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SCOTTISH STATUTORY INSTRUMENTS

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**2016 No. 127**

**NATIONAL HEALTH SERVICE**

**The National Health Service (Optical Charges and Payments) (Scotland) Amendment Regulations 2016**

*Made* - - - - 23rd February 2016  
*Laid before the Scottish Parliament* - - - - 24th February 2016  
*Coming into force* - - 1st April 2016

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 70(1), 73(a), 74(a), 105(7) and 108(1) of, and paragraphs 2 and 2A of Schedule 11 to, the National Health Service (Scotland) Act 1978(1), and all other powers enabling them to do so.

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the National Health Service (Optical Charges and Payments) (Scotland) Amendment Regulations 2016 and come into force on 1st April 2016.

(2) In these Regulations, “the 1998 Regulations” means the National Health Service (Optical Charges and Payments) (Scotland) Regulations 1998(2).

**Amendment of the National Health Service (Optical Charges and Payments) (Scotland) Regulations 1998**

2. The 1998 Regulations are amended in accordance with regulations 3 to 6.

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(1) 1978 c.29. Section 70(1) was amended by the Health and Medicines Act 1988 (c.49) (“the 1988 Act”) Schedule 3. Section 105(7) was amended by the Health Services Act 1980 (c.53) (“the 1980 Act”) Schedule 6, paragraph 5(1) and Schedule 7, the Health and Social Services and Social Security Adjudications Act 1983 (c.41) Schedule 9, Part I, paragraph 24 and the Health Act 1999 (c.8) Schedule 4, paragraph 60. Section 108(1) contains definitions of “prescribed” and “regulations” relevant to the exercise of the statutory powers under which these Regulations are made. Paragraph 2 of Schedule 11 was substituted by the 1988 Act section 11 and Schedule 2, paragraph 15(1) and Schedule 3 and amended by the Health and Social Security Act 1984 (“the 1984 Act”) Schedules 1 and 8 and the 1980 Act Schedule 5. Paragraph 2A of Schedule 11 was inserted by the 1984 Act Schedule 1, Part II, paragraph 7 and amended by the 1988 Act section 13(2) and (5), and the Smoking, Health and Social Care (Scotland) Act 2005 (asp 13) section 13. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(2) S.I. 1998/642; amended by S.I. 1999/748, S.S.I. 1999/64, S.S.I. 2000/45, S.S.I. 2000/395, S.S.I. 2001/88, S.S.I. 2002/17, S.S.I. 2002/86, S.S.I. 2002/224, S.S.I. 2003/218, S.S.I. 2003/431, S.S.I. 2004/97, S.S.I. 2004/168, S.S.I. 2005/119, S.S.I. 2006/138, S.S.I. 2007/192, S.S.I. 2008/106, S.S.I. 2008/289, S.S.I. 2009/86, S.S.I. 2009/288, S.S.I. 2011/55, S.S.I. 2012/73, S.S.I. 2013/96, S.S.I. 2014/61, S.S.I. 2015/86 and S.S.I. 2015/333

3.—(1) Regulation 19 (redemption value of voucher for replacement or repair) is amended as follows.

(2) In paragraph (1)(b), for “£56.40” substitute “£57.00”.

(3) In paragraph (3)(a), for “£14.60” substitute “£14.80”.

(4) In paragraph (3)(b), for “£63.60” substitute “£64.20”.

4. In Schedule 1 (voucher letter codes and face values supply and replacement) in column 3 (face value of voucher) for each amount specified in column 1 of the table below (old amount) substitute the amount specified in relation to it in column 2 (new amount).

<i>Column 1 Old amount</i>	<i>Column 2 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

5. For Schedule 2 (voucher values – repair), substitute the Schedule 2 set out in the Schedule to these Regulations.

6.—(1) Schedule 3 (prisms, tints, photochromic lenses, small glasses and special frames and complex appliances) is amended as follows.

(2) In paragraph 1(1)(a) for “£12.50” substitute “£12.60”.

(3) In paragraph 1(1)(b) for “£15.20” substitute “£15.40”.

(4) In paragraph 1(1)(c) for “£4.30” substitute “£4.40”.

(5) In paragraph 1(1)(d) for “£4.80” substitute “£4.90”.

(6) In paragraph 1(1)(e)—

(a) in sub-head (i) for “£63.60” substitute “£64.20”;

(b) in sub-head (ii) for “£56.40” substitute “£57.00”;

(c) in sub-head (iii) for “£30.50” substitute “£30.80”.

(7) In paragraph 1(1)(g) for “£63.60”, “£56.40” and “£30.50” substitute “£64.20”, “£57.00” and “£30.80” respectively.

(8) In paragraph 2(a) for “£14.50” substitute “£14.60”.

(9) In paragraph 2(b) for “£37.00” substitute “£37.40”.

### **Application of regulations 3 to 6**

7. The amendments made by regulations 3 to 6 apply only in relation to a voucher accepted pursuant to regulation 12 of the 1998 Regulations or used pursuant to regulation 17 of the 1998 Regulations after these Regulations come into force.

St Andrew's House,  
Edinburgh  
23rd February 2016

*MAUREEN WATT*  
Authorised to sign by the Scottish Ministers

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## SCHEDULE

Regulation 5

## “SCHEDULE 2

Regulation 19(2) and (3)

## VOUCHER VALUES – REPAIR

<i>Column 1</i>	<i>Column 2</i>								
<i>Nature of Repair to Appliance</i>	<i>Letter Codes-Values</i>								
	<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>	<i>E</i>	<i>F</i>	<i>G</i>	<i>H</i>	<i>I</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 the front of a frame	12.45	12.45	12.45	12.45	12.45	12.45	12.45	12.45	12.45
Repair or replacement of a side of a frame	7.35	7.35	7.35	7.35	7.35	7.35	7.35	7.35	7.35
Repair or replacement of the whole frame	14.80	14.80	14.80	14.80	14.80	14.80	14.80	14.80	14.80”

**EXPLANATORY NOTE**

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

These Regulations amend the National Health Service (Optical Charges and Payments) (Scotland) Regulations 1998 (“the 1998 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 the supply, replacement and repair of optical appliances.

These Regulations amend the voucher values in the 1998 Regulations to—

- (a) increase the redemption value of a voucher issued towards the cost of replacing a single contact lens to increase the maximum contribution by way of a voucher to the cost of repairing a frame and the maximum supplement for small glasses and special frames (regulation 3);
- (b) increase the value of vouchers issued towards the cost of supply and replacement of optical appliances (regulation 4);

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- (c) increase the value of vouchers issued towards the cost of repair of optical appliances (regulation 5); and
- (d) increase the additional values for vouchers for prisms, tints, photochromic lenses and special categories of appliances (regulation 6).

Regulation 7 provides that these increases to the voucher values apply only in relation to vouchers accepted or used after these Regulations come into force.