
STATUTORY INSTRUMENTS

2016 No. 325

NATIONAL HEALTH SERVICE, ENGLAND

The National Health Service (Charges and Payments) (Uprating, Miscellaneous Amendments and Transitional Provision) Regulations 2016

<i>Made</i>	- - - -	<i>9th March 2016</i>
<i>Laid before Parliament</i>		<i>11th March 2016</i>
<i>Coming into force</i>	- -	<i>1st April 2016</i>

The Secretary of State for Health, in exercise of the powers conferred by sections 115(2), 116(2), 172(1), 178(1), 179(1) to (3), 180(1) to (5), 182, 184(1) and 272(7) and (8) of the National Health Service Act 2006(1), makes the following Regulations.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the National Health Service (Charges and Payments) (Uprating, Miscellaneous Amendments and Transitional Provision) Regulations 2016.

(2) These Regulations come into force on 1st April 2016.

(3) In these Regulations—

“the 2013 Regulations” means the National Health Service (Optical Charges and Payments) Regulations 2013(2); and

“the 2015 Regulations” means the National Health Service (Charges for Drugs and Appliances) Regulations 2015(3).

Uprating and amendment of the 2013 Regulations

2.—(1) The 2013 Regulations are amended as follows.

(2) In regulation 20(4) (redemption value of voucher for replacement or repair)—

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- (1) [2006 c.41](#). Section 115 of the National Health Service Act 2006 (“the 2006 Act”) has been amended by the Health and Social Care Act [2012 \(c.7\)](#) (“the 2012 Act”), Schedule 4, paragraph 54. Section 180(1) of the 2006 Act has been amended by section 205 of, and paragraph 96(1) and (2) of Schedule 4 to, the 2012 Act, and by Schedule 6 to the Health Act [2009 \(c.21\)](#). By virtue of section 271(1) of the 2006 Act, the powers conferred by these sections are exercisable by the Secretary of State only in relation to England. *See* section 275(1) of the 2006 Act for the meaning given to “prescribed” and “regulations”.
- (2) [S.I. 2013/461](#); as amended by [S.I. 2013/1856](#), [2015/417](#), [570](#) and [1776](#).
- (3) [S.I. 2015/570](#); as amended by [S.I. 2015/1879](#).
- (4) The relevant amending instrument is [S.I. 2015/417](#).

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- (a) in paragraph 1(b), for “£56.40” substitute “£57.00”; and
 (b) in paragraph (3), for “£14.60” substitute “£14.80”.

(3) In Schedule 1(5) (voucher letter codes and face values – supply and replacement), in column (3) of the table (face value of voucher), for each amount specified in column (1) of the table below substitute the amount specified in relation to it in column (2) of the table below—

<i>(1)</i>	<i>(2)</i>
<i>Old amount</i>	<i>New amount</i>
£38.70	£39.10
£58.70	£59.30
£86.00	£86.90
£194.10	£196.00
£66.80	£67.50
£84.80	£85.60
£110.10	£111.20
£213.40	£215.50
£198.80	£200.80
£56.40	£57.00

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

- (a) in paragraph 1(1)(a), for “£12.50” substitute “£12.60”;
 (b) in paragraph 1(1)(b), for “£15.20” substitute “£15.40”;
 (c) in paragraph 1(1)(c), for “£4.30” substitute “£4.40”;
 (d) in paragraph 1(1)(d), for “£4.80” substitute “£4.90”;
 (e) in paragraph 1(1)(e), for “£63.60”, “£56.40” and “£30.50” respectively substitute “£64.20”, “£57.00” and “£30.80”;
 (f) for paragraph 1(1)(f) substitute the following—
 “(f) where the voucher is issued by a GOS contractor, an NHS trust or NHS foundation trust in respect of glasses, the frame of which is certified by the GOS contractor, the NHS trust or NHS foundation trust issuing that voucher as being required to be specially manufactured on account of the person’s facial characteristics—
 (i) by £64.20 in the case of the supply or replacement of the glasses or repair of the whole frame,
 (ii) by £57.00 in the case of repair of the front of the frame; and
 (iii) by £30.80 in the case of repair of a side of a frame.”;
 (g) for paragraph 1(3) substitute the following—
 “(3) (3) In sub-paragraph (1)—

(5) The relevant amending instrument is [S.I. 2015/417](#).

