

SL(6)584 – The National Health Service (Optical Charges and Payments) (Amendment) (Wales) Regulations 2025

Background and Purpose

These Regulations amend the National Health Service (Optical Charges and Payments) Regulations 1997 (“the Optical 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 sight tests and the supply, replacement and repair of optical appliances.

Regulation 2 and the Schedules to these Regulations amend Schedules 1, 2 and 3 to the Optical Regulations to change the value of vouchers issued in respect of the supply, replacement and repair of optical appliances.

Regulation 3 makes transitional provision in relation to vouchers issued or completed but not used or accepted before 21 October 2024.

Procedure

Negative

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.

Technical Scrutiny

The following point is identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Standing Order 21.2(iv) – that it appears to have retrospective effect where the authorising enactment does not give express authority for this.

The Explanatory Memorandum provides the following information on page 2, under ‘Matters of special interest to the Legislation, Justice and Constitution Committee’:

“These Regulations will have retrospective effect back to 21 October 2024 so as to ensure that the voucher value increases take effect from that date as agreed during tripartite negotiations between the Welsh Government, NHS Wales and Optometry Wales. The reason for these Regulations requiring retrospective effect is due to the timing of the annual negotiations which take into consideration the outcome of the Doctors and



Dentists Remuneration Board, providing an equitable and fair approach across all primary care contractors.”

Whilst the Explanatory Memorandum explains the practical implications of the retrospectivity, it is noted that the enabling provisions cited do not appear to provide express authority for the Regulations to have retrospective effect.

Merits Scrutiny

No points are identified for reporting under Standing Order 21.3 in respect of this instrument.

Welsh Government response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

25 February 2025



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament

Legislation, Justice and Constitution Committee