
STATUTORY INSTRUMENTS

1985 No. 355 (S. 38)

NATIONAL HEALTH SERVICE, SCOTLAND

**The National Health Service (General Ophthalmic Services)
(Scotland) Amendment Regulations 1985**

<i>Made - - - -</i>	<i>7th March 1985</i>
<i>Laid before Parliament</i>	<i>11th March 1985</i>
<i>Coming into Operation</i>	<i>1st April 1985</i>

In exercise of the powers conferred upon me by sections 26, 70(1) and 108(1) of, and paragraphs 2(1) and (2) and 5 of Schedule 11 to, the National Health Service (Scotland) Act 1978(a), and section 28(1) of the Health and Social Security Act 1984(b), and of all other powers enabling me in that behalf, I hereby make the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 1985 and shall come into operation on 1st April 1985.

(2) In these regulations—

“the Charges Regulations” means the National Health Service (Dental and Optical Charges) (Scotland) Regulations 1979 (c) ;

“the principal regulations” means the National Health Service (General Ophthalmic Services) (Scotland) Regulations 1974 (d) ;

“the Remission Regulations” means the National Health Service (Remission of Charges) (Scotland) Regulations 1974 (e) .

Amendment of the principal regulations

2.—(1) In regulation 2(1) of the principal regulations (interpretation) after the definition of “patient” there shall be inserted the following definitions:—

“ “prescription” means a prescription for an optical appliance in the form prescribed in the Statement, and given by an ophthalmic medical practitioner or an ophthalmic optician pursuant to paragraph 3(3) in either Part II or Part III of the terms of service;

“qualifying full-time education” has the meaning assigned to it in Schedule 11, paragraph 7 to the National Health Service (Scotland) Act 1978 (f) ;”.

(a) 1978 c.29; Schedule 11, paragraph 2(1) was amended by the Health Services Act 1980 (c.53), Schedule 5, paragraph 6(2).

(b) 1984 c.48.

(c) S.I. 1979/705; relevant amending instruments are S.I. 1982/333, 1984/293.

(d) S.I. 1974/507; relevant amending instruments are S.I. 1975/789, 1976/1825, 1981/360.

(e) S.I. 1974/1440.

(f) Schedule 11, paragraph 7 was inserted by Schedule 5, paragraph 8 to the Health Services Act 1980.

“Remission Regulations” means the National Health Service (Remission of Charges) (Scotland) Regulations 1974 (a);”.

(2) In regulation 10(1) of the principal regulations (the Statement), after subparagraph (e) there shall be inserted the following subparagraph:—

“(ee) the types and colours of frames for the purposes of paragraph 2(1A) (b) in each of Parts III and IV of the terms of service;”.

3. Regulation 14 of the principal regulations (supply of appliances) shall be deleted and the following regulation substituted:—

“Transitional provisions for the supply of appliances

14.—(1) A person to whom this regulation applies and to whom a prescription has been issued may, within 12 months after the date of that prescription—

- (a) present it to any optician whose name appears on the ophthalmic list; and
- (b) apply, in terms of regulation 15A, to him to supply under the general ophthalmic services an optical appliance in accordance with that prescription,

and in this regulation a prescription presented in such circumstances is referred to as “the relevant prescription”.

(2) Such a person may request that optician to supply—

- (a) an appliance of a more expensive type than the type prescribed in the Statement, as provided for in section 73 of the National Health Service (Scotland) Act 1978;
- (b) under the general ophthalmic services lenses to be fitted to a surrounding protective frame not supplied under such services.

(3) Subject to regulation 15A, this regulation applies to any person—

- (a) who, at the time of the testing of sight leading to the relevant prescription, or the first such testing of sight, was under 16 years of age or was under 19 years of age and receiving qualifying full-time education;

or

- (b) who is entitled to remission of any optical charges by virtue of the Remission Regulations;

or

- (c) in respect of whom the relevant prescription is for an optical appliance at least one lens of which—

- (i) has a power in any one meridian of plus or minus 10 or more dioptries,

or

- (ii) is a lenticular lens.”.

(a) S.I. 1974/1440.

(b) Paragraph 2(1A) is inserted in each case by regulation 10(1) of these regulations.

4. Regulation 15 of the principal regulations (replacement or repair) shall be deleted and the following regulation substituted:—

“Transitional provisions for replacement or repair

15.—(1) Where a person to whom this regulation applies—

- (a) requires the replacement of an optical appliance, which was supplied under the National Health Service (Scotland) Act 1978 because his previous such appliance is lost or broken beyond economic repair; or
- (b) requires the repair of an optical appliance which was supplied under the National Health Service (Scotland) Act 1978,

he may, in terms of regulation 15A, apply to any optician whose name appears on the ophthalmic list to supply a replacement optical appliance or, as the case may be, to repair the optical appliance in question under the general ophthalmic services; and in this regulation an application made in such circumstances is referred to as “the application”, and “applicant” shall be construed accordingly.

