

1988 No. 151

HEALTH AND PERSONAL SOCIAL SERVICES**Payments for Optical Appliances (Amendment No. 2)
Regulations (Northern Ireland) 1988**

Made 8th April 1988

Coming into operation 11th April 1988

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 98 and 106 of and Schedule 15 to, the Health and Personal Social Services (Northern Ireland) Order 1972(a) and of all other powers enabling it in that behalf, with the approval of the Department of Finance and Personnel(b), hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Payments for Optical Appliances (Amendment No. 2) Regulations (Northern Ireland) 1988 and shall come into operation on 11th April 1988.

(2) In these regulations, “the principal regulations” means the Payments for Optical Appliances Regulations (Northern Ireland) 1986(c).

Amendment of regulation 1 of the principal regulations

2. In regulation 1(2) of the principal regulations (interpretation)—

(a) after the definition of “Board” there is inserted the following definition:—

“ “capital limit” means the amount prescribed for the purposes of Article 23(6) of the Social Security (Northern Ireland) Order 1986(d) as it applies to income support;”;

(b) the definition of “contribution assessment” is omitted;

(c) after the definition of “face value” there are inserted the following definitions:—

“ “family credit” means family credit under Part III of the Social Security (Northern Ireland) Order 1986;

“income support” means income support under Part III of the Social Security (Northern Ireland) Order 1986 and includes personal expenses addition, special transition addition and transitional

(a) S.I. 1972/1265 (N.I. 14). As amended by S.I. 1984/1158 (N.I. 8) and S.I. 1988/594 (N.I. 2)

(b) Formerly Department of Finance: see S.I. 1982/338 (N.I. 6) Art. 3

(c) S.R. 1986 No. 164. As amended by S.R. 1988 No. 80

(d) S.I. 1986/1888 (N.I. 18); regulation 45 of the Income Support (General) Regulations (Northern Ireland) 1987 (S.R. 1987 No. 459) has prescribed the amount of £6,000 as the capital limit

addition as defined in regulation 2(1) of the Income Support (Transitional) Regulations (Northern Ireland) 1987(a);”;

- (d) after the definition of “minimum complex appliance payment” there is inserted the following definition:—
- “ “notice of entitlement” means a notice issued under regulation 7 of the Remission Regulations for the purposes of remission of charges under the Order;”;
- (e) for the definition of “patient’s contribution” there is substituted the following definition:— “ “patient’s contribution” means the amount specified under regulation 7(5) of the Remission Regulations as that for which there is no entitlement under those regulations to remission of charges;”;
- (f) after the definition of “redemption value” there is inserted the following definition:—
- “ “the Remission Regulations” means the Travelling Expenses and Remission of Charges Regulations (Northern Ireland) 1988(b);”.

Amendment of regulation 2 of the principal regulations

3. In regulation 2 of the principal regulations (eligibility for payment of costs of optical appliances)—

- (a) in paragraph (2), sub-paragraphs (d) and (e) are omitted and after sub-paragraph (f) there is added the following sub-paragraph:—
- “(g) a person whose income resources, as calculated in accordance with regulation 6 of, and Schedule 1 to, the Remission Regulations for the purposes of remission of charges under the Order, are equal to or exceed his requirements as so calculated but whose patient’s contribution is nil or is less than the face value of a voucher issued to him under these regulations and whose capital resources as so calculated do not exceed the capital limit.”;
- (b) for paragraph (3) there are substituted the following paragraphs:—
- “(3) A person’s resources shall be treated as being less than his requirements if—
- (a) he is in receipt of income support; or
- (b) he is a member of the same family as a person who is in receipt of income support; or
- (c) he is in receipt of family credit; or
- (d) he is a member of the same family as a person who is in receipt of family credit; or
- (e) his income resources as calculated in accordance with regulation 6 of, and Schedule 1 to, the Remission Regulations for the purposes of remission of charges under the Order are less than his requirements as so calculated and his capital resources as so calculated do not exceed the capital limit.

(a) S.R. 1987 No. 460

(b) S.R. 1988 No. 150

(4) In paragraph (3)(b) and (3)(d) "family" has the meaning assigned to it by Article 21(11) of the Social Security (Northern Ireland) Order 1986 as it applies to income support and to family credit respectively(a)."

(c) Paragraph (4) shall be renumbered (5).

