
SCOTTISH STATUTORY INSTRUMENTS

2019 No. 50

The National Health Service (Optical Charges and Payments) (Scotland) Amendment Regulations 2019

Citation, commencement and interpretation

1. These Regulations may be cited as the National Health Service (Optical Charges and Payments) (Scotland) Amendment Regulations 2019 and come into force on 1 April 2019.

2. In these Regulations, “the 1998 Regulations” means the National Health Service (Optical Charges and Payments) (Scotland) Regulations 1998(1).

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

3. The 1998 Regulations are amended in accordance with regulations 4 to 11.

4. In regulation 10 (issue of vouchers by and health boards in connection with the hospital eye service), in the cross-heading omit “and”.

5. In regulation 12(5)(b) (use of vouchers for the supply of optical appliances)—

- (a) for “him” substitute “the supplier”; and
- (b) after “13(2)(c)(iii)” insert “or (2C)(c)(iii)”.

6. In regulation 13 (payments to suppliers)—

(a) for paragraph (1) substitute—

“(1) Subject to paragraph (2B), the responsible authority must make a payment of a voucher’s redemption value to a supplier if—

- (a) the supplier has accepted the voucher from a patient in accordance with regulation 12; and
- (b) the conditions specified in paragraph (2) are fulfilled.”;

(b) in paragraph (2)—

(i) after “paragraph (1)” where it first appears insert “(b)”; and

(ii) in sub-paragraph (c)(ii) for “either by means of electronic communication in accordance with paragraph (2A) or on a duly completed voucher” substitute “by means of electronic communication in accordance with paragraph (2A)”;

(c) in paragraph (2A), for “made by means of electronic communication shall” substitute “as mentioned in paragraph (2)(c)(ii) must”; and

(d) after paragraph (2A) insert—

“(2B) Where a voucher has been issued by a Health Board in accordance with regulation 10 the responsible authority must make a payment of a voucher’s redemption value to a supplier if—

(1) S.I. 1998/642. Relevant amending instruments are S.I. 1999/748, S.S.I. 1999/64, S.S.I. 2001/88, S.S.I. 2004/168, S.S.I. 2009/288, S.S.I. 2015/219 and S.S.I. 2016/127.

- (a) the supplier has accepted the voucher from a patient in accordance with regulation 12; and
 - (b) the conditions specified in paragraph (2C) are fulfilled.
- (2C) The conditions referred to in paragraph (2B)(b) are that—
- (a) the patient has signed the declaration and undertaking referred to in regulation 12(4) and acknowledged receipt on the voucher of the optical appliance supplied to them;
 - (b) the optical appliance is not sold or supplied in contravention of section 27(1) of the Optician’s Act 1989(2); and
 - (c) the supplier has—
 - (i) made and kept a written record of the supply and issued to the patient a receipt for any money received from the patient;
 - (ii) made a claim for a payment either by means of electronic communication in accordance with paragraph (2D) or on a duly completed voucher to the responsible authority, within the period of 3 months beginning with the date of supply of the optical appliance;
 - (iii) where the patient has shown a notice of entitlement to the supplier, informed the responsible authority of the amount of the patient’s contribution, if any; and
 - (iv) where the claim relates to a voucher the value of which is increased in accordance with paragraph 1(1)(e) of schedule 3, certified that the glasses supplied were small glasses.
- (2D) A claim as mentioned in paragraph (2C)(c)(ii) which is made by means of electronic communication must—
- (a) be submitted using such computer programme as the responsible authority has approved as suitable for that purpose;
 - (b) confirm the matters referred to in paragraph (2C)(c)(iii) and (iv), where applicable; and
 - (c) contain the personal identification number that has been allocated to the supplier by the responsible authority.”.
7. In regulation 16(5) (completion of vouchers for replacement or repair)—
- (a) for “him” substitute “the supplier”; and
 - (b) after “18(2)(b)(iv)” insert “or (2C)(b)(v)”.
8. In regulation 18 (payments to supplier for replacement or repair)—
- (a) for paragraph (1) substitute—
 - “(1) Subject to paragraph (2B), the responsible authority must make a payment of a voucher’s redemption value to a supplier if—
 - (a) the supplier has used the voucher in accordance with regulation 17; and
 - (b) the conditions specified in paragraph (2) are fulfilled.”;
 - (b) in paragraph (2)—
 - (i) after “paragraph (1)” insert “(b)”;

(2) 1989 c.44; section 27 was amended by the Regulation of Care (Scotland) Act 2001 (asp 8), schedule 3, paragraph 16, S.I. 2005/848 and S.I. 2015/914.