(2) Before undertaking that replacement or repair, the optician—

- (a) in the case of an applicant under 16 years of age whose sight was last tested more than 12 months before the date of the application, shall require him to have a sight test;
- (b) in the case of any other applicant, may require him to have a sight test.

(3) Subject to regulation 15A, this regulation applies to any person—

- (a) who is under 16 years of age, or is under 19 years of age and receiving qualifying full-time education;
- or
- (b) who is entitled to remission of any optical charges by virtue of the Remission Regulations;
- or
- (c) at least one lens of whose optical appliance in question was, or is, a lens mentioned in regulation 14(3)(c), and who produces that appliance or the prescription relating to that appliance,

and who, in any case, certifies, on the form referred to in regulation 15A, that the optical appliance in question is lost or in need of repair.”

5. After regulation 15 of the principal regulations there shall be inserted the following regulation:—

“Application for supply or replacement or repair under regulation 14 or 15

15A.—(1) A person, or, in a case to which regulation 20 applies, the person authorised to make the application, shall make an application for supply under regulation 14, or for repair or replacement under regulation 15, in accordance with the appropriate form for such application as prescribed in the Statement, and in this regulation referred to as “the form”.

(2) In the case of—

- (a) a child or other person referred to in regulation 14(3)(a) or, as the case may be, regulation 15(3)(a)—

- (i) the date of birth of that child or other person shall be entered on the form; and
- (ii) where that person is aged 16 years or more, that person shall declare in writing on the form that he was, at the relevant time, receiving qualifying full-time education;
- (b) a person who satisfies one of the conditions in regulation 4(a) or (b) or (c) of the Remission Regulations (a member of a family entitled to family income supplement or welfare food or a person who is exempted from charges for drugs and appliances) or who or whose partner is entitled to supplementary benefit, shall declare in writing on the form that he is such a person;
- (c) a replacement or repair urgently required, a person may declare on the form that to the best of his knowledge and belief he is a person in respect of whom any optical charges are remitted under the Remission Regulations;

and in a case to which subparagraph (b) or (c) applies, that person shall undertake in writing on the form that if he is unable to show that he is a person mentioned in that subparagraph he will pay the full charge for that supply or, as the case may be, that replacement or repair specified in the Statement.

(3) In any case other than one falling within paragraph 2, an optician shall not accept a prescription for supply under regulation 14 or undertake repair or replacement under regulation 15 in respect of any person unless he is satisfied that the person is a person to whom that regulation applies.”.

6. Regulation 16 of the principal regulations (charges for replacement or repair) shall be deleted and the following regulation substituted:—

“Charges for replacement or repair

16.—(1) Subject to the provisions of paragraph (2), a patient, not being a person under 16 years of age, or under 19 years of age and receiving qualifying full-time education, who requires the replacement or repair under the general ophthalmic services of the whole or part of an optical appliance shall be liable to pay the charges in respect thereof for which provision is made in the Statement.

(2) A patient who is entitled to remission of any charges by virtue of the Remission Regulations may on the appropriate form submit a claim to the Committee that such replacement or repair was not necessitated by an act or omission of his and that he is not liable to pay any such charge. The Committee shall consider such claim and any further particulars which the patient may, at the Committee’s request, give orally or in writing, and shall notify in writing the patient and the optician of their decision on such claim.”.

7. Regulation 18 of the principal regulations (exemptions) shall be deleted.

8. In Schedule 1 to the principal regulations (which is concerned with terms of service)—

- (a) in paragraph 3(2)(b) in each of Parts II and III for the words “outside the scope of the” there shall be substituted the words “of a type not available under”;

- (b) paragraphs 3(3) and (4) of Part II shall be deleted and the following subparagraphs substituted:—

“(3) Where an ophthalmic medical practitioner is of the opinion that a patient whose sight he has tested in accordance with subparagraph (1) requires or continues to require any optical appliance, he shall immediately after completion of the examination and consultation of his records, if any, relating to that patient—

(a) in every case issue to that patient a prescription for the supply of that optical appliance; and

(b) where that prescription is for an optical appliance which is of the same prescription as the patient’s existing optical appliance, shall so inform the patient.

