

**EXPLANATORY MEMORANDUM TO
THE NATIONAL HEALTH SERVICE (OPTICAL CHARGES AND PAYMENTS)
AMENDMENT (No. 2) REGULATIONS 2007**

2007 No. 3289

1. This explanatory memorandum has been prepared by the Department of Health and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 These regulations amend the National Health Service (Optical Charges and Payments) Regulations 1997. They are made under the powers in section 38, 78(1) and 126(4) of and paragraphs 2 and 2A of Schedule 12 to the National Service Act 1977.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Background

4.1 These Regulations amend the National Health Service (Optical Charges and Payments) Regulations 1997 so as to give effect to an increase in the NHS sight test fee.

5. Extent

5.1 This instrument applies to England.

6. European Convention on Human Rights

As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The Government recognises that certain groups of the general public should be entitled to free sight tests.

7.2 The level of the NHS sight test fee is updated annually following negotiation between the Department of Health and the Optometric Fees Review Committee (OFRC). 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.

7.3 Arrangements for the payment of the new fee to optometrists and ophthalmic medical practitioners is made via a determination in accordance with the NHS (General Ophthalmic Services) Regulations.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

9. Contact

Claire Osborne at the Department of Health Tel: 0207 633 4126 or e-mail: claire.osborne@dh.gsi.gov.uk can answer any queries regarding the instrument.