
STATUTORY INSTRUMENTS

1997 No. 1013 (S.91)

NATIONAL HEALTH SERVICE, SCOTLAND

The National Health Service (Optical Charges and Payments) (Scotland) Amendment Regulations 1997

<i>Made</i>	- - - -	<i>19th March 1997</i>
<i>Laid before Parliament</i>		<i>21st March 1997</i>
<i>Coming into force</i>	- -	<i>1st April 1997</i>

The Secretary of State, in exercise of the powers conferred on him by sections 26, 70(1), 73(a) and (c), 74(a) and (c), 105(7) and 108(1) of, and paragraphs 2 and 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 Regulations 1997 and shall come into force on 1st April 1997.

(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)–

(a) for the definition of “patient’s contribution” there is substituted the following definition:–

““patient’s contribution” is to be construed as follows–

(1) 1978 c. 29; section 26 was amended by the Health and Social Security Act 1984 (c. 48) (“the 1984 Act”), section 1(5), Schedule 1, Part II, paragraphs 1 to 4 and Schedule 8 and by 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; sections 73(c) and 74(c) were inserted by the National Health Service and Community Care Act 1990 (c. 19), Schedule 9, paragraph 19(11) and (12); 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 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).

(2) S.I. 1989/392, amended by S.I. 1990/509, 1991/534, 1731 and 2487, 1992/531, 1993/524, 1994/145, 1995/1, 705 and 2369 and 1996/473 and 2354.

- (a) for the purposes of Parts III, IV and V, where a patient's resources are less than his requirements, the contribution shall be nil;
- (b) for the purposes of Part III, where the patient's resources exceed his requirements, the contribution shall be an amount equal to that excess;
- (c) for the purposes of Parts IV and V, where the patient's resources exceed his requirements, the contribution shall be an amount equal to twice that excess;";
- (b) for the definition of "patient's resources" there is substituted the following definition:–
 - ““patient's resources” means a person's resources as calculated in accordance with regulation 6 of, and Schedule 1 to, the Remission Regulations;”;
- (c) in the definition of "responsible authority" there are added the following new sub-paragraphs:–
 - (e) in relation to a payment made pursuant to regulation 6, the Health Board for the area in which the testing of sight took place;
 - (f) in relation to a payment made pursuant to regulation 20A otherwise than by an NHS trust, the Health Board for the area in which the supply, replacement or repair of the optical appliance to which it relates took place;
 - (g) in relation to a payment made pursuant to regulation 20A by an NHS trust, the Health Board in whose area the patient resides;”.

Amendment of regulation 6 of the principal Regulations

3. For regulation 6 of the principal Regulations (payment to patients in respect of sight tests) there is substituted:–

“Payments to patients in respect of sight tests

6.—(1) A payment may be made under this regulation by the responsible authority to an eligible person who incurs the cost of a testing of sight by an ophthalmic medical practitioner or optician whose name is included in an ophthalmic list, without a voucher being completed in accordance with regulation 4.

(2) A patient who wishes to receive a payment under this regulation must–

- (a) make a claim to the Secretary of State for a payment within three months after the date of the sight test, or within such further period as the Secretary of State may for good cause allow, and that claim must be made on a form provided by or on behalf of the Secretary of State for that purpose; and
- (b) produce such evidence as the Secretary of State may reasonably require in support of the claim including the receipt for any fee paid for the testing of sight.

(3) Where the Secretary of State is satisfied that the patient is entitled to a payment under paragraph (1) he shall authorise in writing the payment of the amount in question to the patient by the responsible authority.

(4) On receipt of an authorisation under paragraph (3) the responsible authority shall make a payment to the patient of an amount equal to the redemption value of the voucher which could have been competed under regulation 4 if the patient had satisfied the requirement of regulation 4(1).”.

Amendment of regulation 9 of the principal Regulations

3. In regulation 9 of the principal Regulations (issue of vouchers by ophthalmic medical practitioners and opticians)–

- (a) paragraph (1) is omitted;
- (b) in paragraph (2)(a) for the words “may be” there is substituted the word “is”;
- (c) paragraph (7) is omitted.

Amendment of regulation 10 of the principal Regulations

4. In regulation 10 of the principal Regulations (issue of vouchers by Health Boards)–
- (a) for the heading there is substituted–

“Issue of replacement vouchers by Health Boards or NHS Trust”;

- (b) paragraphs (1) to (3) are deleted; and
- (c) in paragraph (4)–
 - (i) for “or (7)” there is substituted “or 11(2)”,
 - (ii) after “Health Board” there is added “or an NHS Trust”,
 - (iii) for “regulation 9(3)(a) and (b)” there is substituted “regulations 9(3)(a) and (b) and 11(3)(a) and (b)”.

Amendment of regulation 11 of the principal Regulations

5. In regulation 11 of the principal Regulations (issue of vouchers by Health Boards or NHS Trusts in connection with the hospital eye service)–
- (a) paragraph (1) is omitted;
 - (b) in paragraph (2)(a) for the words “may be” there is substituted the word “is”.

