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SCOTTISH STATUTORY INSTRUMENTS

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**2002 No. 17**

**NATIONAL HEALTH SERVICE**

**The National Health Service (Optical Charges and Payments) (Scotland) Amendment Regulations 2002**

*Made* - - - - 22nd January 2002  
*Laid before the Scottish Parliament* - - - - 25th January 2002  
*Coming into force* - - 15th February 2002

The Scottish Ministers, in exercise of the powers conferred by sections 26, 70(1), 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 and commencement**

1. These Regulations may be cited as the National Health Service (Optical Charges and Payments) (Scotland) Amendment Regulations 2002, and shall come into force on 15th February 2002.

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

2.—(1) The National Health Service (Optical Charges and Payments) (Scotland) Regulations 1998(2) are amended in accordance with the following paragraph.

- (2) In regulation 1(2) (interpretation), in the definition of “NHS sight test fee”—
- (a) in sub-paragraph (a) for “£42.85” there is substituted “£44.39”; and
  - (b) in sub-paragraph (b) for “£15.52” there is substituted “£16.08”.

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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 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; relevant amending instruments are S.I. 1999/748 and S.S.I. 2000/45 and 395 and 2001/88.

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**Status:** This is the original version (as it was originally made).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

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St Andrew's House,  
Edinburgh  
22nd January 2002

*MALCOLM CHISHOLM*  
A member of the Scottish Executive

## EXPLANATORY NOTE

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

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

Regulation 2 amends the definition of “NHS sight test fee” to reflect the values of the two levels of fees for National Health Service sight tests payable to ophthalmic medical practitioners and opticians. 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 fee for a test at home is increased from £42.85 to £44.39 and for tests elsewhere from £15.52 to £16.08.