

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2003 No. 218**

**The National Health Service (Optical Charges and Payments) (Scotland) Amendment (No. 2) Regulations 2003**

**Amendment of the 1998 Regulations**

3.—(1) The 1998 Regulations are amended as follows.

(2) In regulation 1 (citation, commencement and interpretation)(1), paragraph (2)–

(a) after the definition of “child”, insert–

““child tax credit” means child tax credit under the Tax Credits Act 2002(2);”;

(b) after the definition of “complex appliance”, insert–

““disability element” means the disability element of working tax credit as specified in section 11(3) of the Tax Credits Act 2002;”;

(c) after the definition of “the 1989 Regulations”, insert–

““relevant income” has the same meaning as in section 7(3) of Part 1 of the Tax Credits Act 2002;”;

(d) after the definition of “supply”, insert–

““tax credit” has the same meaning as in section 1(2) of the Tax Credits Act 2002;”;

(e) after the definition of “voucher”, insert–

““working tax credit” means working tax credit under the Tax Credits Act 2002;”;  
and

(f) omit the definitions of “amount withdrawn”, “disabled person’s tax credit” and “working families’ tax credit”.

(3) In regulation 8 (eligibility – supply of optical appliances)(3)–

(a) in paragraph (3)–

(i) after sub-paragraph (j), insert–

“(k) he is a member of a family–

(i) one member of which is receiving–

(aa) working tax credit and child tax credit; or

(bb) working tax credit which includes a disability element; or

(cc) child tax credit, but is not eligible for working tax credit;”;

and

(ii) where the relevant income of the person or persons to whom an award of a tax credit is made under section 14 of the Tax Credits Act

---

(1) Regulation 1 was amended by S.I. 1998/642 and S.S.I. 1999/64, 2000/45 and 395, 2001/88 and 2002/17.

(2) 2002 c. 36.

(3) Regulation 8 was amended by S.I. 1999/748 and S.S.I. 1999/64, 2001/88 and 2002/86.

2002 is determined at the time of the award not to exceed £14,200;  
or

- (l) he is a member of a family in respect of whom there is a current notice of entitlement under regulation 12A”;
- (ii) omit sub paragraphs (c), (d), (g) and (h); and
- (b) for paragraph (4), substitute—
  - “(4) In paragraph (3)—
    - (a) in sub paragraphs (b) and (f), “family” has the meaning given to it by section 137(1) of the Social Security Contributions and Benefits Act 1992, as it applies to income support;
    - (b) in sub paragraph (j), “family” has the meaning given to it by section 35 of the Jobseekers Act 1995(4); and
    - (c) in sub paragraphs (k) and (l), “family” has the meaning given to it by regulation 2(2) of the Tax Credits (Definition and Calculation of Income) Regulations 2002(5).”.
- (4) After regulation 12 (use of vouchers for the supply of optical appliances), insert—

**“Notice of entitlement**

**12A.**—(1) Where a person is entitled to the payment of, or a contribution towards, the cost incurred for the supply of an optical appliance because he is a member of a family described in regulation 8(3)(k), the Scottish Ministers shall issue a notice of entitlement under this regulation to that family.

- (2) Such a notice of entitlement shall apply to—
  - (a) any family member who is named in the notice of entitlement; and
  - (b) any other member of such a person’s family.
- (3) A notice of entitlement issued under paragraph (1) shall be effective—
  - (a) from such date; and
  - (b) for such period,

as the Scottish Ministers may determine.

(4) Any change in the financial or other circumstances of a person who is a member of a family in respect of which a notice of entitlement has been issued under paragraph (1), during the period for which the notice of entitlement has been issued, shall not affect the validity of the notice of entitlement in respect of that period.

(5) A notice of entitlement means a notice issued under this regulation and not under regulation 7 of the Remission Regulations(6).”.

- (5) In regulation 19 (redemption value of voucher for replacement or repair)(7)—
  - (a) in paragraph (1)(b) for “£44.60” substitute “£45.70”;
  - (b) in paragraph (3)(a) for “£11.50” substitute “£11.80”; and
  - (c) in paragraph (3)(b) for “£50.20” substitute “£51.50”.

---

(4) 1995 c. 18.

(5) S.I. 2002/2006.

(6) 1988/546. Regulation 7 was amended by S.I. 1993/642, 1995/700, 1996/429 and 2391 and 1997/1012.

(7) Regulation 19 was amended by S.I. 1999/748, S.S.I. 2000/45, 2001/88 and 2002/86.

(6) In Schedule 1 (voucher letter codes and face values – supply and replacement)(8) in column 3 (face values of voucher) for each amount specified in column 1 of the table below (old amount) substitute the amount specified in relation to it in column 2 of that Table (new amount).

**TABLE**

| <i>Column 1</i><br><i>Old amount</i>      | <i>Column 2</i><br><i>New amount</i> |
|---|--------------------------------------|
| £30.50                                    | £31.30                               |
| £46.40                                    | £47.60                               |
| £63.20                                    | £64.80                               |
| £142.70                                   | £146.30                              |
| £52.70                                    | £54.00                               |
| £67.00                                    | £68.70                               |
| £81.00                                    | £83.00                               |
| £157.00 (in both places where it appears) | £160.90                              |
| £44.60                                    | £45.70                               |

(7) For Schedule 2 (voucher values – repair)(9), substitute the Schedule 2 set out in the Schedule to these Regulations.

(8) In Schedule 3 (prisms, tints, photochromic lenses, small glasses and special frames and complex appliances)(10)–

- (a) in paragraph 1(1)(a) (single vision lens with prism) for “£9.90” substitute “£10.10”;
- (b) in paragraph 1(1)(b) (other lens with prism) for “£11.90” substitute “£12.20”;
- (c) in paragraph 1(1)(c) (single vision tinted lens) for “£3.30” substitute “£3.40”;
- (d) in paragraph 1(1)(d) (other tinted lens) for “£3.80” substitute “£3.90”;
- (e) in paragraph 1(1)(e) (small glasses)–
  - (i) in sub head (i) for “£50.20” substitute “£51.50”;
  - (ii) in sub head (ii) for “£44.60” substitute “£45.70”;
  - (iii) in sub head (iii) for “£24.20” substitute “£24.80”;
- (f) in paragraph 1(1)(g) (specially manufactured frame) for “£50.20”, “£44.60” and “£24.20” substitute “£51.50”, “£45.70” and “£24.80” respectively;
- (g) in paragraph 2(a) (minimum complex appliance payment – single vision lenses) for “£10.70” substitute “£11.00”;
- (h) in paragraph 2(b) (minimum complex appliance payment – other lenses) for “£27.00” substitute “£27.70”.

---

(8) Schedule 1 was substituted by S.I. 1999/748, and subsequently amended by S.S.I. 1999/64, 2000/45, 2001/88 and 2002/86.

(9) Schedule 2 was substituted by S.I. 2001/45 and subsequently by S.S.I. 2002/86.

(10) Schedule 3 was amended by S.I. 1999/748, S.S.I. 1999/64, 2000/45, 2001/88 and 2002/86.