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WELSH STATUTORY INSTRUMENTS

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**2023 No. 1047 (W. 178)**

**NATIONAL HEALTH SERVICE, WALES**

**The National Health Service (Optical Charges and Payments) (Amendment) (Wales) Regulations 2023**

<i>Made</i>	- - - -	<i>27 September 2023</i>
<i>Laid before Senedd Cymru</i>		<i>29 September 2023</i>
<i>Coming into force</i>	- -	<i>20 October 2023</i>

The Welsh Ministers make these Regulations in exercise of the powers conferred by sections 71, 129 and 203(9) and (10) of the National Health Service (Wales) Act 2006(1).

**Title, coming into force and interpretation**

1.—(1) The title of these Regulations is the National Health Service (Optical Charges and Payments) (Amendment) (Wales) Regulations 2023 and they come into force on 20 October 2023.

(2) In these Regulations, “the Optical Regulations” means the National Health Service (Optical Charges and Payments) Regulations 1997(2).

**Amendments to regulation 1 of the Optical Regulations**

2.—(1) Regulation 1 (citation, commencement and interpretation) is amended as follows.

(2) In paragraph (2)—

- (a) in the definition of “complex appliance”, for “bifocal” substitute “multifocal”;
- (b) in the definition of “face value”, for “letter” substitute “number”;
- (c) for the definition of “NHS sight test fee” substitute—

““NHS sight test fee” means the fee for a sight test determined by the Welsh Ministers under section 76 of the National Health Service (Wales) Act 2006(3) (remuneration for persons providing general ophthalmic services);”;

- (d) in the definition of “small glasses”, for “British Standard BS EN ISO 8624:2011 (Ophthalmic Optics. Spectacle Frames. Measuring System and Terminology) published

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(1) 2006 c. 42; see section 206(1) for the meaning of “prescribed” and “regulations”. There are amendments to section 203 which are not relevant to these Regulations.  
(2) S.I. 1997/818 as amended by S.I. 2016/305 (W. 101), S.I. 2016/1059 (W. 250) and S.I. 2021/916 (W. 209). There are other amending instruments which are not relevant to these Regulations.  
(3) 2006 c. 42.

on 28 February 2011” substitute “British Standard BS EN ISO 8624:2020 (Ophthalmic Optics. Spectacle Frames. Measuring System and Vocabulary) published on 31 July 2020(4)”;

(e) at the appropriate place in the alphabetical order insert—

““prisoner” means a person who is detained in a prison, including a young offender institution, a secure training centre, and a naval, military or air force prison, but is, at the time of receiving any sight test under section 71 of the National Health Service (Wales) Act 2006(5) (arrangements for general ophthalmic services), on leave from that prison, and for the purposes of this definition—

(a) “secure training centre” means a place in which offenders subject to detention and training orders within the meaning given by section 233 of the Sentencing Code(6) may be detained and given training and education and prepared for their release, and

(b) “young offender institution” means a place for the detention of offenders sentenced to detention in a young offender institution or to custody for life;”.

(3) In paragraph (3), for “bifocal” substitute “multifocal” on each occasion it occurs.

#### **Amendment to regulation 8 of the Optical Regulations**

3. In paragraph (2) of regulation 8 (eligibility – supply of optical appliances), at the end insert—  
“(f) a prisoner.”.

#### **Amendment to regulation 9 of the Optical Regulations**

4. In paragraph (2)(a) of regulation 9 (issue of vouchers by ophthalmic medical practitioners or opticians), for “letter” substitute “number”.

#### **Amendment to regulation 10 of the Optical Regulations**

5. In paragraph (2)(a) of regulation 10 (issue of vouchers by NHS Trusts and Local Health Boards), for “letter” substitute “number”.

#### **Amendment to regulation 15 of the Optical Regulations**

6.—(1) Regulation 15 (eligibility – replacement or repair) is amended as follows.

(2) In paragraph (1)(a), after “child” insert “or a person of the description specified in regulation 8(2)(c) and regulation 8(3)(k) or (ka)”.

(3) In paragraph (1)(b) for “(c), (d) or (e)” substitute “(d), (e) or (f), or regulation 8(2)(c) and regulation 8(3)(a), (b), (e), (f), (i), (j), (l), (o), (p) or (q)”.

#### **Amendment to regulation 16 of the Optical Regulations**

7.—(1) Regulation 16 (completion of vouchers) is amended as follows—

(2) In paragraph 2(b), for “letter” substitute “number”.

