

## **EXPLANATORY MEMORANDUM**

### **Explanatory Memorandum to The National Health Service (Optical Charges and Payments) (Amendment) (Wales) Regulations 2009.**

This Explanatory Memorandum has been prepared by the 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 to increase the NHS sight test fee by 2.5%.
- (ii) **Matters of special interest to the Subordinate Legislation Committee**  
None.
- (iii) **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.
- (iv) **Purpose and 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. Following negotiations, an increase of 2.5% 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 fee for one of the categories of people eligible to receive it under the NHS.
- (v) **Implementation**  
The Regulations are due to come into force on 11<sup>th</sup> March.
- (vi) **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.
- (vii) **Regulatory Impact Assessment**  
A Regulatory Impact Assessment has not been prepared for this instrument as the legislation simply amends existing legislation to update or remove references which would otherwise be obsolete.