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SCOTTISH STATUTORY INSTRUMENTS

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**2009 No. 86**

**NATIONAL HEALTH SERVICE**

**The National Health Service (Optical Charges and Payments) (Scotland) Amendment Regulations 2009**

<i>Made</i>	- - - -	<i>5th March 2009</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>6th March 2009</i>
<i>Coming into force</i>	- -	<i>1st April 2009</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 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(1) and all other powers enabling them to do so.

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the National Health Service (Optical Charges and Payments) (Scotland) Amendment Regulations 2009 and come into force on 1st April 2009.

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

**Amendment of the principal Regulations**

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

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

(a) in paragraph (1)(b) for “£51.90” substitute “£52.90”;

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- (1) 1978 c. 29; section 70(1) was amended by the Health and Medicines Act 1988 (c. 49) (“the 1988 Act”), Schedule 3 and the Smoking, Health and Social Care (Scotland) Act 2005 (asp 13) (“the 2005 Act”), section 14; 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 Health and Social Security Act 1984 (c. 48), Schedule 1, Part II, paragraph 7 and amended by the 1988 Act, section 13(2) and (5) and the 2005 Act, section 13(3). 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).
- (2) S.I.1998/642; amended by S.I. 1999/748 and S.S.I. 1999/64, 2000/45 and 395, 2001/88, 2002/17, 86 and 224, 2003/218 and 431, 2004/97 and 168, 2005/119, 2006/138, 2007/192, 2008/106 and 289.
- (3) Regulation 19 was amended by S.I. 1999/748 and S.S.I. 2000/45, 2001/88, 2002/86, 2003/218, 2004/97, 2005/119, 2006/138, 2007/192 and 2008/106.

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- (b) in paragraph (3)(a) for “£13.40” substitute “£13.70”; and  
(c) in paragraph (3)(b) for “£58.50” substitute “£59.70”.

(3) 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) substitute the amount specified in relation to it in column 2 (new amount).

<i>Column 1</i> <i>Old amount</i>	<i>Column 2</i> <i>New amount</i>
£35.50	£36.20
£54.00	£55.10
£79.00	£80.60
£178.40	£182.00
£61.40	£62.70
£78.10	£79.70
£101.20	£103.30
£196.10	£200.10
£182.70	£186.40
£51.90	£52.90

(4) For Schedule 2 (voucher values – repair)(5), substitute the Schedule 2 set out in the Schedule to these Regulations.

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

- (a) in paragraph 1(1)(a) (single vision lens with prism) for “£11.60” substitute “£11.80”;  
(b) in paragraph 1(1)(b) (other lens with prism) for “£13.90” substitute “£14.20”;  
(c) in paragraph 1(1)(c) (single vision tinted or photochromic lens) for “£3.90” substitute “£4.00”;  
(d) in paragraph 1(1)(d) (other tinted or photochromic lens) for “£4.40” substitute “£4.50”;  
(e) in paragraph 1(1)(e) (small glasses)–  
(i) in sub head (i) for “£58.50” substitute “£59.70”;  
(ii) in sub head (ii) for “£51.90” substitute “£52.90”; and  
(iii) in sub head (iii) for “£28.00” substitute “£28.60”;  
(f) in paragraph 1(1)(g) (specially manufactured frame) for “£58.50”, “£51.90” and “£28.00” substitute “£59.70”, “£52.90” and “£28.60” respectively;  
(g) in paragraph 2(a) (minimum complex appliance payment – single vision lenses) for “£13.40” substitute “£13.70”; and

(4) 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, 2004/97 and 168, 2005/119, 2006/138, 2007/192 and 2008/106.

(5) Schedule 2 was substituted by S.I. 1999/748, S.S.I. 2000/45, 2001/88, 2002/86, 2003/218, 2004/97, 2005/119, 2006/138, 2007/192 and 2008/106.

(6) 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, 2005/119, 2006/138, 2007/192 and 2008/106.

- (h) in paragraph 2(b) (minimum complex appliance payment – other lenses) for “£33.90” substitute “£34.60”.

**Application of regulation 2 of these Regulations**

**3.** The amendments made by regulation 2(2) to (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 2009.

St Andrew’s House,  
Edinburgh  
5th March 2009

*NICOLA STURGEON*  
A member of the Scottish Executive

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SCHEDULE

Regulation 2(4)

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</i>	<i>I</i>
	<i>£</i>	<i>£</i>	<i>£</i>	<i>£</i>	<i>£</i>	<i>£</i>	<i>£</i>	<i>£</i>	<i>£</i>
Repair or replacement of one lens	11.25	20.70	33.45	84.15	24.50	33.00	44.80	93.20	86.35
Repair or replacement of two lenses	22.50	41.40	66.90	168.30	49.00	66.00	89.60	186.40	172.70
Repair or replacement of—									
the front of a frame	11.60	11.60	11.60	11.60	11.60	11.60	11.60	11.60	11.60
a side of a frame	6.90	6.90	6.90	6.90	6.90	6.90	6.90	6.90	6.90
the whole frame	13.70	13.70	13.70	13.70	13.70	13.70	13.70	13.70	13.70”

## 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(2) amends the principal Regulations to increase the redemption value of a voucher issued towards the cost of replacing a single contact lens, to increase the maximum contribution by way of a voucher to the cost of repairing a frame and the maximum supplement for small glasses and special frames.

Regulation 2(3) amends the principal Regulations to increase the value of vouchers issued towards the cost of the supply and replacement of optical appliances.

Regulation 2(4) amends the principal Regulations to increase the value of vouchers issued towards the cost of the repair and replacement of optical appliances.

Regulation 2(5) 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(2) to (5) and the Schedule come into force on 1st April 2009. Regulation 3 provides however that those increases only apply in relation to vouchers accepted or used on or after 1st April 2009.