

Explanatory Memorandum to the National Health Service (Optical Charges and Payments) (Amendment) (Wales) (No. 2) Regulations 2015

This Explanatory Memorandum has been prepared by the Department for Health and Social Services and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the National Health Service (Optical Charges and Payments) (Amendment) (Wales) (No. 2) Regulations 2015.

Mark Drakeford AM
Minister for Health and Social Services
4 August 2015

1. Description

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

2. Matters of special interest to the Constitutional and Legislative Affairs Committee

None

3. Legislative background

The Regulations will be made pursuant to powers under sections 71, 76(9) 128, 129, and 203(9) and (10) of the National Health Service (Wales) act 2006.

The instrument will follow the negative resolution procedure.

4. Purpose & intended effect of the legislation

The NHS sight test fee and associated allowances are uplifted annually following negotiations between NHS England (on behalf of the Department of Health in England) and the Optometric Fees Review Committee. For 2015/16 a 1% 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 in Wales. 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 legislation increases the NHS sight test fees by 1% from 1 April 2015.

5. Consultation

No public consultation has been undertaken as this legislation simply uplifts the NHS sight test fees.

NHS England undertakes negotiations annually with the Optometric Fees Review Committee regarding the setting of General Ophthalmic Services Fees and Allowances and makes a recommendation to the Department of Health. The Optometric Fees Review Committee comprises of the Association of Optometrists, the Federation of Ophthalmic and Dispensing Opticians, the Association of British Dispensing Opticians and the British Medical Association.

Optometry Wales, the representatives of the profession in Wales expect the uplift of the fees, as in previous years, to mirror those in England. Optometry Wales will be informed of the increase to the NHS sight test fees.

The Primary Care Services Department at the NHS Wales Shared Services Partnership will also be informed of the increases as they make the payments on behalf of the Local Health Boards to the profession.

6. Regulatory Impact Assessment (RIA)

A Regulatory Impact Assessment has not been prepared for this instrument as it simply increases a statutory fee.

This legislation has no impact on the statutory duties (sections 77-79 of the Government of Wales Act 2006) or statutory partners (sections 72-75 of that Act).