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STATUTORY INSTRUMENTS

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**1999 No. 609**

**NATIONAL HEALTH SERVICE,  
ENGLAND AND WALES**

**The National Health Service (Optical Charges  
and Payments) Amendment Regulations 1999**

<i>Made</i>	- - - -	<i>8th March 1999</i>
<i>Laid before Parliament</i>		<i>9th March 1999</i>
<i>Coming into force</i>	- -	<i>1st April 1999</i>

The Secretary of State for Health, in exercise of the powers conferred on him by section 126(4) of, and paragraph 2A of Schedule 12 to, the National Health Service Act 1977<sup>(1)</sup> and of all other powers enabling him in that behalf, hereby makes the following Regulations—

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the National Health Service (Optical Charges and Payments) Amendment Regulations 1999 and shall come into force on 1st April 1999.

(2) In these Regulations, “the principal Regulations” means the National Health Service (Optical Charges and Payments) Regulations 1997<sup>(2)</sup>.

**Amendment of regulation 1 of the principal Regulations**

2. In regulation 1 of the principal Regulations (interpretation)—

(a) in paragraph (2), in the definition of “NHS sight test fee”, for the amount “£39.04” substitute “£40.33” and for the amount “£14.10” substitute “£14.57”;

(b) in paragraph (2), for the definition “small glasses” substitute—

““small glasses” means glasses—

(a) prescribed for a child who is under the age of 7 years at the date of issue of a voucher relating to those glasses where the voucher is issued on the same occasion as the prescription relating to those glasses is issued;

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(1) 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 126(4) was amended by the 1990 Act, section 65(2). 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 the Health and Medicines Act 1988 (c. 49), section 13(2) and (3).

(2) S.I. 1997/818. Relevant amending instruments are S.I. 1997/2488 and 1998/499.

- (b) having a frame which is either custom made or a stock frame requiring extensive adaptation to ensure an adequate fit; and
  - (c) having a boxed centre distance of no more than 55 millimetres, and for this purpose “box centre” is to be construed in accordance with Part 1 of British Standard 3521/91 (Terms relating to ophthalmic optics and spectacles frames) published by the British Standards Institution as effective immediately before 8th March 1999;”;
- (c) in sub-paragraph (b) of paragraph (3), before the word “where” insert the words “subject to sub-paragraph (bb),”;
- (d) after sub-paragraph (b) of paragraph (3), insert the following sub-paragraph—
- “(bb) where an optical appliance has a bifocal lens, the reading segment of which is more than 4 dioptres more powerful than the distance segment, the power of the lens shall be determined according to the power of the reading segment; and”.

#### **Amendment of regulation 8 of the principal Regulations**

3. In regulation 8(2) of the principal Regulations (eligibility—supply of optical appliances), after the words “at the time of” insert the words “the payment for”.

#### **Amendment of regulation 9 of the principal Regulations**

4. In regulation 9 of the principal Regulations (issue of vouchers by ophthalmic medical practitioners or opticians)—

- (a) after paragraph (1) insert the following paragraphs—
- “(1A) Where—
- (a) a patient has been supplied with an optical device following a testing of sight under the Ophthalmic Services Regulations or otherwise;
  - (b) the patient has indicated that he is an eligible person; and
  - (c) the ophthalmic medical practitioner or optician, having consulted any records which he has relating to the patient and having made such enquiry of the patient as he considers relevant, is satisfied that—
    - (i) the prescription relating to the patient’s existing optical appliance is unchanged; and
    - (ii) the patient requires a new optical appliance because his existing appliance has been rendered unserviceable by fair wear and tear,the ophthalmic medical practitioner or optician may issue to the patient, in accordance with paragraph (2), a voucher relating to the optical appliance prescribed by the prescription.
- (1B) Where—
- (a) a patient has been issued with a prescription following a testing of sight under the Ophthalmic Services Regulations or otherwise;
  - (b) the patient has indicated that, following the issue of the prescription, he has become an eligible person; and
  - (c) an ophthalmic medical practitioner or optician, having consulted any records which he has relating to the patient and having made such enquiry of the patient as he considers relevant, is satisfied that—
    - (i) no voucher has been issued in respect of the prescription; and

- (ii) the prescription is unchanged,  
the ophthalmic medical practitioner or optician may issue to the patient a voucher relating to the optical appliance prescribed by the prescription.”.
- (b) In paragraph (5), after the word “Unless” insert the words “paragraph (1A) or”.