(3) In paragraph 3(b), for “letter” substitute “number”.

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(4) British Standard BS EN ISO 8624:2020 is available from the British Standards Institution, at <http://shop.bsigroup.com> or BSI Customer Relations, 389 Chiswick High Road, London W4 4AL.

(5) 2006 c. 42.

(6) See section 1(1) of the Sentencing Act 2020 (c. 17) which states that Parts 2 to 13 of that Act together make up a code called the “Sentencing Code”.

### **Amendment to regulation 19 of the Optical Regulations**

8. In paragraph 2(b) of regulation 19 (redemption value of voucher for replacement or repair), for “letter” substitute “number”.

### **Amendments to the Schedules to the Optical Regulations**

9.—(1) Schedules 1 to 3 to the Optical Regulations are amended as follows.

(2) For Schedule 1 (voucher letter codes and face values – supply and replacement) substitute the Schedule 1 contained in Schedule 1 to these Regulations.

(3) In Schedule 2 (prisms, tints, photochromic lenses, small and special glasses and complex appliances)—

- (a) in paragraph 1(1)(a), for “£12.60” substitute “£12.00”;
- (b) in paragraph 1(1)(b), for “£15.40” substitute “£14.00”;
- (c) in paragraph 1(1)(c), for “£4.40” substitute “£2.00”;
- (d) in paragraph 1(1)(d), for “£4.90” substitute “£2.50”;
- (e) after sub-paragraph 1(1), insert—

“(1A) In addition to any increase under sub-paragraph (1), the amount in column 3 of Schedule 1 relating to a voucher with the number code 1 must be increased by £15.00 where—

- (a) that voucher is issued to an eligible person who is under the age of 19 years,
- (b) the eligible person has been issued a prescription for single vision lenses of a spherical power of between 4 and 6 dioptres, with a cylindrical power of not more than 2 dioptres, and
- (c) the ophthalmic medical practitioner or optician that issues the voucher considers a non-stock lens supplement is required to improve the cosmetic appearance of the optical appliance in relation to which the voucher will be used.

(1B) For the purposes of sub-paragraph (1A), “non-stock lens supplement” means surfacing of the lenses or using high index or aspheric lenses.”

(4) For Schedule 3 (voucher values – repair) substitute the Schedule 3 contained in Schedule 2 to these Regulations.

### **Transitional provision**

10.—(1) The amounts substituted by regulation 9 apply only in relation to a voucher issued pursuant to regulation 9, 10 or 11 or completed pursuant to regulation 16 of the Optical Regulations on or after 20 October 2023.

(2) Where a voucher—

- (a) has been issued pursuant to regulation 9, 10 or 11 or completed pursuant to regulation 16 of the Optical Regulations, but
- (b) has not been used or accepted pursuant to regulation 12 or 17 of the Optical Regulations at the coming into force of these Regulations,

that voucher has the face value provided for in the Optical Regulations as they existed immediately before these Regulations come into force and the voucher’s redemption value is to be calculated accordingly.

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27 September 2023

*Eluned Morgan*  
Minister for Health and Social Services, one of  
the Welsh Ministers

## SCHEDULES

### SCHEDULE 1

Regulation 9(2)

Schedule 1 to the Optical Regulations as substituted by these Regulations

### “SCHEDULE 1

Regulations 1(2), 9(2)(a), 10(2)(a) and 16(2)(b) and (3)(b)

Voucher number codes and face values – supply and replacement

<i>(1) Type of optical appliance</i>	<i>(2) Number code</i>	<i>(3) Face value of voucher</i>
1. Glasses with single vision lenses of a spherical power of not more than 6 dioptres with a cylindrical power of not more than 2 dioptres.	1	£22.00
2. Glasses with single vision lenses-  (a) of a spherical power of more than 6 dioptres but less than 10 dioptres with a cylindrical power of not more than 6 dioptres;  (b) of a spherical power of less than 10 dioptres with a cylindrical power of more than 2 dioptres but not more than 6 dioptres.	2	£42.00
3. Glasses with single vision lenses of a spherical power of 10 or more dioptres but not more than 14 dioptres with a cylindrical power of not more than 6 dioptres.	3	£155.00
4. Glasses with single vision lenses-  (a) of a spherical power of more than 14 dioptres with any cylindrical power;  (b) of a cylindrical power of more than 6 dioptres with any spherical power.	4	£276.00
5. Glasses with single vision lenses-  (a) of a spherical power of more than 20 dioptres with any cylindrical power;  (b) of a cylindrical power of more than 10 dioptres with any spherical power.	5	£377.00

