

Explanatory Memorandum to the National Health Service (Amendments relating to Optical Charges and Payments) (Wales) Regulations 2010

This Explanatory Memorandum has been prepared by Community Primary Care and Health Services Policy Directorate of the Health and Social Services Directorate General and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 24.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the National Health Service (Amendments relating to Optical Charges and Payments) (Wales) Regulations 2010.

Edwina Hart

Minister for Health and Social Services

5 March 2010

1. Description

These Regulations amend the National Health Service (Optical Charges and Payments) Regulations 1997 to give effect to an increase in the NHS sight test fee by 2.2% and also amend the National Health Service (Amendments relating to Optical Charges and Payments) (Wales) Regulations 2009 in order to correct defective drafting in regulation 7 of the Welsh text in those regulations.

2. Matters of special interest to the Constitutional Affairs Committee

Last year the National Health Service (Amendments relating to Optical Charges and Payments) (Wales) Regulations 2009 (the 2009 Regulations) were made to take account of the increase in the optical voucher values and sight test fee for 2009/10. The then Subordinate Legislation Committee reported that there was defective drafting in regulation 7 of the Welsh text in those regulations. The Government response accepted the reporting point and that it would be corrected the next time the regulations were amended. As such, the National Health Service (Amendments relating to Optical Charges and Payments) (Wales) Regulations 2010 will amend the defective drafting in the 2009 Regulations.

3. Legislative background

The Regulations will be made pursuant to powers under sections 71, 128, 129 and 203(9) and (10) of the NHS (Wales) Act 2006.

This instrument will follow the negative resolution procedure.

4. Purpose & intended effect of the legislation

The NHS sight test fee and associated allowances in England are uplifted annually after negotiations between the Department of Health and the Optometric Fees Review Committee. For 2010/11 a 2.2% increase was agreed. As in previous years, a common approach has been adopted with England whereby the fee is uplifted by the same percentage rate. The fee is payable to an optometrist or ophthalmic medical practitioner who has undertaken a sight test for one of the categories of people eligible to receive it under the NHS.

The Regulations will also correct a drafting error in the Welsh text of the 2009 Regulations.

5. Consultation

The increase has been negotiated with the Optometric Fees Review Committee. The Optometric Fees Review Committee comprises of the Association of Optometrists, the Federation of Ophthalmic and Dispensing Opticians and the British Medical Association. Optometry Wales, the representatives of the profession in Wales, have been consulted on the draft Regulations. Consultation has also taken place with the Business Services

Centre, who makes payments on behalf of Local Health Boards to the profession.

6. Regulatory Impact Assessment (RIA)

A Regulatory Impact Assessment has not been prepared for this instrument as the legislation simply increases a statutory fee and amends existing legislation to correct a drafting error.