Deletion of regulation 14 of the principal Regulations

6. Regulation 14 of the principal Regulations (payments to patients in Health Board cases) is deleted.

Amendment of regulation 15 of the principal Regulations

7. In regulation 15 of the principal Regulations (redemption value of voucher – supply of optical appliances)–
- (a) in paragraph (2)(a) for the words “under section 70(1) of the Act” there are substituted the words “for the time being determined pursuant to regulation 2”;
 - (b) in paragraph (3)–
 - (i) after the word “reduced” there is added “by the patient’s contribution.”, and
 - (ii) sub-paragraphs (a) and (b) are deleted.

Amendment of regulation 20 of the principal Regulations

8. In regulation 20 of the principal Regulations (redemption value of voucher – replacement or repair)–
- (a) in paragraph (1)(b) for “£39.00” there is substituted “£39.80”;
 - (b) in paragraph (3)(i) for “£10.00” there is substituted “£10.20”; and

- (c) in paragraph (3)(ii) for “£43.90” there is substituted “£44.80”(3).

Insertion of new Part VA of the principal Regulations

9. After regulation 20 there is inserted the following new Part:–

“PART VAPAYMENTS TO PATIENTS IN RESPECT OF THE SUPPLY, REPLACEMENT OR REPAIR OF OPTICAL APPLIANCES

20A.—(1) A payment may be made under this regulation to a person of a description specified by regulation 8(2) or 16(1) who pays for the supply, replacement or repair of an optical appliance without exercising his right under regulation 9(1), 11(1) or 16(1) to a payment to meet or contribute towards the cost incurred for the supply, replacement or repair of such optical appliance.

(2) A patient who wishes to receive a payment under this regulation must–

- (a) make a claim to the Secretary of State if he considers that he falls within the description specified in regulation 8(2)(c) or (d); or
- (b) in all other cases, make a claim to the responsible authority.

(3) Any such claim must be made within three months after the date of the supply, replacement or repair of the optical appliance, or within such further period as the Secretary of State or the responsible authority may for good cause allow, and that claim must be made on a form provided by or on behalf of the Secretary of State or the responsible authority for that purpose.

(4) It is a further condition of entitlement to a payment under paragraph (1) that the patient produces in support of his claim such evidence as the Secretary of State or the responsible authority may reasonably require including the receipt for any fee paid for the supply or repair.

(5) Where the Secretary of State is satisfied that the patient is entitled to a payment as a result of a claim under paragraph (2)(a) he shall authorise in writing the payment of the amount in question to the patient by the responsible authority and, on receipt of such authorisation, the responsible authority shall make a payment to the patient of an amount equal to the redemption value of the voucher which could have been completed under regulation 9, 11 or 17 if the patient had satisfied the requirements of regulation 9(2), 11(2) or 17(4), as the case may be.

(6) Where the responsible authority is satisfied that the patient is entitled to a payment of a claim under paragraph (2)(b), it shall make a payment to the patient of an amount equal to the redemption value of the voucher which could have been completed under regulation 9, 11, or 17 if the patient had satisfied the requirements of regulation 9(2), 11(2) or 17(4), as the case may be.”.

Amendment of regulation 22 of the principal Regulations

10. In regulation 22 of the principal Regulations (signatures)–

- (a) in the heading there are added the words “and claims for payments”;
- (b) in paragraph (1) after the word “given” there is inserted “, and a claim for payment pursuant to regulation 6 or 20A may be made”.

(3) The figures substituted by this regulation were last substituted by [S.I. 1996/473](#).

Amendment of Schedules to the principal Regulations

11.—(1) In Schedule 1 to the principal Regulations (voucher letter codes and face values)(4) in column 3 (face value of voucher) for each amount specified in column 1 of the Table below (old amount) there shall be substituted the amount specified in relation to it in column 2 of that Table (new amount).

TABLE

<i>Column 1 Old amount</i>	<i>Column 2 New Amount</i>
£ 26.70	£ 27.20
£ 40.50	£ 41.30
£ 55.20	£ 56.30
£108.40	£110.60
£ 46.00	£ 46.90
£ 58.50	£ 59.70
£ 70.50	£ 71.90
£119.20 (in both places where it appears)	£121.60
£ 39.00	£ 39.80

(2) For Schedule 2 to the principal Regulations (voucher values – repair) there is substituted the Schedule 2 set out in the Schedule to these Regulations.

