

**2005 No.119**

**NATIONAL HEALTH SERVICE**

**The National Health Service (Optical Charges and Payments)  
(Scotland) Amendment Regulations 2005**

*Made* - - - - - *2nd March 2005*

*Laid before the Scottish Parliament* *3rd March 2005*

*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 by paragraphs 2 and 2A of Schedule 11 to, the National Health Service (Scotland) Act 1978(a) 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 2005.

(2) Subject to paragraph (3), these Regulations shall come into force on 1st April 2005.

(3) Regulation 2(3) shall come into force on 6th April 2005.

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

**Amendment of the principal Regulations**

2.—(1) The principal Regulations are amended as follows.

(2) In regulation 1(2) (interpretation) in the definition of “NHS sight test fee”(c)—

(a) in sub-paragraph (a) for “£49.19” substitute “£50.77”; and

(b) in sub-paragraph (b) for “£17.82” substitute “£18.39”.

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(a) 1978 c.29. Section 26 was amended by the Health and Social Security Act 1984 (c.48) (“the 1984 Act”), section 1(5) and Schedule 1, Part II, paragraphs 1 to 4 and Schedule 8 and 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(1) and Schedule 7, the Health and Social Services and Social Security Adjudications Act 1983 (c.41), Schedule 9, Part I, paragraph 24 and the Health Act 1999 (c.8), Schedule 4, paragraph 60; 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 the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) S.I. 1998/642; amended by S.I. 1999/748, S.S.I. 1999/64, 2000/45 and 395, 2001/88, 2002/17, 86 and 224, 2003/218 and 431, 2004/97 and 168.

(c) The definition of “NHS sight test fee” was amended by S.I. 1999/748 and S.S.I. 2000/45 and 395, 2001/88, 2002/17 and 224, and 2004/168.

(3) In regulation 8(3)(k)(ii) (eligibility – supply of optical appliances)(a) for “£14,600” substitute “£15,050”.

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

- (a) in paragraph (1)(b) for “£46.80” substitute “£48.00”;
- (b) in paragraph (3)(a) for “£12.10” substitute “£12.40”; and
- (c) in paragraph (3)(b) for “£52.80” substitute “£54.10”;

(5) In Schedule 1 (voucher letter codes and face values – supply and replacement) (c) in column 3 (face value 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).

<i>Column 1</i> <i>Old amount</i>	<i>Column 2</i> <i>New amount</i>
£32.10	£32.90
£48.80	£50.00
£71.30	£73.10
£161.00	£165.00
£55.40	£56.80
£70.40	£72.20
£91.30	£93.60
£177.00	£181.40
£164.90	£169.00
£46.80	£48.00

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

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

- (a) in paragraph 1(1)(a) (single vision lens with prism) for “£10.40” substitute “£10.70”;
- (b) in paragraph 1(1)(b) (other lens with prism) for “£12.50” substitute “£12.80”;
- (c) in paragraph 1(1)(c) (single vision tinted lens) for “£3.50” substitute “£3.60”;
- (d) in paragraph 1(1)(d) (other tinted lens) for “£4.00” substitute “£4.10”;
- (e) in paragraph 1(1)(e) (small glasses)–
  - (i) in sub-head (i) for “£52.80” substitute “£54.10”;
  - (ii) in sub-head (ii) for “£46.80” substitute “£48.00”; and
  - (iii) in sub-head (iii) for “£25.40” substitute “£26.00”;
- (f) in paragraph 1(1)(g) (specially manufactured frame) for “£52.80”, “£46.80” and “£25.40” substitute “£54.10”, “£48.00” and “£26.00” respectively;
- (g) in paragraph 2(a) (minimum complex appliance payment – single vision lenses) for “£12.10” substitute “£12.40”; and
- (h) in paragraph 2(b) (minimum complex appliance payment – other lenses) for “£30.50” substitute “£31.30”.

(a) Regulation 8(3)(k) was inserted by S.S.I. 2003/218 and amended by S.S.I. 2004/97.

(b) Regulation 19 was amended by S.I. 1999/748 and S.S.I. 2000/45, 2001/88, 2002/86, 2003/218 and 2004/97.

(c) Schedule 1 was substituted by S.I. 1999/748 and amended by S.S.I. 1999/64, 2000/45, 2001/88, 2002/86, 2003/218 and 2004/97 and 168.

(d) Schedule 2 was substituted by S.I. 1999/748, S.S.I. 2000/45, 2001/88, 2002/86, 2003/218 and 2004/97.

(e) Schedule 3 was amended by S.I. 1999/748, S.S.I. 1999/64, 2000/45, 2001/88, 2002/86, 2003/218, 2004/97 and 168.

**Application of regulation 2 of these Regulations**

3. The amendments made by regulation 2(4) to (7) 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 2005.

St Andrew's House,  
Edinburgh  
2nd March 2005

*RHONA BRANKIN*  
Authorised to sign by the Scottish Ministers

SCHEDULE

Regulation 2(6)

SCHEDULE 2 AS SUBSTITUTED BY THESE REGULATIONS

“SCHEDULE 2

Regulation 19(2) and (3)

VOUCHER VALUES – REPAIR

<i>Column 1</i> <i>Nature of Repair to Appliance</i>	<i>Column 2</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</i>	<i>I</i>
	£	£	£	£	£	£	£	£	£
Repair or replacement of one lens	10.25	18.80	30.35	76.30	22.20	29.90	40.60	84.50	78.30
Repair or replacement of two lenses	20.50	37.60	60.70	152.60	44.40	59.80	81.20	169.00	156.60
Repair or replacement of the front of a frame	10.50	10.50	10.50	10.50	10.50	10.50	10.50	10.50	10.50
a side of a frame	6.25	6.25	6.25	6.25	6.25	6.25	6.25	6.25	6.25
the whole frame	12.40	12.40	12.40	12.40	12.40	12.40	12.40	12.40	12.40

”.

## **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 sight tests and the supply, replacement and repair of optical appliances.

Regulation 2(2) amends the definition of “NHS sight test fee” to reflect the values of the two levels of fees for the 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 sight test.

The fee for a test at home is increased from £49.19 to £50.77 and for tests elsewhere from £17.82 to £18.39.

Regulation 2(3) amends the principal Regulations to raise the relevant income level of a person or persons (determined at the time an award of a tax credit is made under section 14 of the Tax Credits Act 2002) for the purpose of providing which persons, who are members of a family where one member is in receipt of certain tax credits, are eligible for a payment to meet or contribute towards the cost for the supply of an optical appliance. The relevant income level is increased from £14,600 to £15,050.

Regulation 2(4) amends the principal Regulations to increase the redemption value of a voucher issued towards the cost of replacement of a single contact lens and to increase the maximum contribution by way of a voucher to the cost of repair of a frame.

Regulation 2(5) amends the principal Regulations to increase the value of vouchers towards the cost of the supply and replacement of optical appliances.

Regulation 2(6) amends the principal Regulations to increase the value of vouchers issued towards the cost of the repair and replacement of optical appliances.

Regulation 2(7) amends the principal Regulations to increase the additional values for vouchers for prisms, tints or photochromic lenses and special categories of appliances.

The increases contained in regulation 2(4) to (7) and the Schedule come into force on 1st April 2005. Regulation 3 provides however that those increases only apply in relation to vouchers accepted or used on or after 1st April 2005.

The amendment made by regulation 2(3) comes into force on 6th April 2005.





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