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SCOTTISH STATUTORY INSTRUMENTS

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**2022 No. 169**

**NATIONAL HEALTH SERVICE**

**The National Health Service (Optical Charges  
and Payments and General Ophthalmic Services)  
(Scotland) Amendment Regulations 2022**

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|--|---------|----------------------|
| <i>Made</i>                                    | - - - - | <i>18th May 2022</i> |
| <i>Laid before the Scottish<br/>Parliament</i> | - - - - | <i>20th May 2022</i> |
| <i>Coming into force</i>                       | - -     | <i>1st July 2022</i> |

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 26, 28A(4), 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(1) 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 2022 and come into force on 1 July 2022.

(2) In these Regulations, “the 1998 Regulations” means the National Health Service (Optical Charges and Payments) (Scotland) Regulations 1998(2).

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- (1) 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 28A was inserted by section 57 of the Health Act 1999 (c. 8) (“the 1999 Act”) and amended by paragraph 1(9) of schedule 1 of the Primary Medical Services (Scotland) Act 2004 (asp 1). 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 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 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.
- (2) S.I. 1998/642, relevantly amended by S.S.I. 2004/168 and S.S.I. 2016/127.

## **Amendment of the National Health Service (Optical Charges and Payments) (Scotland) Regulations 1998**

2. The 1998 Regulations are amended in accordance with regulations 3 to 7.

3. In regulation 1(2) (citation, commencement and interpretation) after the definition of “notice of entitlement” insert—

““ophthalmic medical practitioner” has the same meaning as in the Ophthalmic Services Regulations”.

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

(a) in paragraph (1)(b) for “£57.00” substitute “£58.15”,

(b) in paragraph (3)(a) for “£14.80” substitute “£15.10”,

(c) in paragraph (3)(b) for “£64.20” substitute “£65.50”.

5. In schedule 1 (voucher letter codes and face values supply and replacement) in column 3 (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<br/>Old amount</i> | <i>Column 2<br/>New amount</i> |
|--------------------------------|--------------------------------|
| £39.10                         | £39.90                         |
| £59.30                         | £60.50                         |
| £86.90                         | £88.60                         |
| £196.00                        | £199.90                        |
| £67.50                         | £68.80                         |
| £85.60                         | £87.30                         |
| £111.20                        | £113.40                        |
| £215.50                        | £219.80                        |
| £200.80                        | £204.80                        |
| £57.00                         | £58.15                         |

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

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

(a) in paragraph 1(1)(a) for “£12.60” substitute “£12.85”,

(b) in paragraph 1(1)(b) for “£15.40” substitute “15.70”,

(c) in paragraph 1(1)(c) for “£4.40” substitute “£4.50”,

(d) in paragraph 1(1)(d) for “£4.90” substitute “£5.00”,

(e) in paragraph 1(1)(e)—

(i) in sub-head (i) for “£64.20” substitute “£65.50”,

(ii) in sub-head (ii) for “£57.00” substitute “£58.15”,

(iii) in sub-head (iii) for “£30.80” substitute “£31.40”,

(f) in paragraph 1(1)(g)—

- (i) after “hospital eye service),” insert “by an ophthalmic medical practitioner, or by an optician,”
- (ii) after “certified by the Health Board” insert “, the ophthalmic medical practitioner, or the optician”,
- (iii) for “£64.20”, “£57.00” and “£30.80” substitute “£65.50”, “£58.15” and “£31.40” respectively,
- (g) in paragraph 2(a) for “£14.60” substitute “£14.90”,
- (h) in paragraph 2(b) for “£37.40” substitute “£38.15”.

### **Amendment of the National Health Service (General Ophthalmic Services) (Scotland) Regulations 2006**

**8.** The National Health Service (General Ophthalmic Services) (Scotland) Regulations 2006(3) are amended in accordance with regulations 9 to 14.

**9.** In regulation 2(1) (interpretation)—

(a) in the definition of “mobile practice”—

(i) after “services” insert “for a patient who is”,

(ii) after “centre or” insert “for a patient who is”,

(b) after the definition of “optometrist” insert—

““optometrist independent prescriber” means an optometrist who is a person against whose name is recorded in the register an annotation signifying that the person is qualified to order drugs, medicines and appliances”,

(c) in the definition of “practice premises” after “at” insert “or from”,

(d) after the definition of “relevant service in the armed forces” insert—

““remote facilities” means any equipment or facility which—

(a) enables persons who are not in the same place to provide and receive general ophthalmic services, and

(b) enables those persons to speak to and be heard by each other (whether or not it enables those persons to see and be seen by each other).”.

