

2024 No. 38

NATIONAL HEALTH SERVICE

**The National Health Service (Optical Charges and Payments and
General Ophthalmic Services) (Scotland) Amendment
Regulations 2024**

Made - - - - *6th February 2024*
Laid before the Scottish Parliament *8th February 2024*
Coming into force - - *1st April 2024*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 26, 70(1), 73(a), 74(a) and 105(7) and paragraphs 2(2) and 2A of schedule 11 of the National Health Service (Scotland) Act 1978(a) 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 and General Ophthalmic Services) (Scotland) Amendment Regulations 2024 and come into force on 1 April 2024.

(2) In these Regulations—

“the 1998 Regulations” means the National Health Service (Optical Charges and Payments) (Scotland) Regulations 1998(b), and

“the 2006 Regulations” means the National Health Service (General Ophthalmic Services) (Scotland) Regulations 2006(c).

Amendment of the 1998 Regulations

2. The 1998 Regulations are amended in accordance with regulations 3 to 6.

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- (a) 1978 c. 29. Section 26 was amended by section 1(7) and schedule 1 of the Health and Social Security Act 1984 (c. 48) (“the 1984 Act”), section 13(4) of the Health and Medicines Act 1988 (c. 49) (“the 1988 Act”) and sections 13 and 19 of the Smoking, Health and Social Care (Scotland) Act 2005 (asp 13) (“the 2005 Act”). Section 70(1) was amended by section 25 and schedule 3 of the 1988 Act. Section 105(7) was amended by paragraph 5(1) of schedule 6 and schedule 7 of the Health Services Act 1980 (c. 53) (“the 1980 Act”), paragraph 24 of schedule 9 of the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), and paragraph 60 of schedule 4 of the Health Act 1999 (c. 8) (“the 1999 Act”). Paragraph 2 of schedule 11 was amended by section 26 and schedule 5 of the 1980 Act, sections 1 and 24 and schedules 1 and 8 of the 1984 Act and sections 11 and 25 and schedules 2 and 3 of the 1988 Act. Paragraph 2A of schedule 11 was inserted by section 1 and schedule 1 of the 1984 Act and amended by section 13 of the 1988 Act and section 13 of the 2005 Act. Section 108(1) contains a definition of “prescribed” relevant to the exercise of the statutory powers under which these Regulations are made. See section 66(1) of the 1999 Act in relation to any provision of that Act being taken to be a pre-commencement enactment within the meaning of the Scotland Act 1998 (c. 46) (“the 1998 Act”). The functions of the Secretary of State, insofar as exercisable within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act.
- (b) S.I. 1998/642, relevantly amended by S.S.I. 2023/125.
- (c) S.S.I. 2006/135.

Amendment of regulation 19 of the 1998 Regulations

3. In regulation 19 (redemption value of voucher for replacement or repair)—

- (a) in paragraph (1)(b) for “£60.75” substitute “£61.77”,
- (b) in paragraph (3)(a) for “£15.80” substitute “£16.06”,
- (c) in paragraph (3)(b) for “£68.45” substitute “£69.60”.

Amendment of schedule 1 of the 1998 Regulations

4. In schedule 1 (voucher letter codes and face values supply and replacement) in column 3 of the table (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>
£41.70	£42.40
£63.20	£64.26
£92.60	£94.14
£208.90	£212.40
£71.90	£73.10
£91.20	£92.72
£118.50	£120.48
£229.70	£233.56
£214.00	£217.58
£60.75	£61.77

Amendment of schedule 2 of the 1998 Regulations

5. For schedule 2 (voucher values – repair) substitute the schedule 2 set out in the schedule of these Regulations.

Amendment of schedule 3 of the 1998 Regulations

6. In schedule 3 (prisms, tints, photochromic lenses, small glasses and special frames and complex appliances)—

- (a) in paragraph 1(1)(a) for “£13.45” substitute “£13.67”,
- (b) in paragraph 1(1)(b) for “£16.40” substitute “£16.67”,
- (c) in paragraph 1(1)(c) for “£4.70” substitute “£4.77”,
- (d) in paragraph 1(1)(d) for “£5.20” substitute “£5.28”,
- (e) in paragraph 1(1)(e)—
 - (i) in sub-head (i) for “£68.45” substitute “£69.60”,
 - (ii) in sub-head (ii) for “£60.75” substitute “£61.77”,
 - (iii) in sub-head (iii) for “£32.80” substitute “£33.35”,
- (f) in paragraph 1(1)(g) for “£68.45”, “£60.75” and “£32.80” substitute “£69.60”, “£61.77” and “£33.35” respectively,
- (g) in paragraph 2(a) for “£15.55” substitute “£15.81”,
- (h) in paragraph 2(b) for “£39.90” substitute “£40.57”.

