EXPLANATORY MEMORANDUM TO

THE NATIONAL HEALTH SERVICE (PRIMARY OPHTHALMIC SERVICES) (MISCELLANEOUS AMENDMENTS) REGULATIONS 2013

2013 No. 2555

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

This instrument amends The Primary Ophthalmic Services Regulations 2008 and the Optical Charges and Payments Regulations 2013 to revise entitlement to NHS sight tests and optical vouchers in relation to recipients of Universal Credit.

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

None.

4. Legislative Context

4.1 The 2008 and 2013 Regulations provide for eligibility to NHS sight tests and NHS optical vouchers. Each regulation sets out eligible groups for these including those on eligible benefits.
4.2 The Travel, Expenses and Remission of Charges Regulations 2003 govern exemptions from prescription, dental and other charges and have already been amended in respect of entitlement of Universal Credit recipients.

5. Territorial Extent and Application

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

- What is being done and why

7.1 Recipients of Universal Credit are currently eligible for NHS sight tests and optical vouchers until 31 October 2013. The instrument amends the 2008 and 2013 regulations to change the end date for eligibility to 5 April 2014 to maintain entitlement as the Universal Credit pathfinder continues.
7.2 The amendments made by this instrument bring the 2008 and 2013 regulations into line with the Travel, Expenses and Remission of Charges Regulations in respect of entitlement of recipients of Universal Credit.

- Consolidation

7.3 Consolidation of amendment regulations will be considered in future.

8. Consultation outcome

8.1 The Department of Health has consulted the Optometric Fees Negotiating Committee (which brings together the Association of Optometrists, the Federation of Ophthalmic and Dispensing Opticians, the Association of British Dispensing Opticians and the British Medical Association Ophthalmic Group) and the NHS Commissioning Board.

8.2 Consultees were all content with the proposed amendments.

9. Guidance

9.1 As the regulations simply maintain current entitlements and do not make new requirements the Department of Health does not propose to issue guidance on the impact of these regulations.

10. Impact

10.1 There is no impact on business, charities or voluntary bodies.

10.2 There is no negative impact on the public sector.

10.3 An Impact Assessment has not been prepared for this instrument as it maintains existing entitlements and makes no new requirements.

10.4 Consideration has been given to whether any further impact assessment was required but this was not considered to be necessary.

11. Regulating small business

There are no impacts on regulating small businesses by the amendment being made by these regulations.

12. Monitoring & review

Administration of the NHS sight testing service and the optical voucher system is now the responsibility of the NHS Commissioning Board, however the Secretary of State retains responsibility for regulations and for the consolidation of those regulations and for uprating of optical voucher values.

13. Contact

Derek Busby at the Department of Health Tel: 020 7972 5656 or email: Derek.busby@dh.gsi.gov.uk can answer queries regarding the instrument.