

EXPLANATORY MEMORANDUM

Explanatory Memorandum to The National Health Service (Optical Charges and Payments) (Amendment) (Wales) Regulations 2008

This Explanatory Memorandum has been prepared by Department of Health and Social Services and is laid before the National Assembly for Wales in accordance with Standing Order 24.1.

(i) **Description**

These Regulations amend the National Health Service (Optical Charges and Payments) Regulations 1997. The Regulations provide for an increase in the 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.

(ii) **Matters of special interest to the Subordinate Legislation Committee**

None.

(iii) **Legislative Background**

The Regulations will be made pursuant to powers under sections 129 and 203 (9) and (10) of the National Health Service (Wales) Act 2006.

Section 129 provides that Welsh Ministers may make regulations for payments to be made to meet, or contribute towards, the costs incurred for the supply of optical appliances.

Sections 203 (9) and (10) provides Welsh Ministers with the general power for regulations to be made.

This instrument will follow the negative resolution procedure.

(iv) **Purpose and intended effect of the legislation**

It is recognised that certain groups of the general public should be entitled to help towards the cost of glasses and contact lenses.

Help towards the cost of glasses and contact lenses is via an NHS optical voucher, the values of which are reviewed annually. The voucher scheme is intended to provide children and people on benefits or low incomes, with a voucher that they may use either to buy from a basic range of spectacles or put towards a more expensive pair of their choice or alternatively put towards the cost of contact lenses. The value of the voucher is determined by the power of the prescription required by the patient. There are nine voucher bands currently ranging from £34.60 to £190.90.

The voucher values will be increased by 2.7% for 2008/09.

(v) **Implementation**
The Regulations are due to come into force on 1st April 2008.

(vi) **Consultation**
Optometry Wales have been consulted on the draft Regulations. Optometry Wales is the single organisation that represents the profession in Wales. The Business Services Centre, the organisation who make payments on behalf of LHBs, have been included in discussions regarding the increases.

(vii) **Regulatory Impact Assessment**
A Regulatory Impact Assessment has not been prepared for this instrument as it simply increases a statutory fee by a predetermined formula (for example, the rate of inflation)