Amendment of the 2006 Regulations

7. The 2006 Regulations are amended in accordance with regulations 8 to 12.

Amendment of regulation 2 of the 2006 Regulations

8. In regulation 2(1) (interpretation) omit the definition of “patient practice record form”(a).

Amendment of regulation 12 of the 2006 Regulations

9. In regulation 12 (removal from ophthalmic list)—

- (a) in paragraph (2)—
 - (i) omit the words from “after” to “optician,”,
 - (ii) for “6” substitute “12”,
- (b) in paragraph (3) omit the words from “after” to “optician”.

Amendment of regulation 22 of the 2006 Regulations

10. In regulation 22(2) (application for an eye examination)(b) omit the words from “and, where” to the end.

Amendment of regulation 23 of the 2006 Regulations

11. In regulation 23 (application on behalf of children or incapable persons)(c)—

- (a) in paragraph (1)—
 - (i) omit “Subject to paragraph (2),”,
 - (ii) omit the words from “, and, where” to “signed”,
 - (iii) in sub-paragraph (b) omit “or giving such a signature”,
 - (iv) in head (iii) omit “or give such a signature”,
- (b) omit paragraph (2).

Amendment of schedule 1 of the 2006 Regulations

12. In schedule 1 (terms of service)—

- (a) omit paragraph 5 (visits),
- (b) in paragraph 13(1) (payments), for “6” substitute “3”.

Savings provision - regulations 3 to 6

13. The amendments made by regulations 3 to 6 have no effect in relation to a voucher accepted pursuant to regulation 12 of the 1998 Regulations or used pursuant to regulation 17 of the 1998 Regulations prior to these Regulations coming into force.

JENNI MINTO

Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
6th February 2024

(a) The definition was inserted by S.S.I. 2015/219.
(b) Regulation 22(2) was amended by S.S.I. 2018/212 and S.S.I. 2022/169.
(c) Regulation 23(1) and (2) were amended by S.S.I. 2018/212 and S.S.I. 2022/169.

SCHEDULE

Regulation 5

“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>
	£	£	£	£	£	£	£	£	£
Repair or replacement of one lens	13.17	24.10	39.04	98.17	28.52	38.33	52.21	108.75	100.76
Repair or replacement of two lenses	26.34	48.20	78.08	196.34	57.04	76.66	104.42	217.50	201.52
Repair or replacement of the front of a frame	13.47	13.47	13.47	13.47	13.47	13.47	13.47	13.47	13.47
Repair or replacement of a side of a frame	7.98	7.98	7.98	7.98	7.98	7.98	7.98	7.98	7.98
Repair or replacement of the whole frame	16.06	16.06	16.06	16.06	16.06	16.06	16.06	16.06	16.06”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend (a) the National Health Service (Optical Charges and Payments) (Scotland) Regulations 1998 (“the 1998 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 and (b) the National Health Service (General Ophthalmic Services) (Scotland) Regulations 2006 (“the 2006 Regulations”) on the provision of general ophthalmic services under the National Health Service in Scotland.

These Regulations amend the voucher values in the 1998 Regulations to—

- a) increase the redemption value of a voucher issued towards the cost of replacing a single contact lens, increase the maximum contribution by way of a voucher to the cost of repairing a frame and increase the maximum supplement for repair of small glasses and special frames (regulation 3),
- b) increase the value of vouchers issued towards the cost of supply and replacement of optical appliances (regulation 4),
- c) increase the value of vouchers issued towards the cost of repair of optical appliances (regulation 5), and
- d) increase the additional values for vouchers for prisms, tints, photochromic lenses and special categories of appliances (regulation 6).

These Regulations amend the 2006 Regulations to—

- a) remove references to “patient practice record form” and make consequential amendments (regulations 8, 10 and 11),
- b) amend regulation 12 to alter processes for removal from the Ophthalmic List (regulation 9), and
- c) amend schedule 1 to remove paragraph 5 (on notice for visits) and alter the time period in paragraph 13 for submitting a claim for fees for general ophthalmic services (regulation 12).

Regulation 13 makes savings provision in relation to the amendments made by regulations 3 to 6. The increases to the voucher values in the 1998 Regulations do not apply to vouchers accepted or used before these Regulations come into force.

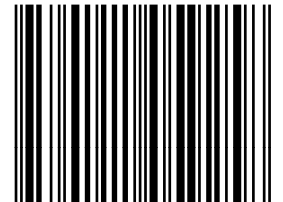
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