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SCOTTISH STATUTORY INSTRUMENTS

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**2000 No. 45**

**NATIONAL HEALTH SERVICE**

**The National Health Service (Optical Charges and Payments) (Scotland) Amendment Regulations 2000**

<i>Made</i>	- - - -	<i>7th March 2000</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>9th March 2000</i>
<i>Coming into force</i>	- -	<i>1st April 2000</i>

The Scottish Ministers, in exercise of the powers conferred on them by sections 26, 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 of all other powers enabling them in that behalf, hereby make the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the National Health Service (Optical Charges and Payments) (Scotland) Amendment Regulations 2000 and shall come into force on 1st April 2000.

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

**Amendment of regulation 1 of the principal Regulations**

2. In regulation 1(2) of the principal Regulations (interpretation) in the definition of “NHS sight test fee”–

- (a) in sub-paragraph (a) for “£40.33” there is substituted “£41.54”; and
- (b) in sub-paragraph (b) for “£14.57” there is substituted “£15.01”.

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(1) 1978 (c. 29); section 26 was amended by the Health and Social Security Act 1984 (c. 48) (“the 1984 Act”), section 1(5), Schedule 1, Part II, paragraphs 1 to 4 and Schedule 8 and by the Health and Medicines Act 1988 (c. 49) (“the 1988 Act”), section 13(4); section 70(1) was amended by the 1988 Act, Schedule 3; section 105(7) was amended by the Health Services Act 1980 (c. 53), Schedule 6, paragraph 5 and Schedule 7 and by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), Schedule 9, paragraph 24; 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(1) of Schedule 11 was substituted by the 1988 Act, Schedule 2, paragraph 15(1); and paragraph 2A of Schedule 11 was substituted by the 1988 Act, Schedule 2, paragraph 15(1); and 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). The functions of the Secretary of State were transferred to 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 and S.S.I. 1999/64.

### **Amendment of regulation 15 of the principal Regulations**

3. In regulation 15 of the principal Regulations (eligibility – replacement or repair) in paragraph (1)(b)–

- (a) for the words “in regulation 8(2)(c), (d) or (e)” there is substituted “in regulation 8(2)(b), (c), (d) or (e)”; and
- (b) after the word “illness” in both places where it occurs there is inserted “or disability”.

### **Amendment of regulation 19 of the principal Regulations**

4. In regulation 19 of the principal Regulations (redemption value of voucher – replacement or repair)–

- (a) in paragraph (1)(b) for “£42.00” there is substituted “£42.80”;
- (b) in paragraph (3)(a) for “£10.80” there is substituted “£11.00”; and
- (c) in paragraph (3)(b) for “£47.30” there is substituted “£48.20”.

### **Amendment of Schedules to the principal Regulations**

5.—(1) In Schedule 1 to the principal Regulations (voucher letter codes and face values – supply and replacement)(3) in column 3 (face value of voucher) for each amount specified in column 1 of the Table below (old amount) there is substituted the amount specified in relation to it in column 2 of that Table (new amount).

<i>Column 1</i> <i>Old amount</i>	<i>Column 2</i> <i>New amount</i>
£28.70	£29.30
£43.60	£44.50
£59.40	£60.60
£134.20	£136.90
£49.50	£50.50
£63.00	£64.30
£75.80	£77.30
£147.50 (in both places where it appears)	£150.50
£42.00	£42.80

(2) For Schedule 2 to the principal Regulations (voucher values – repair) there is substituted the Schedule 2 set out in the Schedule to these Regulations.

(3) In Schedule 3 to the principal Regulations (prisms, tints, photochromic lenses, small glasses and special frames and complex appliances)(4)–

- (a) in paragraph 1(1)(a) (single vision lens with prism) for “£6.00” there is substituted “£6.10”;
- (b) in paragraph 1(1)(b) (other lens with prism) for “£6.90” there is substituted “£7.00”;
- (c) in paragraph 1(1)(c) (single vision tinted lens) for “£3.00” there is substituted “£3.10”;

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(3) Schedule 1 was substituted by [S.I. 1999/748](#), regulation 12(1) and subsequently amended by [S.S.I. 1999/64](#), regulation 8.