- (i) “GOS contractor” means a party to a general ophthalmic services contract within the meaning of section 117 of the 2006 Act, and
- (ii) “necessary” in relation to a prism or a tinted or photochromic lens means that the prism, tint or photochromic quality has been prescribed on the basis of clinical need.”;
- (h) in paragraph 2(a), for “£14.50” substitute “£14.60”; and
- (i) in paragraph 2(b), for “£37.00” substitute “£37.40”.
- (5) In Schedule 3(6) (voucher values - repair), for the table substitute—

(1) <i>Nature of repair</i>	(2) <i>Letter of code-values</i>								
	A	B	C	D	E	F	G	H	I
	£	£	£	£	£	£	£	£	£
Repair or replacement of one lens	12.15	22.25	36.05	90.60	26.35	35.40	48.20	100.35	93.00
Repair or replacement of two lenses	24.30	44.50	72.10	181.20	52.70	70.80	96.40	200.70	186.00
Repair or replacement of:	12.45	12.45	12.45	12.45	12.45	12.45	12.45	12.45	12.45
the front of a frame									
a side of a frame	7.35	7.35	7.35	7.35	7.35	7.35	7.35	7.35	7.35
the whole of a frame	14.80	14.80	14.80	14.80	14.80	14.80	14.80	14.80	14.80

Transitional provision relating to the uprating of the value of the vouchers under the 2013 Regulations

3. Where, before 1st April 2016, a voucher is accepted, presented or used by virtue of regulation 12 (use of vouchers for supply of optical appliances) or regulation 18 (use of vouchers for replacement or repair) of the 2013 Regulations, Schedules 1 and 2 of those Regulations have effect in relation to that acceptance, presentation or use as if regulation 2 had not come into force.

Uprating of the 2015 Regulations

4.—(1) The 2015 Regulations are amended as follows.

(2) In regulations 3 to 9 (which relate to the supply of drugs and appliances by various persons and in various circumstances as part of the NHS)—

(6) The relevant amending instrument is [S.I. 2015/417](#).

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- (a) in each case where it appears, for “£8.20”, substitute “£8.40” ; and
 (b) in each case where it appears, for “£16.40”, substitute “£16.80”.

(3) In Schedule 1 (charges for fabric supports and wigs) to the 2015 Regulations, for the table substitute—

<i>(1) Specified item</i>	<i>(2) Specified charge</i>
Surgical brassiere	£27.90
Abdominal or spinal support	£42.20
Stock modacrylic wig	£68.90
Partial human hair wig	£182.50
Full bespoke human hair wig	£266.90

Transitional provision relating to the uprating of the 2015 Regulations

5. Where, on or after 1st April 2016, a fabric support or wig is supplied by virtue of regulation 6(1) (b) (supply of drugs and appliances by NHS trusts and NHS foundation trusts) or regulation 9(1) (c) (supply of drugs and appliances by other providers of NHS services) of the 2015 Regulations, in respect of an order for a fabric support or wig which was placed before that date, regulations 6 and 9 of, and Schedule 1 (charges for fabric supports and wigs) to, the 2015 Regulations are to have effect in relation to the charges which are to be imposed for the supply of such fabric supports and wigs as if regulation 4 had not come into force.

Signed by the authority of the Secretary of State for Health.

9th March 2016

Alistair Burt
 Minister of State,
 Department of Health

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend and uprate the National Health Service (Optical Charges and Payments) Regulations 2013 (“the 2013 Regulations”), and uprate the National Health Service (Charges for Drugs and Appliances) Regulations 2015 (“the 2015 Regulations”).

The 2013 Regulations 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 the supply, replacement and repair of optical appliances.

Regulation 2(2) amends regulation 20 of the 2013 Regulations to increase the redemption value of a voucher issued towards the cost of replacement of a single contact lens and to increase the maximum contribution by way of a voucher to the cost of a repair of a frame by an overall increase of approximately 1%.

Regulation 2(3) to (5) amends the Schedules to the 2013 Regulations to increase the value of vouchers issued towards the costs of the supply and replacement of glasses and contact lenses, to increase the additional values for vouchers for prisms, tints, photochromic lenses and special categories of appliances and to increase the value of vouchers issued towards the cost of the repair and replacement of optical appliances. The rate of increase in the value of vouchers is approximately 1%.

Regulation 2(4)(f) substitutes Schedule 2 paragraph 1(1)(f) to the 2013 Regulations to make new provision for general optical services contractors to issue and certify vouchers for glasses where the frame needs to be specially manufactured.

Regulation 3 makes transitional provision. In relation to vouchers accepted or used on or before 31st March 2016, the old rates of payments will apply. For vouchers accepted on or after 1st April 2016, the new rates of payments will apply.

The 2015 Regulations provide for the making and recovery of charges for drugs and appliances supplied under the National Health Service Act 2006.

Regulation 4(2) amends regulations 3 to 9 of the 2015 Regulations to increase the prescription charge applied for the supply of drugs, appliances and elastic hosiery from £8.20 to £8.40. There are also increases to the charges for wigs and fabric supports of around 1.7%.

Regulation 5(1) makes transitional provision. In relation to fabric supports and wigs ordered on or before 31st March 2016, the old rates for charging will apply. For fabric supports and wigs ordered on or after the 1st April 2016 the new rates for charging will apply.