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STATUTORY INSTRUMENTS

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**2014 No. 418**

**NATIONAL HEALTH SERVICE, ENGLAND**

**The National Health Service (Primary  
Ophthalmic Services and Optical Payments)  
(Miscellaneous Amendments) Regulations 2014**

*Made* - - - - *26th February 2014*  
*Laid before Parliament* *4th March 2014*  
*Coming into force* - - *1st April 2014*

The Secretary of State for Health makes the following Regulations in exercise of the powers conferred by sections 115(3), 116, 121(1) and (2), 179(3), 180(1) and (2), 181(1) and (2), 182, 188(1) and 272(7) and (8) of the National Health Service Act 2006(1).

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the National Health Service (Primary Ophthalmic Services and Optical Payments) (Miscellaneous Amendments) Regulations 2014 and come into force on 1st April 2014.

(2) In these Regulations, “the 2013 Regulations” means the National Health Service (Optical Charges and Payments) Regulations 2013(2).

**Amendments to the Primary Ophthalmic Services Regulations 2008**

2. In regulation 3 of the Primary Ophthalmic Services Regulations 2008(3) (sight tests – eligibility), in paragraph (3)(a), for “the Secretary of State”, at both places, substitute “the Board”.

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(1) [2006 c.41](#). Section 115 has been amended by the Health and Social Care Act [2012 \(c. 7\)](#) (“the 2012 Act”), Schedule 4, paragraph 54. Section 121 has been amended by the 2012 Act, Schedule 4, paragraph 59. Section 180 has been amended by the Health Act [2009 \(c. 21\)](#), Schedule 6, and the 2012 Act, section 205, and Schedule 4, paragraph 96. Section 181 has been amended by [S.I. 2010/22](#) and by the 2012 Act, Schedule 4, paragraph 97. Section 188 has been amended by the 2012 Act, Schedule 4, paragraph 102. By virtue of section 271(1) of the 2006 Act, the functions of the Secretary of State being exercised in the making of these Regulations are exercisable only in relation to England. *See also* section 275(1) of the 2006 Act, which contains definitions of “prescribed” and “regulations” that are relevant to the powers being exercised.

(2) [S.I. 2013/461](#); amended by [S.I. 2013/1856](#) and [2555](#).

(3) [S.I. 2008/1186](#); regulation 3 has been amended by [S.I. 2008/2449](#), [2009/409](#) and [2013/365](#).

### **Amendment to the General Ophthalmic Services Contracts Regulation 2008**

3. In regulation 16 of the General Ophthalmic Services Contracts Regulations 2008(4) (fees, charges and financial interests of the contractor)—

- (a) in paragraph (6), after “Any such claim”, insert “may be submitted electronically or on paper and”; and
- (b) for paragraph (7), substitute—

“(7) A signatory or counter-signatory is to sign any electronic claim or paper claim in digital ink or in ink with his initials or forename and with his surname in his own handwriting and not by means of a stamp or reproduced image.”.

### **Up-rating of the value of the vouchers provided under the 2013 Regulations**

4.—(1) The 2013 Regulations are amended as follows.

(2) In regulation 20 (redemption value of voucher for replacement or repair)—

- (a) in paragraph (1)(b), for “£54.70” substitute “£55.80”; and
- (b) in paragraph (3), for “£14.10” substitute “£14.40”.

(3) In Schedule 1 (voucher letter codes and face values – supply and replacement), in column (3) of the table (face value of voucher), for each amount specified in column (1) of the table below substitute the new amount specified in relation to it in column (2) of the table below—

| <i>(1)</i>        | <i>(2)</i>        |
|-------------------|-------------------|
| <i>Old amount</i> | <i>New amount</i> |
| £37.50            | £38.30            |
| £57.00            | £58.10            |
| £83.40            | £85.10            |
| £188.40           | £192.20           |
| £64.80            | £66.10            |
| £82.40            | £84.00            |
| £106.90           | £109.00           |
| £207.20           | £211.30           |
| £192.90           | £196.80           |
| £54.70            | £55.80            |

(4) In Schedule 2 (prisms, tints, photochromic lenses, small and special glasses and complex appliances)—

- (a) in paragraph 1(1)(a), for “£12.20” substitute “£12.40”;
- (b) in paragraph 1(1)(b), for “£14.70” substitute “£15.00”;
- (c) in paragraph 1(1)(c), for “£4.10” substitute “£4.20”;
- (d) in paragraph 1(1)(d), for “£4.60” substitute “£4.70”;

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(4) [S.I. 2008/1185](#); regulation 16 has been amended by [S.I. 2010/634](#) and [2013/365](#).

