LEGISLATION COMMITTEE – SUBORDINATE LEGISLATION RECORD

Legislation Committee numbers:	LC60
Titles:	The National Health Service (Optical Charges and Payments) Amendment (Wales) Regulations 2000
Associated Documents :	
• Report of the Legal Adviser	LC60(R)
Legislation Committee consideration (date)	14 March 2000
Urgency procedures (if applicable)	
Coming into Force:	1April 2000
Any further comments:	

NATIONAL ASSEMBLY FOR WALES

LEGISLATION COMMITTEE REPORT

The National Health Service (Optical Charges and Payments) Amendment (Wales) Regulations 2000

Background

Under paragraph 2A of Schedule 12 to the National Health Service Act 1977 a duty is imposed on the Assembly to provide for payments or contributions to be made towards the cost incurred in eye tests and the supply of optical appliances for which a prescription has been given, for :

(a) A child

(b) A person whose resources fall to be treated under the Regulations as being less than his or her requirements, or

(c) For a person of such other description as may be prescribed.

This is currently provided for by the National Health Service (Optical Charges and Payments) Regulations 1997 ("the principal Regulations"). The principal Regulations set up a scheme for payments to be made by Health Authorities and NHS Trusts by means of a voucher system. This scheme was originally established in 1989.

These Regulations amend the principal Regulations to increase the level of the voucher payments.

The categories of patient who may be eligible for payments are also extended to include young people aged 16 to 18 who are in full time education.

Standing Order 11.5

No points have been identified as matters in respect of which the Committee needs to invite the Assembly to pay special attention.

Comments on the Regulations

The Regulations amend the specification of the maximum fees payable for eye tests in the definition of "NHS sight test fee" in the principal Regulations. It is however understood that the "fee" referred to is not the fee actually paid by members of the public, but is the fee paid by Health Authorities to opticians undertaking the test. In addition, it is also understood that the fees themselves are actually increased by a determination (i.e. legislation made under Part 5 of Standing Order 22) and not by these Regulations. If this is in fact the case then it should be more accurately set out in the Explanatory Note, which as it currently stands, would appear to be misleading.

As these Regulations are amending existing England and Wales Regulations, consideration should be given to whether or not similar provisions are being made in England. If the same amendments are being made then there is no problem, but if not, then to facilitate clarity each textual amendment should incorporate the words "in Wales".

DYLAN M HUGHES

Assistant Legal Adviser

Legislation Committee

3 March 2000

Our ref: LAD 01-01-083

CYNULLIAD CENEDLAETHOL CYMRU		LC60 **NATIONAL ASSEMBLY FOR WALES**
OFFERYNNAU **STATUDOL**		**S T A T U T O R Y** **I N S T R U M E N T S**
2000 Rhif (Cy.)		**2000 No. (W.)**

Y GWASANAETH IECHYD GWLADOL, CYMRU		**NATIONAL HEALTH SERVICE, WALES**
Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd a Thaliadau Optegol) Diwygio (Cymru) 2000		**The National Health (Optical Charges and Payments) Amendment (Wales) Regulations 2000**
NODYN ESBONIADOL *(Nid yw'r nodyn hwn yn ffurfio rhan o'r Rheoliadau.)*		**EXPLANATORY NOTE** *(This note does not form part of the Regulations.)*
Mae'r Rheoliadau hyn yn diwygio ymhellach Reoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd a Thaliadau Optegol) 1997 ("y prif Reoliadau"), sy'n darparu ar gyfer taliadau drwy system dalebau yngln â chostau a dynnwyd gan gategorïau penodol o bobl mewn cysylltiad â chyflenwi, ailosod a thrwsio teclynnau optegol.		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.
Mae Rheoliad 2 yn diwygio'r diffiniad o "NHS sight test fee" yn rheoliad 1(2) o'r prif Reoliadau (gwerth adbrynu taleb ar gyfer ailosod neu drwsio) i gynyddu dwy lefel o ffioedd am brofion o'r fath.		Regulation 2 amends the definition of "NHS sight test fee" in regulation 1(2) of the principal Regulations (redemption value of voucher for replacement or repair) to increase two levels of fees for such tests.
Mae rheoliad 3 yn diwygio rheoliad 15 o'r prif Reoliadau i gynnwys pobl ifanc 16 i 18 oed, sy'n cael addysg amser-llawn, yng nghategorïau cleifion a all fod yn gymwys i gael taliadau ar gyfer trwsio neu ailosod teclynnau optegol.		Regulation 3 amends regulation 15 of the principal Regulations to include young people aged 16 to 18, who are receiving full-time education, in the categories of patient who may be eligible for payments for the repair or replacement of optical appliances.

