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STATUTORY INSTRUMENTS

2026 No. 205

NATIONAL HEALTH SERVICE, ENGLAND

The National Health Service (Travel Expenses and Remission of Charges, Ophthalmic Services, and Optical Charges and Payments) (Amendment) Regulations 2026

Made - - - -	*2nd March 2026*
Laid before Parliament	*4th March 2026*
Coming into force in accordance with regulation 1(2) and (3)	

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 172, 178, 179, 182, 183, 184(1)(d) and (e), 184(2) and 272(7) and (8) of the National Health Service Act 2006(**1**).

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the National Health Service (Travel Expenses and Remission of Charges, Ophthalmic Services, and Optical Charges and Payments) (Amendment) Regulations 2026.

(2) Subject to paragraph (3), these Regulations come into force on 15th April 2026.

(3) Regulation 1 comes into force on 1st April 2026.

(4) These Regulations extend to England and Wales and apply in relation to England only(**2**).

Amendments to the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003

2.—(1) The National Health Service (Travel Expenses and Remission of Charges) Regulations 2003(**3**) are amended as follows.

(2) In regulation 2 (interpretation)—

(a) in the definition of "family"—

(**1**) 2006 c. 41. Section 183 was amended by: the Health and Social Care Act 2012 (c. 7), Schedule 4, paragraph 98; the Health and Care Act 2022 (c. 31), Schedule 1, paragraph 1; and by S.I. 2010/915 and 2019/776 and 777.

(**2**) See section 271(1) of the National Health Service Act 2006, by virtue of which the functions of the Secretary of State being exercised in the making of these Regulations are exercisable only in relation to England.

(**3**) S.I. 2003/2382. The relevant amending instruments are S.I. 2005/578, 2008/1697, 2013/475, 2015/1776, 2016/1045 and 2025/636 and 1165.

(i) for "applies to income support" substitute "applied to income support on 31 March 2026", and

(ii) omit sub-paragraph (a); and

(b) omit the definitions of "income-based jobseeker's allowance" and "income support".

(3) In regulation 5 (entitlement to full remission and payment), in paragraph (1)—

(a) omit sub-paragraphs (a) and (b); and

(b) in sub-paragraph (d), omit "income support, income-based jobseeker's allowance,".

(4) In regulation 16 (calculation of resources), after paragraph (4), insert—

"(5) The calculation of a claimant's resources is to take account of any modification of the application of the Income Support Regulations that the Secretary of State considers necessary or desirable for the purpose of ensuring that, where a person's resources are calculated in accordance with the provisions of this Part and Schedule 1, the entitlement of that person to benefits as a member of the NHS low income scheme is similar to that of a person who is a relevant universal credit recipient for the purposes of regulation 5(1)(f).

(6) Paragraph (5) ceases to have effect on 1 April 2027.".

Amendments to the National Health Service (Optical Charges and Payments) Regulations 2013

3.—(1) The National Health Service (Optical Charges and Payments) Regulations 2013(**4**) are amended as follows.

(2) In regulation 1 (citation, commencement and interpretation), in paragraph (2), omit the definitions of "capital limit", "child tax credit", "disability element", "an income based jobseeker's allowance", "income support", "relevant income", "severe disability element" and "working tax credit".

(3) In regulation 8 (eligibility for a voucher - supply of optical appliances)—

(a) in paragraph (3), omit sub-paragraphs (a), (d), (e), (f) and (g); and

(b) in paragraph (4)—

(i) in sub-paragraph (a)—

(aa) omit "(a),", and

(bb) for "applies to income support" substitute "applied to income support on 31st March 2026", and

(ii) omit sub-paragraphs (b) and (c).

(4) Omit regulation 13 (notice of entitlement).

Amendments to the Primary Ophthalmic Services Regulations 2008

4.—(1) The Primary Ophthalmic Services Regulations 2008(**5**) are amended as follows.

(2) In regulation 2 (interpretation), in paragraph (1) omit the definitions of "child tax credit", "disability element", "gross annual income", "an income based jobseeker's allowance", "income support", "relevant income", "severe disability element" and "working tax credit".

(3) In regulation 3 (sight tests - eligibility)—

(a) in paragraph (2), omit sub-paragraphs (a), (b), (e), (f) and (g); and

(**4**) S.I. 2013/461. The relevant amending instruments are S.I. 2015/570 and 1776 and 2016/1045.

(**5**) S.I. 2008/1186. The relevant amending instruments are S.I. 2008/2449, 2009/409, 2013/365, 2015/570 and 1776, 2016/1045 and 2017/1056.

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(b) in paragraph (4)—

(i) in sub-paragraph (a)—

(aa) omit "(b),", and

(bb) for "applies to income support" substitute "applied to income support on 31st March 2026", and

(ii) omit sub-paragraphs (b) and (c).

Signed by the authority of the Secretary of State for Health and Social Care

Zubir Ahmed
Parliamentary Under-Secretary of State
Department of Health and Social Care

2nd March 2026

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 ("the TERC Regulations"), National Health Service (Optical Charges and Payments) Regulations 2013 and the Primary Ophthalmic Services Regulations 2008 to remove references to certain legacy benefits that are to be abolished by the Department for Work and Pension ("DWP") with effect from 1st April 2026. Although those benefits are abolished from that date, some payments will continue to be made for a further two-week run-on period. The removal of these references has the effect that entitlement to these legacy benefits will no longer provide a valid basis for entitlement to the reimbursement of travel expenses incurred in the course of obtaining NHS services, or for entitlement to exemption from NHS prescription, optical or dental charges.

The National Health Service (Optical Charges and Payments) Regulations 2013 and the Primary Ophthalmic Services Regulations 2008 are also amended to remove the entitlement to support from those in receipt of tax credits where the individual (including their partner and dependent children) is in receipt of child tax credit, working tax credit and child tax credit paid together or working tax credit including a disability or severe disability element. This is in consequence of tax credit ending on 5th April 2025.

Regulation 2(4) inserts a new paragraph in regulation 16 of the TERC Regulations to confer a discretion on the Secretary of State in relation to the calculations of income and capital for the purposes of determining eligibility under the Low Income Scheme. The objective of this discretion is to allow recipients of Low Income Scheme benefits whose membership of the scheme follows an assessment of their resources which is based on a calculation made under the Income Support (General) Regulations 1987 to continue to qualify for the Low Income Scheme on terms equivalent to those applicable to recipients of Universal Credit under the Universal Credit Regulations 2013. This discretion is time-limited and will cease to have effect on 1st April 2027. Whilst income support is being abolished, the Income Support (General) Regulations 1987 remain in force.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sectors is foreseen, and only a limited impact on the public sector, below the threshold for producing a full impact assessment.