(3) In Schedule 3 to the principal Regulations (prisms, tints, photochromic lenses, small glasses and special frames and complex appliances)–

- (a) in paragraph 1(1)(a) (single vision lens with prism) for “£5.20” there is substituted “£5.30”;
- (b) in paragraph 1(1)(b) (other lens with prism) for “£6.40” there is substituted “£6.50”;
- (c) in paragraph 1(1)(c) (single vision tinted lens) for “£2.70” there is substituted “£2.80”;
- (d) in paragraph 1(1)(d) (other tinted lens) for “£3.20” there is substituted “£3.30”;
- (e) in paragraph 1(1)(e) (small glasses)(5)–
 - (i) in sub-head (i) for “£43.90” there is substituted “£44.80”;
 - (ii) in sub-head (ii) for “£39.00” there is substituted “£39.80”; and
 - (iii) in sub-head (iii) for “£21.10” there is substituted “£21.50”;
- (f) in paragraph 1(1)(f) (photochromic lens) for “£2.70” there is substituted “£2.80” and for “£3.20” there is substituted “£3.30”;
- (g) in paragraph 1(1)(g) (specially manufactured frame) for “£43.90” there is substituted “£44.80”, for “£39.00” there is substituted “£39.80” and for “£21.10” there is substituted “£21.50”;
- (h) in paragraph 2(a) (minimum complex appliance payment – single vision lenses) for “£4.40” there is substituted “£4.50”; and

(4) Schedule 1 was substituted by [S.I. 1992/531](#) and the figures in it amended by [S.I. 1996/473](#).

(5) Paragraph 1(1)(e) was substituted by [S.I. 1991/1731](#).

- (i) in paragraph 2(b) (minimum complex appliance payment– other lenses) for “£23.60” there is substituted “£24.10”(6).

Transitional Provisions

12.—(1) Where, before 1st April 1997, a person has been issued with a voucher pursuant to regulation 9, 10, 11 or 16 of the principal Regulations, but that voucher has not been accepted or used before that date, then such a voucher may be accepted or used in accordance with regulation 12 or 18 of the principal Regulations as though these Regulations had not come into force.

(2) The amendments made by regulations 8 and 11 of, and the Schedule to, these Regulations apply only in relation to a voucher—

- (a) accepted or used pursuant to regulation 12 or 18 of the principal Regulations on or after 1st April 1997; or
- (b) sent to a Health Board or NHS trust pursuant to regulation 14(2)(c) of the principal Regulations in respect of cost incurred on or after that date.

(3) Where, before 1st April 1997, a person has made an application in pursuance of regulation 6, 11 or 15 of the principal Regulations and his application has not been determined before that date, his application shall be determined in accordance with the provisions of those Regulations as though these Regulations had not come into force.

St Andrew’s House,
Edinburgh
19th March 1997

James Douglas-Hamilton
Minister of State, Scottish Office

(6) The figures substituted by this paragraph were last substituted by [S.I. 1996/473](#).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Regulation 11(2)

SCHEDULE 2 TO THE PRINCIPAL REGULATIONS
AS SUBSTITUTED BY THESE REGULATIONS

“SCHEDULE 2

Regulation 20(2) and (3)

VOUCHER VALUES – REPAIR

<i>Column 1 Nature of Repair to appliance</i>	<i>Column 2 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>
Repair or replacement of one lens		8.50	15.60	23.10	50.20	18.40	24.70	30.80	55.60
Repair or replacement of two lenses		17.00	31.20	46.20	100.40	36.80	49.40	61.70	111.40
Repair or replacement of:									
the front of a frame		8.80	8.80	8.80	8.80	8.80	8.80	8.80	8.80
a side of a frame		5.20	5.20	5.20	5.20	5.20	5.20	5.20	5.20
the whole frame		10.20	10.20	10.20	10.20	10.20	10.20	10.20	10.20
Maximum		27.20	41.40	56.20	110.60	47.00	59.60	71.90	121.60”

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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.

The amendments made to the principal Regulations are as follows:–

- (a) Amendments to the definition of “patient’s contribution” in regulation 1(2) as a result of the abolition of the linkage between the patient’s contribution in respect of a sight test and the value of voucher for an optical appliance supplied under the principal Regulations. As a result of this amendment, any sight test conducted on or after 1st April 1997 will be a separate transaction from the optical appliance supplied as a result of that test. The changes, which will simplify the arrangements for helping people entitled to partial remission of their optical costs, ensure that no one eligible for help will pay more than they would have done under the previous arrangements.
- (b) Amendments to extend the payment provisions (new regulation 6) for patients who are eligible for a contribution to be made towards the cost of their sight test (ie those who are entitled to partial remission of National Health Service (NHS) charges) and to introduce payments (new regulation 20A) for patients who are entitled to a voucher towards the cost of the supply, replacement or repair of an optical appliance. Patients who establish entitlement to a voucher as at the date of the sight test, supply, replacement or repair of their optical appliance but who have paid a fee for that sight test, supply, replacement or repair may claim a payment within three months (which may be extended for good cause) of the sight test, supply, replacement or repair either by applying to the Secretary of State (where they have low income entitlement) or to the responsible authority in all other cases. In the case of sight tests the amount of the payment will be calculated in accordance with regulation 7; in the case of supply of an optical appliance the amount of the payment will be calculated in accordance with regulation 15; and in the case of replacement or repair of an optical appliance the amount of the payment will be calculated in accordance with regulation 20.
- (c) Amendments to the voucher values specified in the principal Regulations and Schedules providing for the level of payment (regulation 20, and Schedules 1, 2 and 3) under the scheme. These amendments increase the value of the vouchers issued under the Regulations. All voucher values and supplements are increased by 2 per cent.