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STATUTORY INSTRUMENTS

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**1991 No. 2487 (S.194)**

**NATIONAL HEALTH SERVICE, SCOTLAND**

**The National Health Service (Optical Charges and Payments) (Scotland) Amendment (No.2) Regulations 1991**

<i>Made</i>	- - - -	<i>31st October 1991</i>
<i>Laid before Parliament</i>		<i>1st November 1991</i>
		<i>22nd November</i>
<i>Coming into force</i>	- -	<i>1991</i>

The Secretary of State, in exercise of powers conferred on him by sections 105(7) and 108(1) of, and paragraph 2A of Schedule 11 to, the National Health Service (Scotland) Act 1978(1) and of all other powers enabling him in that behalf, hereby makes 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 (No.2) Regulations 1991 and shall come into force on 22nd November 1991.

(2) In these Regulations, “the principal Regulations” means the National Health Service (Optical Charges and Payments) (Scotland) Regulations 1989(2).

**Amendment of regulation 1 of the principal Regulations**

**2.** In regulation 1(2) of the principal Regulations (interpretation) for the definition of “NHS sight test fee” there is substituted the following definition—

““NHS sight test fee” means, in relation to a testing of a patient’s sight carried out either by an ophthalmic medical practitioner or by an optician—

- (a) at a place where the patient normally resides, an amount of £32.15p; or
- (b) in any other case, an amount of £12.15.”.

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(1) 1978 c. 29; 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 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 Health and Medicines Act 1988 (c. 49), section 13(2) and (5).

(2) S.I.1989/392, amended by S.I. 1990/509, 1991/534 and 1731.

### **Amendment of regulation 15 of the principal Regulations**

**3.** In regulation 15(3) of the principal Regulations (redemption value of voucher — supply of optical appliances) in sub-paragraph (a) for the words from “sight” to the end of the sub-paragraph there are substituted the words—

“sight—

- (i) by reason only of the fact that the patient’s contribution exceeded the NHS sight test fee, by the amount by which the patient’s contribution exceeded the lesser of the amounts specified in regulation 7(a) and (b);
- (ii) in any other case, by the amount of the patient’s contribution;”.

St Andrew’s House,  
Edinburgh  
31st October 1991

*Michael B. Forsyth*  
Minister of State, Scottish Office

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the National Health Service (Optical Charges and Payments) (Scotland) Regulations 1989 “the principal Regulations” which provide for payments to be made, by means of a voucher system, towards the cost incurred by certain people for a sight test and in respect of costs incurred by certain categories of persons in connection with the supply of optical appliances.

Regulation 2 substitutes a new definition of “NHS sight test fee” in regulation 1(2) of the principal Regulations (interpretation) so as to take account of tests made on domiciliary visits. (The amount of that fee is used in determining entitlement to assistance for, and in calculating the value of a voucher for, a private sight test.)

Regulation 3 amends regulation 15(3) of the principal Regulations (redemption value of vouchers — supply of optical appliances) to provide that where a patient was not eligible for a contribution towards the cost of his private sight test under Part III of the principal Regulations, the value of any voucher issued to him in respect of the supply of glasses or contact lenses following that sight test will be reduced only by the amount by which the patient’s contribution exceeded the lesser of the NHS sight test fee or the cost of the private sight test.