(e) in paragraph 1(1)(e), for “£61.80”, “£54.75” and “£29.60” substitute “£63.00”, “£55.80” and “£30.20” respectively;

(f) in paragraph 1(1)(f)—

(i) in sub-paragraph (i), for “£61.80” substitute “£63.00”,

(ii) in sub-paragraph (ii), for “£54.75” substitute “£55.80”, and

(iii) in sub-paragraph (iii), for “£29.60” substitute “£30.20”;

(g) in paragraph 2(a), for “£14.10” substitute “£14.40”; and

(h) in paragraph 2(b), for “£35.90” substitute “£36.60”.

(5) In Schedule 3 (voucher values – repair), for the table substitute the following table—

| <i>(1)</i>                          | <i>(2)</i>                      |       |       |        |       |       |       |        |        |
|-------------------------------------|---------------------------------|-------|-------|--------|-------|-------|-------|--------|--------|
| <i>Nature of repair</i>             | <i>Letter of codes – values</i> |       |       |        |       |       |       |        |        |
|                                     | A                               | B     | C     | D      | E     | F     | G     | H      | I      |
|                                     | £                               | £     | £     | £      | £     | £     | £     | £      | £      |
| Repair or replacement of one lens   | 11.95                           | 21.85 | 35.35 | 88.90  | 25.85 | 34.80 | 47.30 | 98.45  | 91.20  |
| Repair or replacement of two lenses | 23.90                           | 43.70 | 70.70 | 177.80 | 51.70 | 69.60 | 94.60 | 196.90 | 182.40 |
| Repair or replacement of:           |                                 |       |       |        |       |       |       |        |        |
| the front of a frame                | 12.25                           | 12.25 | 12.25 | 12.25  | 12.25 | 12.25 | 12.25 | 12.25  | 12.25  |
| a side of a frame                   | 7.25                            | 7.25  | 7.25  | 7.25   | 7.25  | 7.25  | 7.25  | 7.25   | 7.25   |
| the whole frame                     | 14.40                           | 14.40 | 14.40 | 14.40  | 14.40 | 14.40 | 14.40 | 14.40  | 14.40  |

### **Transitional provision relating to the uprating of the value of the vouchers provided under the 2013 Regulations**

5. Where a voucher is accepted, presented or used pursuant to regulation 12 (use of vouchers for supply of optical appliances), regulation 18 (use of vouchers for replacement or repair) or regulation 20 (redemption value of vouchers for replacement or repair) of the 2013 Regulations before 1st April 2014, Schedules 1, 2 and 3 of the 2013 Regulations have effect in relation to that acceptance, presentation or use as if regulation 4 had not come into force.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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Signed by authority of the Secretary of State for Health.

26th February 2014

*Earl Howe*  
Parliamentary Under-Secretary of State,  
Department of Health

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend—

- the Primary Ophthalmic Services Regulations 2008 (“the POS Regulations”), which make provision in England for who is entitled to primary ophthalmic services sight tests,
- the General Ophthalmic Services Contracts Regulations 2008 (“the GOS Regulations”), which set out the framework for general ophthalmic services contracts in England, and
- the National Health Service (Optical Charges and Payments) Regulations 2013 (“the 2013 Regulations”), which provide for a scheme for payments to be made by means of a voucher system, in respect of costs incurred by certain categories of persons in connection with sight tests and the supply, replacement and repair of optical appliances.

Regulation 2 amends regulation 3 of the POS Regulations to allow the National Health Service Commissioning Board, rather than the Secretary of State, to determine what constitutes “qualifying full-time education” for the purposes of that regulation.

Regulation 3 amends regulation 16(6) of the GOS Regulations to allow for claims to be submitted electronically to the Board and amends regulation 16(7) in relation to how such claims are to be signed.

Regulation 4(2) amends the 2013 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 a voucher to the cost of a repair of a frame by an overall increase of approximately 2%. Regulation 4(3) to (5) further amend the 2013 Regulations to increase the value of vouchers issued towards the costs of the supply and replacement of glasses and contact lenses by approximately 2%, and also to increase the additional values for vouchers for prisms, tints, photochromic lenses and special categories of appliances, and the value of vouchers issued towards the cost of the repair and replacement of optical appliances, by approximately 2%.

Regulation 5 includes a transitional provision which means that the previous rates of voucher payments are to apply in relation to vouchers accepted, presented or used before 1st April 2014.