

**2008 No. 2552 (W. 222 )**

**NATIONAL HEALTH  
SERVICE, WALES**

The National Health Service  
(General Ophthalmic Services) and  
(Optical Charges and Payments)  
(Amendment) (Wales) Regulations  
2008

**EXPLANATORY NOTE**

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

These Regulations amend the National Health Service (General Ophthalmic Services) Regulations 1986 (“the 1986 Regulations”) and the National Health Service (Optical Charges and Payments) Regulations 1997 (“the 1997 Regulations”).

The 1986 Regulations contain provision for the arrangements for general ophthalmic services under the National Health Service.

The 1997 Regulations provide for a scheme of payments to be made by Local Health Boards and National Health Service Trusts by means of a voucher system in respect of the costs incurred by certain categories of persons in connection with sight tests and the supply, replacement and repair of optical appliances.

Regulation 2 of these Regulations inserts a new definition into regulation 2(1) of the 1986 Regulations (interpretation) and amends regulation 13 (sight tests – eligibility) to provide that a person who is receiving income-related employment and support allowance (or a member of that person’s family) will be entitled to receive an NHS sight test.

Regulation 3 inserts a new definition into regulation 1 (citation, commencement and interpretation) of the 1997 Regulations and amends regulation 8 (eligibility – supply of optical appliances) to provide that a person who is receiving income-related employment and support allowance (or a member of that person’s

family) will be entitled to receive a voucher in respect of an optical appliance.

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The National Health Service  
(General Ophthalmic Services) and  
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2008

*Made* 29 September 2008

*Laid before the National*

*Assembly for Wales* 30 September 2008

*Coming into force* 27 October 2008

The Welsh Ministers in exercise of the powers conferred by sections 71, 128, 129 and 203(9) and (10) of the National Health Service (Wales) Act 2006 **(1)** hereby make the following Regulations:

**Title, commencement, application and interpretation**

**1.**—(1) The title of these Regulations is the National Health Service (General Ophthalmic Services) and (Optical Charges and Payments) (Amendment) (Wales) Regulations 2008 and they come into force on 27 October 2008.

(2) These Regulations apply in relation to Wales.

(3) In these Regulations—

“the 1986 Regulations” (“*Rheoliadau 1986*”) means the National Health Service (General Ophthalmic Services) Regulations 1986**(2)**; and

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**(1)** 2006 c.42.

**(2)** S.I. 1986/975; the relevant amending instruments are 1989/395, 1992/404, 1995/558, 1996/2320, 1999/693 and 2841 (W.21), 2001/1362 (W.90) and 1423 (W.98) and 3323 (W.276) and 2003/301 (W.43) and 955 (W.129).

“the 1997 Regulations” (“*Rheoliadau 1997*”) means the National Health Service (Optical Charges and Payments) Regulations 1997(1).

### **Amendments to the 1986 Regulations**

2.—(1) The 1986 Regulations are amended in accordance with the following paragraphs of this regulation.

(2) In regulation 2 (interpretation) insert, in the appropriate place in the alphabetical order, the following definition—

““income-related employment and support allowance” means an employment and support allowance, entitlement to which is based on section 1(2)(b) of the Welfare Reform Act 2007 (income-related employment and support allowance)(2).”

(3) In regulation 13(2) (sight tests – eligibility)—

- (a) omit “or” at the end of sub-paragraph (i); and
- (b) after sub-paragraph (n) insert the following sub-paragraphs—

“(o) he is in receipt of income-related employment and support allowance; or

(p) he is a member of the same family as a person in receipt of income-related employment and support allowance.”.

(4) In regulation 13(3)—

- (a) omit “and” at the end of sub-paragraph (b); and

- (b) after sub-paragraph (c) insert the following—  
“and

(d) in sub-paragraph (p) “family” has the meaning given to it by regulation 2 of the Employment and Support Allowance Regulations 2008(3).”.

### **Amendments to the 1997 Regulations**

3.—(1) The 1997 Regulations are amended in accordance with the following paragraphs of this regulation.

(2) In regulation 1(2) (citation, commencement and interpretation), insert, in the appropriate place in the alphabetical order, the following definition—

““income-related employment and support allowance” means an employment and support

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(1) S.I. 1997/818; the relevant amending instruments are 1999/609, 2000/978 (W.48), 2001/1362 (W.90) and 1423 (W.98), 2003/301 (W.43) and 955 (W.129)

(2) 2007 c.5.

(3) S.I. 2008/794.

allowance, entitlement to which is based on section 1(2)(b) of the Welfare Reform Act 2007 (income-related employment and support allowance)(**1**).”.

(3) In regulation 8(3) (eligibility – supply of optical appliances)—

- (a) omit “or” at the end of sub-paragraph (l); and
- (b) after sub-paragraph (n) insert the following—
  - “(o) he is in receipt of income-related employment and support allowance; or
  - (p) he is member of the same family as a person in receipt of income-related employment and support allowance.”.

(4) In regulation 8(4)—

- (a) omit “and” at the end of sub-paragraph (b); and
- (b) after sub-paragraph (c) insert the following—
  - “and
  - (d) in sub-paragraph (p) “family” has the meaning given to it in regulation 2 of the Employment and Support Allowance Regulations 2008(**2**).”.

*Edwina Hart*

Minister for Health and Social Services, one  
of the Welsh Ministers

29 September 2008

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(1) 2007 c.5.  
(2) S.I. 2008/794.