Mae rheoliad 4 yn diwygio rheoliad 19 o'r prif Reoliadau (gwerth adbrynu taleb ar gyfer ailosod neu drwsio) i gynyddu gwerth taleb optegol a roddir tuag at y gost o ailosod lens gyffwrdd unigol, ac i gynyddu mwyafswm y cyfraniad drwy daleb at gost trwsio ffrâm sbectol.		Regulation 4 amends regulation 19 of the principal Regulations (redemption value of voucher for replacement or repair) to increase the value of an optical voucher issued towards the cost of replacing a single contact lens, and to increase the maximum contribution by way of a voucher to the cost of repairing a spectacle frame.
Mae rheoliad 5(1) yn diwygio Atodlen 1 i'r prif Reoliadau i gynyddu gwerth y talebau a roddir tuag at y gost o gyflenwi ac ailosod sbectol a lensys cyffwrdd.		Regulation 5(1) amends Schedule 1 to the principal Regulations to increase the value of vouchers issued towards the costs of the supply and replacement of glasses and contact lenses.
Mae rheoliad 5(2) yn diwygio Atodlen 2 i'r prif Reoliadau i gynyddu gwerthoedd ychwanegol y talebau ar gyfer prismau, arlliwiau, lensys ffotocromaidd a theclynnau mewn categorïau arbennig.		Regulation 5 (2) amends Schedule 2 to the principal Regulations to increase the additional values for vouchers for prisms, tints, photochromic lenses and special categories of appliances.
Mae rheoliad 5(3) a'r Atodlen yn amnewid Atodlen 3 newydd i'r prif Reoliadau i gynyddu gwerth y talebau a roddir tuag at y gost o drwsio ac ailosod teclynnau optegol.		Regulation 5 (3) and the Schedule substitute a new Schedule 3 in the principal Regulations to increase the value of vouchers issued towards the cost of the repair and replacement of optical appliances.
Tua 2.0%, ar gyfartaledd, yw graddfa'r cynnydd.		The rate of increase is, on average, approximately 2.0%.

_ _ **OFFERYNNAU** **STATUDOL**		_ **S T A T U T O R Y** **I N S T R U M E N T S**
2000 Rhif (Cy.)		**2000 No. (W.)**
Y GWASANAETH IECHYD GWLADOL, CYMRU		**NATIONAL HEALTH SERVICE, WALES**
Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd a Thaliadau Optegol) Diwygio (Cymru) 2000		**The National Health Service (Optical Charges and Payments) Amendment (Wales) Regulations 2000**
Wedi'u gwneud 2000 *Yn dod i rym 1 Ebrill 2000*		*Made 2000* *Coming into force 1st April 2000*
Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd iddo gan adran 126(4) o Ddeddf Iechyd Gwladol 1977**(a)** a pharagraff 2A o Atodlen 12 iddi a phob per arall sy'n ei alluogi yn y cyswllt hwnnw:-		The National Assembly for Wales makes the following Regulations in exercise of the powers conferred on it by section 126(4) of, and paragraph 2A of Schedule 12 to, the National Health Act 1977 **(a)** and of all other powers enabling it in that behalf:-
Enwi, cychwyn, dehongli a chymhwyso		**Citation, commencement, interpretation and application**