(4) Schedule 2 was substituted by [S.I. 1999/748](#), regulation 12(2).

- (d) in paragraph 1(1)(d) (other tinted lens) for “£3.50” there is substituted “£3.60”;
- (e) in paragraph 1(1)(e) (small glasses)–
  - (i) in sub-head (i) for “£47.30” there is substituted “£48.20”;
  - (ii) in sub-head (ii) for “£42.00” there is substituted “£42.80”; and
  - (iii) in sub-head (iii) for “£22.70” there is substituted “£23.20”;
- (f) in paragraph 1(1)(g) (specially manufactured frame) for “£47.30” there is substituted “£48.20”; for “£42.00” there is substituted “£42.80”; and for “£22.70” there is substituted “£23.20”;
- (g) in paragraph 2(a) (minimum complex appliance payment – single vision lenses) for “£10.00” there is substituted “£10.20”; and
- (h) in paragraph 2(b) (minimum complex appliance payment – other lenses) for “£25.40” there is substituted “£25.90”.

### **Application of these Regulations**

6. The amendments made by regulations 4 and 5 of, and the Schedule to these Regulations, apply only in relation to a voucher accepted or used pursuant to regulation 12 or regulation 17 of the principal Regulations on or after 1st April 2000.

St Andrew’s House,  
Edinburgh  
7th March 2000

*SUSAN C DEACON*  
A member of the Scottish Executive

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Regulation 5(2)

SCHEDULE 2 AS SUBSTITUTED BY THESE REGULATIONS

“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&amp;I</i>
	£	£	£	£	£	£	£	£
Repair or replacement of one lens	9.10	16.70	24.80	63.00	19.80	26.50	33.20	69.80
Repair or replacement of two lenses	18.40	33.60	49.70	125.90	39.60	53.10	66.40	139.50
Repair or replacement of:	9.40	9.40	9.40	9.40	9.40	9.40	9.40	9.40
the front of a frame								
a side of a frame	5.60	5.60	5.60	5.60	5.60	5.60	5.60	5.60
the whole frame	11.00	11.00	11.00	11.00	11.00	11.00	11.00	11.00”.

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## 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 principal 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.

Regulation 2 amends the definition of “NHS sight test fee”. This fee is set at two levels depending on whether or not the sight test was carried out at the patient’s home and the appropriate figure is used to calculate the value of assistance towards the cost of a private sight test.

The two levels of NHS sight test fee are raised by regulation 2 as follows–

- (a) the figure used when the sight test was carried out at the patient’s home is raised from £40.33 to £41.54, which represents an increase of 3%; and
- (b) the figure used in all other cases is increased from £14.57 to £15.01, which represents an increase of 3%.

Regulation 3 amends regulation 15 of the principal Regulations (eligibility – replacement or repair) to correct an earlier error so as to include persons under the age of 19 years, who are receiving full time education, in the categories of patient who may be eligible for payments for the repair or replacement of optical appliances. Regulation 3 also extends eligibility for a replacement or repair voucher to cases where the loss or damage occurred because of a person’s disability.

Regulation 4 amends regulation 19 of the principal Regulations (redemption value of voucher for replacement or repair) to increase the value of an optical voucher issued towards the cost of replacing a single contact lens, and to increase the maximum contribution by way of voucher to the cost of repairing a frame.

Regulation 5(1) amends Schedule 1 to the principal Regulations to increase the value of vouchers issued towards the cost of the supply and replacement of glasses and contact lenses.

Regulation 5(2) and the Schedule substitute a new Schedule 2 in the principal Regulations to increase the value of vouchers issued towards the cost of the repair and replacement of optical appliances.

Regulation 5(3) increases the additional values for vouchers for prisms, tints or photochromic lenses, and special categories of appliances.

The increase in voucher values is, on average, 2 per cent.