**10.** In regulation 6(3) (ophthalmic list)—

(a) in sub-paragraph (b) after “at” insert “or from”,

(b) in sub-paragraph (c) after “at” insert “or from”,

(c) in sub-paragraph (d) after “at” insert “or from”,

(d) in sub-paragraph (e) after “at” in the second place where it occurs insert “or from”.

**11.** In regulation 17(1)(b) (the statement) for “education and training” substitute “professional development”.

**12.** In regulation 22(2) (application for an eye examination) after “form and” insert “, where the eye examination is to be carried out at any of a practice premises, day centre, residential centre or place where the applicant normally resides,”.

**13.** In regulation 23(1) (application on behalf of children or incapable persons) after “and” insert “, where the eye examination is to be carried out at any of a practice premises, day centre, residential centre or place where the applicant normally resides,”.

**14.** In schedule 1 (terms of service)—

- (a) in paragraph 2(f) (incorporation of provisions) after “Injury” insert “or Disease”,
- (b) in paragraph 3A (mandatory training)—
  - (i) in sub-paragraph (1)—
    - (aa) in head (a) after “undertake” insert “and satisfactorily complete”, and
    - (bb) head (b) with the “and” immediately preceding it, is omitted,
  - (ii) after sub-paragraph (2) insert—

“(3) Where an ophthalmic medical practitioner or optician is first included in the Ophthalmic List of any Board after 31st October in any relevant period, the requirement in paragraph (1) does not apply to that ophthalmic medical practitioner or optician for that relevant period.”
- (c) in paragraph 4 (premises at which general ophthalmic services are to be provided)—
  - (i) after sub-paragraph (1) insert—

“(1A) A contractor described in sub-paragraph (1) may, from time to time, provide general ophthalmic services or cause such services to be provided from the practice premises using remote facilities.”,
  - (ii) after sub-paragraph (2) insert—

“(2A) An ophthalmic medical practitioner or optician described in sub-paragraph (2) may, from time to time, provide general ophthalmic services or assist in the provision of general ophthalmic services using remote facilities.”,
- (d) in paragraph 6 (premises and equipment)—
  - (i) in sub-paragraph (1) after “at” insert “or from”,
  - (ii) in sub-paragraph (2)—
    - (aa) after “services” in the first place where it occurs insert “for a patient who is”,
    - (bb) after “or” insert “for a patient who is”,
- (e) in paragraph 14(4)(i) (eye examinations) for the words “either to” substitute “to any of an optometrist independent prescriber, another ophthalmic medical practitioner,”.

**Application of regulations 4 to 7**

**15.** The amendments made by regulations 4 to 7 apply only in relation to a voucher accepted pursuant to regulation 12 of the 1998 Regulations or used pursuant to regulation 17 of the 1998 Regulations after these Regulations come into force.

St Andrew’s House,  
Edinburgh  
18th May 2022

*MAREE TODD*  
Authorised to sign by the Scottish Ministers

## SCHEDULE

Regulation 6

## “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             | 12.40                      | 22.70    | 36.75    | 92.40    | 26.85    | 36.10    | 49.15    | 102.35   | 94.85    |
| Repair or replacement of two lenses           | 24.80                      | 45.40    | 73.50    | 184.80   | 53.70    | 72.20    | 98.30    | 204.70   | 189.70   |
| Repair or replacement of the front of a frame | 12.70                      | 12.70    | 12.70    | 12.70    | 12.70    | 12.70    | 12.70    | 12.70    | 12.70    |
| Repair or replacement of a side of a frame    | 7.50                       | 7.50     | 7.50     | 7.50     | 7.50     | 7.50     | 7.50     | 7.50     | 7.50     |
| Repair or replacement of the whole frame      | 15.10                      | 15.10    | 15.10    | 15.10    | 15.10    | 15.10    | 15.10    | 15.10    | 15.10”   |

**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”) which provide for 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 small glasses and special frames (regulation 4),
- (b) increase the value of vouchers issued towards the cost of supply and replacement of optical appliances (regulation 5),

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

- (c) increase the value of vouchers issued towards the cost of repair of optical appliances (regulation 6), and
- (d) increase the additional values for vouchers for prisms, tints, photochromic lenses and special categories of appliances (regulation 7).

These Regulations amend the 2006 Regulations to—

- (a) make provision for general ophthalmic services to be provided remotely (regulations 9(a), (c) and (d), 10, 12, 13 and 14(c) and (d)),
- (b) change the description of training for which allowances will be paid (regulation 11),
- (c) alter requirements in relation to mandatory training (regulation 14(b)),
- (d) make provision for referral to an optometrist independent prescriber or ophthalmic medical practitioner (regulations 9(b) and 14(e)), and
- (e) clarify a reference to General Optical Council Rules (regulation 14(a)).

Regulation 15 provides that the increases to the voucher values in the 1998 Regulations apply only in relation to vouchers accepted or used after these Regulations come into force.