STATUTORY INSTRUMENTS

1986 No. 1136

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

The National Health Service (Payments for Optical Appliances) Amendment Regulations 1986

Made - - -	3*rd July* 1986
Laid before Parliament	7*th July* 1986
Coming into Operation	28*th July* 1986

The Secretary of State for Social Services, in exercise of powers conferred on him by section 78(1) of, and paragraphs 2(1) and (2) and 2A of Schedule 12 to, the National Health Service Act 1977(**a**), hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the National Health Service (Payments for Optical Appliances) Amendment Regulations 1986 and shall come into operation on 28th July 1986.

Amendment of regulations

2.—(1) The National Health Service (Payments for Optical Appliances) Regulations 1986(**b**) are amended in accordance with the following paragraphs of this regulation.

(2) For regulation 2 there is substituted the following regulation:—

"*Charges for glasses and contact lenses*

2.—(1) Contact lenses shall, in addition to glasses, be optical appliances for which a charge under section 78(1) of the Act is authorised.

(2) A charge of such sum as may be determined by or in accordance with directions given by the Secretary of State shall be made and recovered in accordance with paragraph (3) in respect of the supply of glasses and contact lenses under the Act.

(3) Where a charge is payable by virtue of paragraph (2) the health authority, or other person on its behalf, that supplies or is to supply the glasses or contact lenses may—

(*a*) on arranging to supply the glasses or contact lenses, make the charge; and

(*b*) on supplying the glasses or contact lenses or having them available for supply, recover the charge from the patient (if it has not previously been paid).".

(**a**) 1977 c.49; paragraph 2 of Schedule 12 was amended by paragraph 2 of Schedule 1 to, and by Schedule 8 to, the Health and Social Security Act 1984 (c.48); and paragraph 2A of Schedule 12 was inserted by paragraph 3 of Schedule 1 to that Act of 1984.

(**b**) S.I. 1986/976.

(3) For regulation 9 there is substituted the following regulation:—

"Redemption value of voucher

9.—(1) The redemption value of a voucher shall, subject to paragraphs (2) to (4), be the lesser of—

(*a*) (i) where the optical appliance was supplied otherwise than under the Act, the full cost which would have been payable by the patient for the supply but for these regulations,

(ii) where the optical appliance was supplied under the Act, the amount of the charge under section 78(1) of the Act which would have been payable by the patient for the supply but for these regulations;

(*b*) the face value of the voucher.

(2) In relation to payments to be made because of a person's eligibility by virtue of regulation 3(3)(*c*), the amounts taken for the purposes of paragraph (1)(*a*) and (*b*) shall, subject to paragraph (3), be reduced by the patient's contribution.

(3) If a reduction made under paragraph (2) in the case of a patient for whom a prescription was issued for a complex appliance would render the redemption value of the voucher less than the minimum complex appliance payment, that value shall be the minimum complex appliance payment.

(4) Where the patient was an eligible person only because a prescription was issued for him for a complex appliance, the redemption value of a voucher shall be the minimum complex appliance payment, except that where—

(*a*) the appliance was supplied under the Act; and

(*b*) in accordance with directions given pursuant to regulation 2, the amount of a charge made for the supply under section 78(1) of the Act would, but for any maximum charge specified in the directions, have exceeded by any amount the charge actually made,

the redemption value shall be reduced by the amount of the excess.".

(4) In Part I of Schedule 1 (voucher letter codes and face values) to columns 1, 2 and 3 there are added at the end the entries set out in columns 1, 2 and 3 respectively in the Schedule to these regulations.

Signed by authority of the Secretary of State for Social Services.

Barney Hayhoe,
Minister of State,
Department of Health and Social Security.

3rd July 1986.

SCHEDULE Regulation 2(4)

ADDITION TO PART I OF SCHEDULE 1 TO THE NATIONAL HEALTH SERVICE (PAYMENTS FOR OPTICAL APPLIANCES) REGULATIONS 1986

Column 1	Column 2	Column 3
Type of Optical Appliance	Letter Code	Face Value of Voucher
8. Contact lenses for which a prescription is given in consequence of a testing of sight by a health authority.	H	£25 per lens

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the National Health Service (Payments for Optical Appliances) Regulations 1986 ("the principal regulations") which provide for payments to be made (by means of a voucher system) in respect of the cost incurred by certain categories of persons for the supply of optical appliances prescribed following a testing of sight under the national health service and for the payment of charges for the supply of optical appliances under the National Health Service Act 1977 ("the 1977 Act"). Optical appliances are supplied under that Act by, or on behalf of, health authorities as part of the hospital eye service.

Regulation 2(2) enables a charge to be made for contact lenses supplied under the 1977 Act as well as for glasses so supplied. Regulation 2(3) replaces the provision in the principal regulations under which the value to a patient of a voucher issued to him under those regulations is calculated. There are two changes of substance, both of which relate to optical appliances supplied under the 1977 Act. First, it is provided that a voucher's value may not exceed the charge made under section 78(1) of that Act for the supply (regardless of any charge which might be made under any other provision of that Act). Secondly, special provision is made for cases in which eligibility for a voucher depends solely upon the optical appliance prescribed being a complex appliance as defined in the principal regulations. Regulation 2(4) and the Schedule make provision for the issue of a voucher in respect of contact lenses for which a prescription is issued following a sight test by a health authority.

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