Amendment of regulation 5 of the principal regulations

4. In regulation 5 of the principal regulations (use of voucher)—

(a) in paragraph (4)—

(i) for "regulation 2(3)(c)" there is substituted "regulation 2(2)(g), or by virtue of his resources being treated in accordance with regulation 2(3)(e) as being less than his requirements," and

(ii) for "contribution assessment" there is substituted "notice of entitlement";

(b) for paragraph (5) there is substituted the following paragraph:—

"(5) A patient who is an eligible person only by virtue of regulation 2(2)(g), or only by virtue of his resources being treated in accordance with regulation 2(3)(e) as being less than his requirements, shall on the same occasion as he presents the supplier with a voucher in accordance with paragraph (1), show a current notice of entitlement to the supplier and permit him to copy such details as may be required for the purposes of regulation 6(2)(c)(iii)."

Amendment of regulation 6 of the principal regulations

5. In regulation 6 of the principal regulations (payments to suppliers) in paragraph 2(c)—

(i) in head (ii) after "Agency" there is inserted "within the period of three months beginning with the date of supply of the optical appliance", and

(ii) for head (iii) there is substituted the following:—

"(iii) where the patient has shown a notice of entitlement to him, informed the Agency of the amount of the patient's contribution, if any"

Amendment of regulation 7 of the principal regulations

6. In regulation 7 of the principal regulations (payments to patients in Health and Social Services Board cases)—

(a) in paragraph (1)(a) for "regulation 2(3)(c)" there is substituted "regulation 2(2)(g) or by virtue of his resources being treated in accordance with regulation 2(3)(e) as being less than his requirements,";

(b) in paragraphs (1)(b) and (2)(a) for "contribution assessment" there is substituted in each case "notice of entitlement"; and

(c) in paragraph (2)(c)—

(i) for "six months" there is substituted "one month", and

(ii) for head (ii) there is substituted the following:—

“(ii) a statement of the amount of his patient’s contribution, if any;”.

Amendment of regulation 8 of the principal regulations

7. In regulation 8 of the principal regulations (redemption value of voucher), in paragraph (2) for “regulation 2(3)(c)” there is substituted “regulation 2(2)(g)”.

Savings and transitional

8.—(1) Nothing in these regulations shall prevent the use of a voucher duly issued to a person before 11th April 1988 in accordance with the principal regulations.

(2) A contribution assessment issued before 11th April 1988, pursuant to regulation 5(4) and (5) of the principal regulations, to a person to whom a voucher was issued before that date may be used in accordance with the provisions of the principal regulations as in operation immediately before that date.

(3) A person who immediately before 11th April 1988 was an eligible person for the purposes of the principal regulations by virtue of the issue to him of an exemption certificate pursuant to regulation 15(1)(f)(ii) of the Health and Personal Social Services (Charges for Drugs and Appliances) Regulations (Northern Ireland) 1973(a) shall continue to be an eligible person for those purposes for so long as that certificate remains in operation.

(4) Regulation 5(b)(i) shall not affect a claim for payment under regulation 6 of the principal regulations in so far as it relates to the supply of an optical appliance before 11th April 1988.

(5) Notwithstanding regulation 6(c)(i), an application under regulation 7(2)(c) of the principal regulations for a payment in respect of an optical appliance supplied before 11th April 1988 may be made within six months of the date of its supply.

Revocation

9. Schedule 2 to the principal regulations is revoked.

Sealed with the Official Seal of the Department of Health and Social Services on 8th April 1988.

(L.S.)

R. W. McQuiston

Assistant Secretary

(a) S.R. & O. (N.I.) 1973 No. 419: The relevant amending regulations are S.R. 1975 No. 317, S.R. 1976 No. 336, S.R. 1979 No. 215, S.R. 1980 No. 76, S.R. 1980 No. 366, S.R. 1981 No. 63 and S.R. 1983 No. 321

The Department of Finance and Personnel hereby approves the foregoing regulations.

Sealed with the Official Seal of the Department of Finance and Personnel
on 8th April 1988.

(L.S.)

Joan A. Mills

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations amend the Payments for Optical Appliances Regulations (Northern Ireland) 1986 which provide for payments to be made, by means of a voucher system, in respect of the cost incurred by certain categories of persons for the supply of optical appliances following a testing of sight under the Health Service.

These regulations substitute some categories of persons eligible for vouchers. Eligibility for those entitled to supplementary benefit, family income supplement, welfare food or exemption from prescription charges and for those entitled under a special means test is replaced by eligibility for those entitled to income support or to family credit (which replace supplementary benefit and family income supplement respectively) or to full or partial remission of certain health service charges.

These regulations make other associated minor changes and contain saving and transitional provision. They also add a requirement on a supplier who has accepted a voucher in connection with the supply of an optical appliance to submit his claim for reimbursement within three months of the supply (regulation 5(b)(i)), and alter the period within which patients whose sight has been tested by a Health and Social Services Board may, in certain circumstances, apply for a refund in respect of unused vouchers from six months to one month after the supply of the optical appliance (regulation 6(c)(i)).