1.-(1) Enw’r Rheoliadau hyn yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd a Thaliadau Optegol) Diwygio (Cymru) 2000 a deuant i rym ar 1 Ebrill 2000.		**1.**—(1) These Regulations may be cited as the National Health Service (Optical Charges and Payments) Amendment (Wales) Regulations 2000 and shall come into force on 1st April 2000.
(2) Yn y Rheoliadau hyn, ystyr "y prif Reoliadau" yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd a Thaliadau Optegol) 1997**(b).**		(2) In these Regulations, "the principal Regulations" means the National Health Service (Optical Charges and Payments) Regulations 1997**(b)**.
(3) Mae’r Rheoliadu hyn yn gymwys i Gymru’n unig.		(3) These Regulations shall apply to Wales only.
Diwygio rheoliad 1 o’r prif Reoliadau		**Amendment of regulation 1 of the principal Regulations**
2. Ym mharagraff (2) o reoliad 1 o’r prif Reoliadau (dehongli) yn y diffiniad o "NHS sight test fee", yn lle’r swm "£40.33" amnewidier "£41.54" ac yn lle’r swm "£14.57" amnewidier "£15.01".		**2.** In paragraph (2) of regulation 1 of the principal Regulations (interpretation) in the definition of "NHS sight test fee", for the amount "£40.33" substitute "£41.54" and for the amount "£14.57" substitute "£15.01".
Diwygio rheoliad 15 o’r prif Reoliadau		**Amendment of regulation 15 of the principal Regulations**
3. Ym mharagraff (1)(b) o reoliad 15 o’r prif Reoliadau (cymhwyster – ailosod neu drwsio), ar ôl "regulation 8(2)" mewnosoder "(b)".		**3.** In paragraph (1)(b) of regulation 15 of the principal Regulations (eligibility - replacement or repair), after "regulation 8 (2)" insert "(b)".

Diwygio rheoliad 19 o’r prif Reoliadau		**Amendment of regulation 19 of the principal Regulations**
4. Yn rheoliad 19 o’r prif Reoliadau (gwerth adbrynu taleb ar gyfer ailosod neu drwsio)- (a) ym mharagraff (1)(b), yn lle "£42.00" amnewidier "£42.80"; a		**4.** In regulation 19 of the principal Regulations (redemption value of voucher for replacement or repair)- (a) in paragraph (1)(b), for "£42.00" substitute "£42.80"; and
(b) ym mharagraff (3), yn lle "£10.80", amnewidier "£11.00".		(b) in paragraph (3), for "£10.80", substitute "£11.00"
Diwygio’r Atodlenni i’r prif Reoliadau		**Amendment of the Schedules to the principal Regulations**
5. –(1) Yn Atodlen 1 i’r prif Reoliadau (codau llythrennau taleb a gwerthoedd ar yr wyneb – cyflenwi ac ailosod) yng ngholofn (3) (gwerth taleb ar yr wyneb), am bob swm a bennir yng ngholofn 1 o’r tabl isod amnewidier y swm a bennir mewn perthynas ag ef yng ngholofn 2 o’r tabl hwnnw		**5.**—(1) In Schedule 1 to the principal Regulations (voucher letter codes and face values—supply and replacement) in column (3) (face value of voucher), for each amount specified in column 1 of the table below substitute the amount specified in relation to it in column 2 of that table

TABL

(1) *Hen swm*		(2) *Swm newydd*
£ 28.70		£ 29.30
£ 43.60		£ 44.50
£ 59.40		£ 60.60
£ 134.20		£ 136.90
£ 49.50		£ 50.50
£ 63.00		£ 64.30
£ 75.80		£ 77.30

