

# 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".

**M. GERMAN OBE AM**

Chair,

Legislation Committee

**14 March 2000**