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STATUTORY INSTRUMENTS

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**1996 No. 2354 (S.187)**

**NATIONAL HEALTH SERVICE, SCOTLAND**

**The National Health Service (Optical Charges and Payments) (Scotland) Amendment (No.2) Regulations 1996**

<i>Made</i>	- - - -	<i>9th September 1996</i>
<i>Laid before Parliament</i>		<i>12th September 1996</i>
<i>Coming into force</i>	- -	<i>7th October 1996</i>

The Secretary of State, in exercise of the 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 1996 and shall come into force on 7th October 1996.

(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), after the definition of “family credit” add—

““income-based jobseeker’s allowance” has the meaning given to it by section 1(4) of the Jobseekers Act 1995(3);”.

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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, 1731 and 2487, 1992/531, 1993/524, 1994/145, 1995/705 and 2369 and 1996/473.

(3) 1995 c. 18.

### **Amendment of regulation 8 of the principal Regulations**

3.—(1) Regulation 8 of the principal Regulations (eligibility - supply of optical appliances)(4) is amended as follows.

(2) In paragraph (3)–

(a) in sub-paragraph (g), omit the words from “and his” to the end; and

(b) after sub-paragraph (h), add–

“(i) he is in receipt of an income-based jobseeker’s allowance; or

(j) he is a member of the same family as a person described in sub-paragraph (i) of this paragraph.”.

(3) In paragraph (4), after sub-paragraph (c) add–

“and has the meaning given to it by section 35 of the Jobseekers Act 1995(5) in the case of paragraph (3)(j).”.

St Andrew’s House,  
Edinburgh  
9th September 1996

*Lindsay*  
Parliamentary Under Secretary of State, Scottish  
Office

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(4) Relevant amendments to regulation 8 were made by S.I. 1995/705.

(5) See regulations 76 to 78 of S.I. 1996/207, as amended by S.I. 1996/1516 and 1517.

## EXPLANATORY NOTE

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

These Regulations further 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 in respect of costs incurred by certain categories of persons in connection with the supply, replacement and repair of optical appliances.

Regulation 2 amends regulation 1 of the principal Regulations in order to include a definition of an income-based jobseeker’s allowance.

Regulation 3(2)(a) of these Regulations removes the capital restriction relating to disability working allowance so that everyone in receipt of this, and certain of their relatives, will be eligible for payments towards the cost of optical appliances.

Regulation 3(2)(b) and (3) of these Regulations extends the categories of eligibility for payments towards the costs of optical appliances to include people in receipt of an income-based jobseeker’s allowance, and also certain relatives of such people.