(4) Any prescription shall be completed by the method recommended in Appendix A to British Standard 3521: 1962, being the British Standard of that number published by the British Standards Institution as effective immediately before the day on which this subparagraph comes into force.”;

- (c) paragraphs 3(3) and (4) of Part III shall be deleted and the following subparagraphs substituted:—

“(3) Where an ophthalmic optician is of the opinion that a patient whose sight he has tested in accordance with subparagraph (1) requires or continues to require any optical appliance, he shall, immediately after completion of the examination and consultation of his records, if any, relating to that patient—

(a) in every case issue to that patient a prescription for the supply of that optical appliance; and

(b) where that prescription is for an optical appliance which is of the same prescription as the patient’s existing optical appliance, shall so inform the patient.

(4) Any prescription shall be completed by the method recommended in Appendix A to British Standard 3521: 1962, being the British Standard of that number published by the British Standards Institution as effective immediately before the day on which this subparagraph comes into force.”.

9. In Schedule 1 to the principal regulations—

- (a) after the proviso to paragraph 5(3) of Part II there shall be inserted the following subparagraph:—

“(4) An ophthalmic medical practitioner shall not demand or accept from the Board the payment of any fee or remuneration in respect of any item of service—

(a) which has not been provided under the general ophthalmic services; or

(b) for which a claim has already been submitted to the Board.”;

- (b) after the proviso to paragraph 6(3) of Part III there shall be inserted the following subparagraph:—

“(4) An ophthalmic optician shall not demand or accept from the Board the payment of any fee or remuneration in respect of any item of service—

- (a) which has not been provided under the general ophthalmic services or;
- (b) for which a claim has already been submitted to the Board.”;
- (c) after the proviso to paragraph 5(3) of Part IV there shall be inserted the following subparagraph:—

“(4) A dispensing optician shall not demand or accept from the Board the payment of any fee or remuneration in respect of any item of service—

- (a) which has not been provided under the general ophthalmic services; or
- (b) for which a claim has already been submitted to the Board.”.

10.—(1) In Schedule 1 to the principal regulations—

- (a) after paragraph 2(1) of Part III there shall be inserted the following subparagraph:—

“(1A) An ophthalmic optician who displays frames supplied otherwise than under the general ophthalmic services at an address which appears in any ophthalmic list shall display in a similar manner at that address the types and colours of frames specified in the Statement for the purposes of this subparagraph.”;

- (b) after paragraph 2(1) of Part IV there shall be inserted the following subparagraph:—

“(1A) A dispensing optician who displays frames supplied otherwise than under the general ophthalmic services at an address which appears in any ophthalmic list shall display in a similar manner at that address the types and colours of frames specified in the Statement for the purposes of this subparagraph.”.

(2) In Schedule 1 to the principal regulation—

- (a) in each of paragraphs 4(1) of Part III and 3(1) of Part IV there shall be inserted at the end the words “and shall also satisfy himself, by making such enquiries as he considers appropriate, that the patient does not have a serviceable optical appliance of a type supplied under the general ophthalmic services, which is in accordance with the requirements of that prescription.”;

- (b) paragraph 4(2) of Part III shall be deleted and the following subparagraph substituted:—

“(2) If the ophthalmic optician is so satisfied and accepts the prescription for dispensing under the general ophthalmic services, he shall—

- (a) if the range of frames available under the general ophthalmic services is not already on display pursuant to paragraph 2(1A), show the patient the range of frames available under such services which is appropriate to his requirements;
- (b) supply an optical appliance in accordance with the prescription, and in so doing exercise proper care and attention, and proceed with reasonable expedition.”;

- (c) paragraph 3(2) of Part IV shall be deleted and the following subparagraph substituted:—

“(2) If the dispensing optician is so satisfied and accepts the

prescription for dispensing under the general ophthalmic services, he shall—

- (a) if the range of frames available under the general ophthalmic services is not already on display pursuant to paragraph 2(1A), show the patient the range of frames available under such services which is appropriate to his requirements;
- (b) supply an optical appliance in accordance with the prescription, and in so doing exercise proper care and attention, and proceed with reasonable expedition.”.

(3) In Schedule 1 to the principal regulations paragraph 7 of Part III and paragraph 6 of Part IV shall be deleted.

Amendment of the Charges Regulations

11.—(1) In regulation 9 of the Charges Regulations (charges for lenses)—

(a) for paragraph (1) there shall be substituted the following paragraph:—

“(1) Subject to paragraphs (2) and (3), the amount of the charge in respect of the supply of any lens (not forming part of children’s glasses) (a) described in column (1) of Schedule 2 shall be the amount set out in column (2) of that Schedule.”;

(b) paragraph (4) shall be deleted.

(2) For Schedule 2 to the Charges Regulations there shall be substituted the following Schedule:—

“SCHEDULE 2		Regulation 9
OPTICAL APPLIANCES		
Column (1)		Column (2)
<i>Description of lens</i>		<i>Charge</i> £
Complex single vision lens		14.50
Other single vision lens		6.25
Complex bifocal lens		25.00
Other bifocal lens		14.00
Lens of any other description for supply only other than under general ophthalmic services		25.00

In this Schedule—

- (a) “complex lens” means a lens which has a power in any one meridian of plus or minus 10 or more dioptries,
- (b) “single vision lens” and “bifocal lens” whether or not a complex lens, includes a lens in lenticular form.”.