- (ii) for sub-paragraph (b)(i) substitute—
 - “(i) made and kept a written record of the replacement or repair, including—
 - (aa) a description of the loss or damage;
 - (bb) the nature of any repair including details of any parts replaced;
 - (cc) the date on which the patient signed the declarations and undertaking referred to in regulation 16(4); and
 - (dd) the date of the replacement or repair;”;
- (iii) after sub-paragraph (b)(i) insert—
 - “(aii) issued to the patient a receipt for any money received from them;”;
- (iv) in sub-paragraph (b)(iii) for “either by means of electronic communication in accordance with paragraph (2A) or on a duly completed voucher” substitute “by means of electronic communication in accordance with paragraph (2A)”;
- (c) in paragraph (2A), for “made by means of electronic communication shall”, substitute “as mentioned in paragraph (2)(b)(iii) must”; and
- (d) after paragraph (2A) insert—
 - “(2B) Where a voucher has been issued by a Health Board, the responsible authority must make a payment of a voucher’s redemption value to a supplier if—
 - (a) the supplier has used the voucher in accordance with regulation 17; and
 - (b) the conditions specified in paragraph (2C) are fulfilled.
 - (2C) The conditions referred to in paragraph (2B)(b) are that—
 - (a) the patient has signed the declarations and undertaking referred to in regulation 16(4) and acknowledged on the voucher that the optical appliance has been replaced or repaired; and
 - (b) the supplier has—
 - (i) made and kept a written record of the replacement or repair, including—
 - (aa) a description of the loss or damage;
 - (bb) the nature of any repair including details of any parts replaced;
 - (cc) the date on which the patient signed the declarations and undertaking referred to in regulation 16(4); and
 - (dd) the date of the replacement or repair;
 - (ii) issued to the patient a receipt for any money received from them;
 - (iii) obtained any prior approval required by regulation 16(6);
 - (iv) made a claim for payment either by means of electronic communication in accordance with paragraph (2D) or on a duly completed voucher to the responsible authority within the period of three months beginning with the date of the replacement or repair of the optical appliance; and
 - (v) where the person has shown a notice of entitlement to the supplier, informed the responsible authority of the amount of the patient’s contribution, if any.
 - (2D) A claim as mentioned in paragraph (2C)(b)(iv) which is made by means of electronic communication must—
 - (a) be submitted using such computer programme as the responsible authority has approved as suitable for that purpose;

- (b) confirm the amount of contribution referred to in paragraph (2C)(b)(v), if any; and
 - (c) contain the personal identification number that has been allocated to the supplier by the responsible authority.”.
- 9. In regulation 21(2) (amounts wrongly paid)—
 - (a) omit “5(2),”; and
 - (b) for “13(2) or 18(2)” substitute “13(2) or (2C), or 18(2) or (2C)”.
- 10. In regulation 22 (signature and claims for payments), omit “6 or”.
- 11. In schedule 3 (prisms, tints, photochromic lenses, small glasses and special frames and complex appliances) below the heading, after “13(2)(c)(iv)” insert “, 13(2C)(c)(iv)”.

Saving Provision

- 12. Where, before these Regulations come into force,
 - (a) a replacement or repair of an optical appliance has been carried out in accordance with Part V of the 1998 Regulations; and
 - (b) a supplier has made and kept a written record of that replacement or repair in accordance with regulation 18(2)(b)(i) of the 1998 Regulations,regulation 18(2)(b)(i) of the 1998 Regulations will continue to apply to that written record as it applied immediately before the coming into force of these Regulations.

St Andrew’s House,Edinburgh
14th February 2019

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A member of the Scottish Government