#### **Amendment of regulation 11 of the principal Regulations**

5. For regulation 11 of the principal Regulations (issue of replacement vouchers by health authorities or NHS trusts) substitute the following regulation—

##### **“Issue of replacement vouchers by Health Authorities or NHS trusts**

11. Where, on an application by a patient within 2 years of a voucher having been issued to him under regulation 9(1) or 10(1), a Health Authority or NHS trust is satisfied, having made such enquiries as it considers relevant, that the voucher has been lost or destroyed without having been presented to a supplier of optical appliances, it may authorise an ophthalmic medical practitioner or optician to issue to the patient a replacement voucher completed in accordance with regulation 9(2)(a) and (b) or 10(2)(a) and (b), but with the date of issue of the voucher being that on which the replacement is issued.”.

#### **Amendment of regulation 12 of the principal Regulations**

6. In regulation 12(1) of the principal Regulations (use of vouchers for supply of optical appliances), for “6 months” substitute “2 years”.

#### **Amendment of regulation 13 of the principal Regulations**

7. In regulation 13 of the principal Regulations (payments to suppliers), in paragraph (2)(b), for “21(1)” substitute “27(1)”.

#### **Amendment of regulation 19 of the principal Regulations**

8. In regulation 19 of the principal Regulations (redemption value of voucher for replacement or repair)—

- (a) in paragraph (1)(b), for “£40.90” substitute “£42.00”; and
- (b) in paragraph (3), for “£10.50” substitute “£10.80”.

#### **Amendment of regulation 20 of the principal Regulations**

9. In regulation 20 of the principal Regulations (payments to patients in respect of the supply, replacement or repair of optical appliances)—

- (a) in paragraph (1), for “(15)(1)” substitute “15(1)”;
- (b) in paragraph (3)—
  - (i) before the words “Any such claim” insert the words “Subject to paragraph (3A),”;
  - (ii) after the words “after the date of” insert the words “payment for”;
- (c) after paragraph (3), insert the following paragraph—

“(3A) Where a patient pays by instalments for the supply, replacement or repair of an optical appliance, any claim he makes under paragraph (2)(a) or (b) must be made within three months after the date of payment of the first instalment.”.

- (d) in paragraph (5), before the words “Where the Secretary of State” insert the words “Subject to paragraph (7),”;
- (e) in paragraph (6), before the words “Where the responsible authority” insert the words “Subject to paragraph (7),”;
- (f) after paragraph (6), add the following paragraph—
  - “(7) Where the responsible authority makes a payment under paragraph (5) or (6) to a patient who pays by instalments for the supply, replacement or repair of an optical appliance, that payment shall be made as soon as reasonably practicable after the date on which the total value of the instalments paid becomes equal to or greater than the redemption value of the voucher which could have been completed under regulation 9, 10 or 16 if the patient had satisfied the requirements of regulation 9(1), 10(1) or 16(4) as the case may be.”.

### **Amendment of the Schedules to the principal Regulations**

**10.**—(1) For Schedule 1 to the principal Regulations (voucher letter codes and face values—supply and replacement), substitute the Schedule 1 set out in Part I of the Schedule to these Regulations.