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<b>(1) Type of optical appliance</b>	<b>(2) Number code</b>	<b>(3) Face value of voucher</b>
6. Glasses with multifocal lenses of a spherical power of not more than 6 dioptres with a cylindrical power of not more than 2 dioptres.	6	£40.00
7. Glasses with multifocal lenses-  (a) of a spherical power of more than 6 dioptres but less than 10 dioptres with a cylindrical power of not more than 6 dioptres;  (b) of a spherical power less than 10 dioptres but with a cylindrical power of more than 2 dioptres but not more than 6 dioptres.	7	£77.00
8. Glasses with multifocal lenses of a spherical power of 10 or more dioptres but not more than 14 dioptres with a cylindrical power of not more than 6 dioptres.	8	£299.00
9. Glasses with prism-controlled multifocal lenses of any power or with multifocal lenses-  (a) of a spherical power of more than 14 dioptres with any cylindrical power;  (b) with a cylindrical power of more than 6 dioptres with any spherical power.	9	£387.00
10. Glasses with multifocal lenses-  (a) of a spherical power of more than 20 dioptres with any cylindrical power;  (b) with a cylindrical power of more than 10 dioptres with any spherical power.	10	£530.00
11. Glasses not falling within any of paragraphs 1 to 10 for which a prescription is given in consequence of a sight test by a Local Health Board otherwise than under an arrangement under Part 6 of the 2006 Act.	11	£530.00
12. Contact lenses for which a prescription is given in consequence of a sight test by a Local Health Board otherwise than under an arrangement under Part 6 of the 2006 Act.	12	£57.00''

## SCHEDULE 2

Regulation 9(4)

Schedule 3 to the Optical Regulations as substituted by these Regulations

## “SCHEDULE 3

Regulation 19(2) and (3)

## Voucher Values – Repair

(1) <i>Nature of Repair</i>	(2) <i>Number Codes – Values</i>										
	1	2	3	4	5	6	7	8	9	10	11
	£	£	£	£	£	£	£	£	£	£	£
Repair or replacement of one lens	6.00	16.00	72.50	133.00	183.50	15.00	33.50	144.50	188.50	260.00	260.00
Repair or replacement of two lenses	12.00	32.00	145.00	266.00	367.00	30.00	67.00	289.00	377.00	520.00	520.00
Repair or replacement of: the front of a frame	8.50	8.50	8.50	8.50	8.50	8.50	8.50	8.50	8.50	8.50	8.50
a side of a frame	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00
the whole frame	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00”

**EXPLANATORY NOTE***(This note is not part of the Regulations)*

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 amends regulation 1(2) of the Optical Regulations to update the reference in the definition of “small glasses” to the relevant British Standards document, to amend the definition of “face value” to refer to voucher number codes, rather than letter codes, to amend the definition of “NHS sight test fee”, and to insert a definition of “prisoner”. Regulation 2 also amends

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regulation 1(2) and (3) of the Optical Regulations to replace references to “bifocal lenses” with “multifocal lenses”, which include both bifocal and varifocal lenses.

Regulation 3 amends regulation 8 of the Optical Regulations to make prisoners on leave eligible for a voucher for the supply of an optical appliance.

Regulations 4, 5, 7 and 8 make amendments to the Optical Regulations to reflect the change from voucher letter codes to voucher number codes in Schedule 1 to those Regulations.

Regulation 6 amends regulation 15 of the Optical Regulations. Firstly, to provide that prisoners on leave are eligible for a voucher for repair and replacement of an optical appliance in specified circumstances. Secondly, to provide that certain categories of person are eligible for a voucher for repair and replacement regardless of whether their optical appliance has been lost or damaged as a consequence of illness.

Regulation 9 and the Schedules amend Schedules 1, 2 and 3 to the Optical Regulations to change the value of vouchers issued towards the cost of the supply, replacement and repair of optical appliances and to provide for an uplift to the value of vouchers issued to eligible people under 19 years old in certain circumstances.

Regulation 10 makes transitional provision in relation to vouchers issued or completed but not used or accepted before 20 October 2023.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Primary Care and Mental Health Division, Welsh Government, Cathays Park, Cardiff CF10 3NQ.