£ 147.50 (yn y ddau fan lle mae’n ymddangos)			£ 150.50
£ 42.00			£ 42.80

TABLE

(1) *Old amount*			(2) *New amount*
£ 28.70			£ 29.30
£ 43.60			£ 44.50
£ 59.40			£ 60.60
£ 134.20			£ 136.90
£ 49.50			£ 50.50
£ 63.00			£ 64.30
£ 75.80			£ 77.30
£ 147.50 (in both places where it appears)			£ 150.50
£ 42.00			£ 42.80
(2) Yn Atodlen 2 i’r prif Reoliadau (prismau, arlliwiau, lensys ffotocromaidd, sbectol bach ac arbennig a theclynnau cymhleth)-			(2) In Schedule 2 to the principal Regulations (prisms, tints, photochromic lenses, small and special glasses and complex appliances)**—**
(a) ym mharagraff 1(1)(a) (prism—lens golwg unigol), yn lle "£6.00" amnewidier "£6.10";			(a) in paragraph 1(1)(a) (prism—single vision lens), for "£6.00" substitute "£6.10";
(b) ym mharagraff 1(1)(b) (prism—lens arall), yn lle "£6.90" amnewidier "£7.00";			(b) in paragraph 1(1)(b) (prism—other lens), for "£6.90" substitute "£7.00";
(c) ym mharagraff 1(1)(c) (lens arlliw golwg unigol), yn lle "£3.00" amnewidier "£3.10";			(c) in paragraph 1(1)(c) (single vision tinted lens), for "£3.00" substitute "£3.10";
(ch) ym mharagraff 1(1)(d) (lens arlliw arall), yn lle "£3.50" amnewidier "£3.60";			(d) in paragraph 1(1)(d) (other tinted lens), for "£3.50" substitute "£3.60";

(d) ym mharagraff 1(1)(e) (sbectol bach), yn lle "£47.30" amnewidier "£48.20", yn lle "£42.00" amnewidier "£42.80", ac yn lle "£22.70" amnewidier "£23.20";		(e) in paragraph 1(1)(e) (small glasses), for "£47.30" substitute "£48.20", for "£42.00" substitute "£42.80", and for "£22.70" substitute "£23.20";
(dd) ym mharagraff 1(1)(g) (fframiau a weithgynhyrchwyd yn arbennig), yn lle "£47.30" amnewidier "£48.20";		(f) in paragraph 1(1)(g) (specially manufactured frames), for "£47.30" substitute "£48.20";
(e) ym mharagraff 2 (a) (isafswm taliad am declyn cymhleth—lensys golwg unigol), yn lle "£10.00" amnewidier "£10.20";		(g) in paragraph 2 (a) (minimum complex appliance payment—single vision lenses), for "£10.00" substitute "£10.20";
(f) ym mharagraff 2(b) (isafswm taliad am declyn cymhleth-lensys eraill), yn lle "£25.40" amnewidier "£25.90".		(h) in paragraph 2(b) (minimum complex appliance payment-other lenses), for "£25.40" substitute "£25.90".
(3) Yn lle Atodlen 3 i'r prif Reoliadau (gwerthoedd talebau – trwsio), amnewidier yr Atodlen 3 a nodir yn yr Atodlen i'r Rheoliadau hyn.		(3) For Schedule 3 to the principal Regulations (voucher values—repair), substitute the Schedule 3 set out in the Schedule to these Regulations.
Defnydd o'r Rheoliadau hyn		**Use of these Regulations**
6. Dim ond mewn perthynas â thaleb a dderbyniwyd neu a ddefnyddiwyd yn unol â rheoliad 12 neu reoliad 17 o'r prif Reoliadau ar 1 Ebrill 2000 neu wedyn y mae'r diwygiadau a wneir gan y Rheoliadau hyn yn gymwys.		**6.** The amendments made by these Regulations apply only in relation to a voucher accepted or used pursuant to regulation 12 or regulation 17 of the principal Regulations on or after 1st April 2000.
Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66 (1) o Ddeddf Llywodraeth Cymru 1998 **(c)** .		Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998**(c)**.
[ ] 2000		[ ] 2000
Llywydd y Cynulliad Cenedlaethol		The Presiding Officer of the National Assembly