(2) In Schedule 2 to the principal Regulations (prisms, tints, photochromic lenses, small and special glasses and complex appliances)—

- (a) in paragraph 1(1)(a) (prism—single vision lens), for “£5.40” substitute “£6.00”;
- (b) in paragraph 1(1)(b) (prism—other lens), for “£6.70” substitute “£6.90”;
- (c) in paragraph 1(1)(c) (single vision tinted lens), for “£2.90” substitute “£3.00”, and after the word “tinted” insert the words “or photochromic”;
- (d) in paragraph 1(1)(d) (other tinted lens), for “£3.40” substitute “£3.50”, and after the word “tinted” insert the words “or photochromic”;
- (e) in paragraph 1(1)(e) (small glasses), for “£46.10” substitute “£47.30”, for “£40.90” substitute “£42.00”, and for “£22.10” substitute “£22.70”;
- (f) in paragraph 1(1)(g) (specially manufactured frames), for “£46.10” substitute “£47.30”;
- (g) in paragraph 2(a) (minimum complex appliance payment—single vision lenses), for “£4.60” substitute “£10.00”;
- (h) in paragraph 2(b) (minimum complex appliance payment—other lenses), for “£24.80” substitute “£25.40”.

(3) For Schedule 3 to the principal Regulations (voucher values—repair), substitute the Schedule 3 set out in Part II of the Schedule to these Regulations.

### **Revocation**

**11.** In paragraph 1 of Schedule 2 to the principal Regulations—

- (a) sub-paragraph (1)(f) is hereby revoked; and
- (b) in sub-paragraph (2), “, (f)” shall be omitted.

Signed by authority of the Secretary of State for Health

8th March 1999

*John Denham*  
Minister of State,  
Department of Health

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## SCHEDULE

### Regulation 10(1)

## PART I

### SCHEDULE 1 TO THE PRINCIPAL REGULATIONS AS SUBSTITUTED BY THESE REGULATIONS

#### “SCHEDULE 1

Regulations 1(2), 9(2)(a), 10(2)(a) and  
16(2)(a) and (3)(a)

#### VOUCHER LETTER CODES AND FACE VALUES—SUPPLY AND REPLACEMENT

<i>(1) Type of optical appliance</i>	<i>(2) Letter code</i>	<i>(3) Face value of voucher</i>
1. Glasses with single vision lenses of a spherical power of not more than 6 dioptries with a cylindrical power of not more than 2 dioptries.	A	£28.70
2. Glasses with single vision lenses—	B	£43.60
(a) of a spherical power of more than 6 dioptries but less than 10 dioptries with a cylindrical power of not more than 6 dioptries;		
(b) of a spherical power of less than 10 dioptries with a cylindrical power of more than 2 dioptries but not more than 6 dioptries.		
3. Glasses with single vision lenses of a spherical power of 10 or more dioptries but not more than 14 dioptries with a cylindrical power of not more than 6 dioptries.	C	£59.40
4. Glasses with single vision lenses—	D	£134.20
(a) of a spherical power of more than 14 dioptries with any cylindrical power;		

(1) Type of optical appliance	(2) Letter code	(3) Face value of voucher
(b) of a cylindrical power of more than 6 dioptries with any spherical power.		
5. Glasses with bifocal lenses of a spherical power of not more than 6 dioptries with a cylindrical power of not more than 2 dioptries.	E	£49.50
6. Glasses with bifocal lenses—	F	£63.00
(a) of a spherical power of more than 6 dioptries but less than 10 dioptries with a cylindrical power of not more than 6 dioptries;		
(b) of a spherical power less than 10 dioptries with a cylindrical power of more than 2 dioptries but not more than 6 dioptries.		
7. Glasses with bifocal lenses of a spherical power of 10 or more dioptries but not more than 14 dioptries with a cylindrical power of not more than 6 dioptries;	G	£75.80
8 Glasses with prism-controlled bifocal lenses of any power or with bifocal lenses—	H	£147.50
(a) of a spherical power of more than 14 dioptries with any cylindrical power;		
(b) with a cylindrical power of more than 6 dioptries with any spherical power.		
9. Glasses not falling within any of paragraphs 1 to 8 for which a prescription is given in consequence of a testing of sight by an NHS trust.	I	£147.50