Amendment of the Remission Regulations

12. After regulation 8(4) of the Remission Regulations (repayments), there shall be inserted the following paragraph:—

“(5) Where a claimant has entered into a transaction for supply, replacement or repair of an optical appliance otherwise than under the National Health Service (Scotland) Act 1978, at a time when, had that

(a) See Schedule 11, paragraph 2(1) to the National Health Service (Scotland) Act 1978.

supply, replacement or repair been under the general ophthalmic services, he would have been a person to whom regulation 14 or, as the case may be, regulation 15 of the National Health Service (General Ophthalmic Services) (Scotland) Regulations 1974 would have applied by virtue of regulation 3 of these Regulations he may, within six months of that time claim, and if satisfied the Health Board shall pay to him, an amount not exceeding the amount of exemption or remission for which regulation 3 would have provided or an amount equal to the cost to the patient of the transaction, whichever is the less; and paragraphs (3) and (4) shall apply to such payments as they apply to the repayment of a charge.”.

Application

13.—(1) Where any person has, before 1st April 1985, applied to an optician for the supply, replacement or repair of an optical appliance, regulation 14 or, as the case may be, regulation 15 of the principal regulations as in force immediately before that date shall continue to apply to that transaction notwithstanding the provisions of these regulations.

(2) Where a person to whom regulation 14 of the principal regulations, as substituted by regulation 3 of these regulations, applies presents to an optician a prescription issued before 1st April 1985 then, provided that the prescription is presented within twelve months of its date of issue, that regulation shall apply to him notwithstanding that the prescription is not a prescription within the meaning of regulation 2(1) of the principal regulations as amended by these regulations.

(3) Regulation 12 shall apply in relation to the supply of an optical appliance only where the presentation of the prescription leading to that supply takes place after 31st March 1985.

George Younger,
One of Her Majesty's Principal
Secretaries of State.

New St Andrew's House,
Edinburgh.
7th March 1985.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the National Health Service (General Ophthalmic Services) (Scotland) Regulations 1974 (“the principal regulations”), the National Health Service (Dental and Optical Charges) (Scotland) Regulations 1979 (“the Charges Regulations”) and the National Health Service (Remission of Charges) (Scotland) Regulations 1974 (“the Remission

Regulations”), in particular so as to make provision for general ophthalmic services under the National Health Service (Scotland) Act 1978 (“the Act”) until the coming wholly into force of the amendments made to the Act by the Health and Social Security Act 1984.

Regulations 3–6 amend the principal regulations so as to provide that optical appliances may be supplied under general ophthalmic services on presentation of a prescription form, given after a sight test under those services, or replaced or repaired under those services only to or for children or 16–18 year olds in qualifying education, persons to whom charges under the Act are remitted in whole or in part on grounds of low income and persons who require certain complex lenses. Provision is made for the waiver of charges for persons who are so exempted where the need for replacement or repair was through no fault of the patient.

The terms of service for opticians set out in Schedule 1 to the principal regulations are amended by regulation 8 so as to require an ophthalmic medical practitioner or ophthalmic optician to issue, after a sight test under general ophthalmic services, a prescription for any optical appliance which is needed. The prescription is to be completed by the method recommended in British Standard 3521: 1962 (glossary of terms relating to ophthalmic lenses and spectacle frames) published by the British Standards Institution. Further amendments to the terms of services are made by regulations 9 and 10 to exclude claims for services for which a claim has been made and for services not provided under general ophthalmic services, to require opticians to display the range of frames available under general ophthalmic services, or to show that range to patients, and to remove the condition that opticians cannot advertise.

Regulation 11 amends the Charges Regulations so as to replace the previous structure by five categories of charges according to whether the lens is single or bifocal, simple or complex, except for a lens of any other description supplied under the Act otherwise than under general ophthalmic services. The provision of a maximum amount to be charged for any lens is removed.

Regulation 12 amends the Remission Regulations so as to provide for payment to persons who have entered into a private transaction for supply, replacement or repair when they would have been exempted from optical charges and entitled to supply, or replacement or repair, as the case may be, under general ophthalmic services.

Regulation 13 makes provision for the application of the regulations.

Copies of British Standard 3521 mentioned in the regulations may be obtained from any of the sales outlets operated by that Institution or direct by post from them at Linford Woods, Milton Keynes MK14 6LE.

SI 1985/355
ISBN 0-11-056355-7

