

2004 No. 162

HEALTH AND PERSONAL SOCIAL SERVICES

**Travelling Expenses and Remission of Charges and Optical
Charges and Payments and General Ophthalmic Services
(Amendment) Regulations (Northern Ireland) 2004**

Made - - - - - *2nd April 2004*

Coming into operation *6th April 2004*

The Department of Health, Social Services and Public Safety^(a) in exercise of the powers conferred on it by Articles 45, 62, 98, 106 and 107(6) of, and Schedule 15 to, the Health and Personal Social Services (Northern Ireland) Order 1972^(b) and of all other powers enabling it in that behalf, with the approval of the Department of Finance and Personnel, and after consultation with such organisations as appeared to the Department to be representative of medical practitioners practising as ophthalmic medical practitioners, and ophthalmic opticians, as required by Article 62(3) of the said Order, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Travelling Expenses and Remission of Charges and Optical Charges and Payments and General Ophthalmic Services (Amendment) Regulations (Northern Ireland) 2004 and shall come into operation on 6th April 2004.

(2) In these Regulations –

“the Travelling Expenses Regulations” means the Health and Personal Social Services (Travelling Expenses and Remission of Charges) Regulations (Northern Ireland) 2004^(c);

“the Optical Regulations” means the Health and Personal Social Services (Optical Charges and Payments) Regulations (Northern Ireland) 1997^(d);

“the Ophthalmic Regulations” means the Health and Personal Social Services (General Ophthalmic Services) Regulations (Northern Ireland) 1986^(e); and

“the Charges Regulations” means the Health and Personal Social Services (Charges for Drugs and Appliances) Regulations (Northern Ireland) 1997^(f).

(a) See S.I. 1999/283 (N.I. 1) Article 3(6)

(b) S.I. 1972/1265 (N.I. 14) as amended by Article 3(2) of, and paragraph 3 of Schedule 1 to, the Health and Social Security (Northern Ireland) Order 1984 (S.I. 1984/1158 (N.I. 8)); Article 14(1) of the Social Security (Northern Ireland) Order 1988 (S.I. 1988/594 (N.I. 2)); paragraphs (4) and (5) of Article 8 of the Health and Medicines (Northern Ireland) Order 1988 (S.I. 1988/2249 (N.I. 24)); Article 34 of, and Part II of Schedule 5 to, the Health and Personal Social Services (Northern Ireland) Order 1991 (S.I. 1991/194 (N.I. 1)) there are other amendments which are not relevant

(c) S.R. 2004 No. 91

(d) S.R. 1997 No. 191; relevant amending Regulations are S.R. 1999 Nos. 111 and 394, S.R. 2000 No. 51, S.R. 2001 No. 133, S.R. 2002 No. 85, S.R. 2003 Nos. 176 and 424 and S.R. 2004 Nos. 92 and 113

(e) S.R. 1986 No. 163; relevant amending Regulations are S.R. 1989 No. 113, S.R. 1995 No. 115, S.R. 1996 No. 416, S.R. 1999 Nos. 112 and 394, S.R. 2001 Nos. 339 and 370, S.R. 2002 No. 85, S.R. 2003 Nos. 176 and 424 and S.R. 2004 Nos. 92 and 113

(f) S.R. 1997 No. 382 as amended by S.R. 2004 No. 94

Amendment of regulation 5 of the Travelling Expenses Regulations

2. In regulation 5(2)(d) of the Travelling Expenses Regulations (entitlement to full remission and payment) for “requirements equal or exceed his income resources” there is substituted “income resources do not exceed his requirements or exceed his requirements by fifty per cent or less of the amount of the charge specified in regulation 3(1)(b) (supply of drugs and appliances by chemists) of the Charges Regulations”.

Amendment of the Optical Regulations and the Ophthalmic Regulations

3.—(1) In regulation 8(3)(e) of the Optical Regulations (eligibility – supply of optical appliances) after “requirements as so calculated” there is inserted “or exceed his requirements as so calculated by fifty per cent or less of the amount of the charge specified in regulation 3(1)(b) (supply of drugs and appliances by chemists) of the Charges Regulations”.

(2) In regulation 15(2)(e) of the Ophthalmic Regulations (sight tests – eligibility) after “requirements as so calculated” there is inserted “or exceed his requirements as so calculated by fifty per cent or less of the amount of the charge specified in regulation 3(1)(b) (supply of drugs and appliances by chemists) of the Charges Regulations”.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 2nd April 2004.

(L.S.)

Dr. J. F. Livingstone

Senior Officer of the Department of Health, Social Services and Public Safety

Sealed with the Official Seal of the Department of Finance and Personnel on 2nd April 2004.

(L.S.)

Michael Brennan

Senior Officer of the Department of Finance and Personnel

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Travelling Expenses and Remission of Charges Regulations (Northern Ireland) 2004 (“the Travelling Expenses Regulations”), and further amend the Optical Charges and Payments Regulations (Northern Ireland) 1997 (“the Optical Regulations”) and the General Ophthalmic Services Regulations (Northern Ireland) 1986 (“the Ophthalmic Regulations”).

Regulations 2 and 3 increase the income level at which entitlement arises to repayment of travel expenses and a full remission of HS charges, an HS sight test and a voucher towards the cost of an optical appliance and make transitional provision. The income level at which entitlement arises is increased from that which is equal to (or less than) a person’s requirements to that which exceeds requirements by fifty per cent or less of the HS prescription charge. The prescription charge is currently £6.40.

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