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SCOTTISH STATUTORY INSTRUMENTS

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**2002 No. 86**

**NATIONAL HEALTH SERVICE**

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

*Made* - - - - 5th March 2002  
*Laid before the Scottish Parliament* - - - - 6th March 2002  
*Coming into force in accordance with regulation 1(2) and (3)*

The Scottish Ministers, in exercise of the powers conferred 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 and commencement**

1.—(1) These Regulations may be cited as the National Health Service (Optical Charges and Payments) and (General Ophthalmic Services) (Scotland) Amendment Regulations 2002.

(2) These Regulations, except for regulations 2(2) and 4, shall come into force on 1st April 2002.

(3) Regulations 2(2) and 4 of these Regulations shall come into force on 9th April 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 as follows.

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- (1) 1978 (c. 29); section 26 was amended by the Health and Social Security Act 1984 (“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, amended by S.I. 1999/748, S.S.I. 1999/64, 2000/45 and 395, 2001/88 and 2002/17.

(2) In regulation 8(3) (eligibility – supply of optical appliances)(3), in each of sub-paragraphs (c), (d) and (g) for “£71” there is substituted “£72.20”.

(3) In regulation 19 (redemption value of voucher for replacement or repair)–

(a) in paragraph (1)(b) for “£43.90” there is substituted “£44.60”;

(b) in paragraph (3)(a) for “£11.30” there is substituted “£11.50”; and

(c) in paragraph (3)(b) for “£49.40” there is substituted “£50.20”.

(4) In Schedule 1 (voucher letter codes and face values – supply and replacement)(4) 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).

**TABLE**

<i>Column 1</i> <i>Old amount</i>	<i>Column 2</i> <i>New amount</i>
£30.00	£30.50
£45.60	£46.40
£62.10	£63.20
£140.30	£142.70
£51.80	£52.70
£65.90	£67.00
£79.60	£81.00
£154.30 (in both places where it appears)	£157.00
£43.90	£44.60

(5) For Schedule 2 (voucher values - repair)(5), there is substituted the Schedule 2 set out in the Schedule to these Regulations.

(6) In Schedule 3 (prisms, tints, photochromic lenses, small glasses and special frames and complex appliances)–

(a) in paragraph 1(1)(a) (single vision lens with prism) for “£6.30” there is substituted “£9.90”;

(b) in paragraph 1(1)(b) (other lens with prism) for “£7.20” there is substituted “£11.90”;

(c) in paragraph 1(1)(c) (single vision tinted lens) for “£3.20” there is substituted “£3.30”;

(d) in paragraph 1(1)(d) (other tinted lens) for “£3.70” there is substituted “£3.80”;

(e) in paragraph 1(1)(e) (small glasses)–

(i) in sub-head (i) for “£49.40” there is substituted “£50.20”;

(ii) in sub-head (ii) for “£43.90” there is substituted “£44.60”; and

(iii) in sub-head (iii) for “£23.80” there is substituted “£24.20”;

(f) in paragraph 1(1)(g) (specially manufactured frame) for “£49.40”, “£43.90” and “£23.80” there are substituted “£50.20”, “£44.60” and “£24.20” respectively;

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(3) Regulation 8 was amended by S.I. 1999/748 and S.S.I. 1999/64 and 2001/88.

(4) Schedule 1 was substituted by S.I. 1999/748, and subsequently amended by S.S.I. 1999/64, 2000/45 and 2001/88.

(5) Schedule 2 was substituted by S.I. 2001/45.

- (g) in paragraph 2(a) (minimum complex appliance payment – single vision lenses) for “£10.50” there is substituted “£10.70”; and
- (h) in paragraph 2(b) (minimum complex appliance payment – other lenses) for “£26.50” there is substituted “£27.00”.

### **Application of regulation 2 of these Regulations**

3. The amendments made by regulation 2(3) to (6) 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 National Health Service (Optical Charges and Payments) (Scotland) Regulations 1998 on or after 1st April 2002.

### **Amendment of the National Health Service (General Ophthalmic Services) (Scotland) Regulations 1986**

4. In regulation 14(2) of the National Health Service (General Ophthalmic Services) (Scotland) Regulations 1986 (sight tests, - eligibility)(6), in each of sub-paragraphs (c), (d) and (g), for “£71” there is substituted “£72.20”.

St Andrew’s House,  
Edinburgh  
5th March 2002

*MALCOLM CHISHOLM*  
A member of the Scottish Executive

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(6) S.I. 1986/965; relevant amending instruments are S.I. 1989/387, 1991/534, 1995/704 and 1996/2353 and S.S.I. 1999/55 and 2001/62.

**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 2(5)

## 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>							
	A	B	C	D	E	F	G	H&I
	£	£	£	£	£	£	£	£
Repair or replacement of one lens	9.50	17.45	25.85	65.60	20.60	27.75	34.75	72.75
Repair or replacement of two lenses	19.00	34.90	51.70	131.20	41.20	55.50	69.50	145.50
Repair or replacement of:								
the front of a frame	9.75	9.75	9.75	9.75	9.75	9.75	9.75	9.75
a side of a frame	5.80	5.80	5.80	5.80	5.80	5.80	5.80	5.80
the whole frame	11.50	11.50	11.50	11.50	11.50	11.50	11.50	11.50”

**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 1998 Regulations”) which provide for payments to be made by means of

a voucher system, in respect of eligibility to obtain a voucher and of costs incurred by certain categories of persons in connection with the supply, replacement and repair of optical appliances. They also amend the National Health Service (General Ophthalmic Services) (Scotland) Regulations 1986 (“the 1986 Regulations”), which provide for arrangements under which ophthalmic medical practitioners and ophthalmic opticians provide general ophthalmic services under the National Health Service.

Regulation 2(2) amends regulation 8(3) of the 1998 Regulations (eligibility – supply of optical appliances) by increasing the amounts in sub-paragraphs (c), (d) and (g), by reference to which a person’s eligibility for vouchers is assessed, from £71 to £72.20.

Regulation 2(3) amends regulation 19 of the 1998 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 2(4) amends Schedule 1 to the 1998 Regulations to increase the value of vouchers issued towards the cost of the supply and replacement of glasses and contact lenses.

Regulation 2(5) and the Schedule substitute a new Schedule 2 in the 1998 Regulations to increase the value of vouchers issued towards the cost of the repair and replacement of optical appliances.

Regulation 2(6) 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, 1.95 per cent.

Regulation 4 amends regulation 14(2) of the 1986 Regulations (sight tests – eligibility) by increasing the amounts in sub-paragraphs (c), (d) and (g), by reference to which a person’s eligibility for sight testing is assessed, from £71 to £72.20.