ATODLEN Rheoliad 3(3)		**SCHEDULE Regulation 3(3)**
ATODLEN 3 I'R PRIF REOLIADAU FEL Y'I HAMNEWIDIR GAN Y RHEOLIADAU HYN		**SCHEDULE 3 TO THE PRINCIPAL REGULATIONS AS SUBSTITUTED BY THESE REGULATIONS**
ATODLEN 3 **Rheoliadau 19(2) a (3)**		**SCHEDULE 3** **Regulations 19(2) and (3)**
GWERTHOEDD TALEBAU - TRWSIO		**VOUCHER VALUES—REPAIR**

(1) **Natur y Trwsio**	*(2)* *Codau'r Llythrennau-Gwerthoedd* *A B C D E F G H & I* *£ £ £ £ £ £ £ £*						
Trwsio neu ailosod un lens	9.10	16.70	24.80	63.00	19.80	26.50	33.20	69.80
Trwsio neu ailosod dwy lens	18.40	33.60	49.70	125.90	39.60	53.10	66.40	139.50
Trwsio neu ailosod: blaen ffrâm ochr ffrâm ffrâm gyfan	9.40 5.60 11.00	9.40 5.60 11.00	 9.40 5.60 11.00	9.40 5.60 11.00	9.40 5.60 11.00	9.40 5.60 11.00	9.40 5.60 11.00	9.40 5.60 11.00

(1) **Nature of Repair**	*(2)* *Letter Codes-Values* *A B C D E F G H & I* *£ £ £ £ £ £ £ £*						
Repair or replacement of one lens	9.10	16.70	24.80	63.00	19.80	26.50	33.20	69.80

Repair or replacement of two lenses	18.40	33.60	49.70	125.90	39.60	53.10	66.40	139.50
Repair or replacement of: the front of a frame a side of a frame the whole frame	9.40 5.60 11.00	9.40 5.60 11.00	 9.40 5.60 11.00	9.40 5.60 11.00	9.40 5.60 11.00	9.40 5.60 11.00	9.40 5.60 11.00	9.40 5.60 11.00

[ENDNOTES – WILL APPEAR IN PRINTED VERSION AS FOOTNOTES]

(a) 1977 p.49; gweler adran 128(1) fel y'i diwygiwyd gan Ddeddf y Gwasanaeth Iechyd Gwladol a Gofal Cymunedol 1990 (p.19) ("Deddf 1990"), adran 26(2)(g) ac (i), am y diffiniadau o "prescribed" a "regulations". Diwygiwyd adran 126(4) gan Ddeddf 1990, adran 65(2). Mewnosodwyd paragraff 2A o Atodlen 12 gan Ddeddf Iechyd a Nawdd Cymdeithasol 1984 (p.48), Atodlen 1, Rhan 1, paragraff 3 ac fe'i diwygiwyd gan Ddeddf Iechyd a Meddyginiaethau 1988 (p.49), adran 13(2) a (3). Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adran 126(4) o Ddeddf y Gwasanaeth Iechyd Gwladol 1977 a pharagraff 2A o Atodlen 12 iddi, i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672).

(a) 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). The functions of the Secretary of State under section 126(4) of, and paragraph 2A of Schedule 12 to, the National Health Service Act 1977 were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(b) O.S. 1997/818. Yr offerynnau diwygio perthnasol yw O.S. 1997/2488, 1998/499 a 1999/609.

(b) S.I. 1997/818. Relevant amending instruments are S.I. 1997/2488, 1998/499 and 1999/609.

(c) 1998 p.38

(c) 1998 c.38