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<i>(1) Type of optical appliance</i>	<i>(2) Letter code</i>	<i>(3) Face value of voucher</i>
10. Contact lenses for which a prescription is given in consequence of a testing of sight by an NHS trust.	J	£42.00”

**Regulation 10(3)**

**PART II**  
**SCHEDULE 3 TO THE PRINCIPAL REGULATIONS**  
**AS SUBSTITUTED BY THESE REGULATIONS**

“SCHEDULE 3

Regulation 19(2) and (3)

**VOUCHER VALUES—REPAIR**

<i>(1) Nature of Repair</i>	<i>(2) Letter Codes—Values</i>							
	<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>	<i>E</i>	<i>F</i>	<i>G</i>	<i>H &amp; I</i>
	£	£	£	£	£	£	£	£
Repair or replacement of one lens	8.90	16.40	24.30	52.90	19.40	26.00	32.50	58.70
Repair or replacement of two lenses	18.00	32.90	48.70	105.90	38.80	52.10	65.10	117.50
Repair or replacement of:								
the front of a frame	9.20	9.20	9.20	9.20	9.20	9.20	9.20	9.20
a side of a frame	5.50	5.50	5.50	5.50	5.50	5.50	5.50	5.50
the whole frame	10.80	10.80	10.80	10.80	10.80	10.80	10.80	10.80”



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## 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 the supply, replacement and repair of optical appliances.

Regulation 2 raises the two levels of NHS sight test fee and substitutes a new definition of “small glasses” in regulation 1(2). It also inserts a new regulation 1(3)(bb) to provide that, for the purposes of Schedule 1 to the principal Regulations, where an optical appliance has a bifocal lens, the reading segment of which is more than 4 dioptries more powerful than the distance segment, the power of the lens is determined by reference to the power of the reading segment.

Regulation 3 amends regulation 8(2) of the principal Regulations to provide that a person’s status as an eligible person is determined by reference to the time when he pays for the supply of an optical appliance.

Regulation 4 inserts new paragraphs (1A) and (1B) in regulation 9 of the principal Regulations. These paragraphs set out the circumstances in which an ophthalmic medical practitioner or optician may issue a voucher to a patient who has had a recent sight test without needing to re-test his sight.

Regulation 5 substitutes a new regulation 11 which corrects typographical errors, increases to 2 years the period during which a patient may apply for a replacement voucher and provides for a Health Authority or NHS trust to authorise the issue of replacement voucher rather than itself issuing the replacement.

Regulation 6 increases to 2 years the period during which a patient may present a voucher to a supplier of optical appliances.

Regulation 7 corrects a typographical error in regulation 13(2)(b) of the principal Regulations.

Regulation 8 amends regulation 19 of the principal Regulations by uprating redemption values of vouchers for replacement or repair.

Regulation 9 amends regulation 20 of the principal Regulations. The regulation corrects a typographical error in regulation 20(1) and it amends regulation 20(3) to provide that a claim for payment under regulation 20 must be made by a patient within 3 months after the date on which he paid for the supply, replacement or repair of the optical appliance in respect of which he makes the claim. Regulation 9 also inserts new paragraph (3A) which provides that a patient who pays by instalments for the supply, replacement or repair of an appliance and who makes a claim under regulation 20(2) must make that claim within 3 months of the payment of the first instalment. New paragraph (7) is also inserted which provides that the responsible authority must make a payment to the patient in respect of his claim no earlier than the date on which the total value of the instalments paid is at least equivalent to the value of the voucher to which he would have been entitled.

Regulation 10(1) and Part I of the Schedule substitute a new Schedule 1 in the principal Regulations. Regulation 10(2) amends Schedule 2 to the principal Regulations and regulation 10(3) and Part II of the Schedule substitute a new Schedule 3 in the principal Regulations.

Regulation 11 revokes the provisions in Schedule 2 to the principal Regulations concerning the issue or completion by NHS trusts of vouchers in respect of photochromic lenses.

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