
SCOTTISH STATUTORY INSTRUMENTS

1999 No. 64

The National Health Service (Optical Charges and Payments) (Scotland) Amendment (No.2) Regulations 1999

Amendment of regulation 1 of the principal Regulations

3.—(1) Regulation 1 of the principal Regulations (interpretation) shall be amended in accordance with this regulation.

(2) In paragraph (2)–

(a) after the definition of “the Agency” there is inserted–

““amount withdrawn” means the amount by which the appropriate maximum disabled person’s tax credit or working families’ tax credit, as the case may be, determined in accordance with section 129(8) or 128(5) of the Social Security Contributions and Benefits Act 1992(1) as the case may be, is reduced by virtue of the claimant’s income exceeding the applicable amount;”;

(b) for the definition of “disability working allowance” there is substituted–

““disabled person’s tax credit” means disabled person’s tax credit under section 129 of the Social Security Contributions and Benefits Act 1992;”;

(c) the definition of “family credit” is omitted;

(d) after the definition of “supply” there is inserted–

““working families’ tax credit” means working families’ tax credit under section 128 of the Social Security Contributions and Benefits Act 1992;”;

(e) for the definition of “responsible authority” there is substituted–

““responsible authority” means–

(a) in relation to–

(i) a voucher completed pursuant to Part III, the Health Board for the area in which the testing of sight takes place;

(ii) a payment made pursuant to Part III, the Agency;

(b) in relation to a voucher issued or completed pursuant to Part IV, otherwise than by an NHS trust, the Health Board for the area in which the supply of the optical appliance to which it relates takes or is to take place, except in regulation 13 where it means the Agency;

(c) in relation to a voucher issued or completed pursuant to Part IV by an NHS trust, the Health Board in whose area the patient resides, except in regulation 13 where it means the Agency;

(d) in relation to a voucher issued or completed pursuant to Part V, otherwise than by an NHS trust, the Health Board for the area in which the replacement or repair of the optical appliance to which it relates takes or is to take place, except in regulations 15(1)(b) and (2), 16(6) and 18 where it means the Agency;

(1) 1992 (c. 4); sections 128 and 129 were amended by the Tax Credits Act 1999 (c. 10), Schedule 1, paragraphs 2(g) and (h).

- (e) in relation to a voucher issued or completed pursuant to Part V by an NHS trust, the Health Board in whose area the patient resides, except in regulations 15(1) (b) and (2), 16(6) and 18 where it means the Agency;
 - (f) in relation to a payment made pursuant to Part VI, otherwise than by an NHS trust, the Health Board for the area in which the supply, replacement or repair of the optical appliance to which it relates took place, except in regulation 20(3), (4), (5), (6) and (7) where it means the Agency;
 - (g) in relation to a payment made pursuant to Part VI by an NHS trust, the Health Board in whose area the patient resides, except in regulation 20(3), (4), (5), (6) and (7) where it means the Agency.”.
- (f) for the definition of “voucher” there is substituted—
- ““voucher” for the purpose of enabling a payment to be made under these Regulations means—
- (a) in Part III, a voucher form supplied by the Health Board to those whose names are included in its ophthalmic list;
 - (b) in Part IV, a voucher form supplied—
 - (i) where a testing of sight is carried out otherwise than by an NHS trust, by the Health Board to the person who carries it out;
 - (ii) where a testing of sight is carried out by an NHS trust, by the NHS trust;
 - (c) in Part V, a voucher form supplied to the supplier by the Health Board.”.
- (3) In paragraph (3A) for “Board” there is substituted “Health Board.”(2)