical vouchers have been frozen for the last 2 years. Following careful consideration of the needs of patients and balancing that with the impact of rise in the voucher values on NHS costs and wider service affordability, Ministers have agreed to raise the value of optical vouchers by an overall 2.5%. This is below the current general rate of inflation but takes into account the fact that patients have wide choice of where to take their voucher and are able to seek best value in a competitive market sector.

7.4 The affect of the Amendment Regulations is to increase the value of these optical vouchers by an overall 2.5%.

- Consolidation

7.5 There are plans to consolidate the principle Regulations in 2012/13.

8. Consultation outcome

8.1 The instrument implements inflationary increases to the value of optical vouchers so have not been the subject of consultation.

8.2 The Department requests information from the optical trade associations on any issues relating to the purchasing power of optical vouchers before considering voucher increases. We have received no written representations from the trade associations in respect of voucher values for 2012/13.

9. Guidance

9.1 Primary Care Trusts, NHS Trusts and the optical profession will be advised of the new optical voucher values by way of a letter and through the Department of Health and Primary Care Contracting websites.

10. Impact

10.1 The optical voucher increases made by the Amendment Regulations are below the inflation rate (whether RPI or CPI) and do not therefore require an Impact Assessment.

11. Regulating small Business

11.1 This instrument does not regulate small business.

12. Monitoring and review

12.1 The principle Regulations, as amended, are subject to annual review.

13. Contact

Claire Osborne at the Department of Health (0207 972 3733 or email claire.osborne@dh.gsi.gov.uk) can answer any queries regarding this instrument.