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STATUTORY INSTRUMENTS

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**1991 No. 534 (S. 43)**

**NATIONAL HEALTH SERVICE, SCOTLAND**

**The National Health Service (Optical Charges and Payments)  
(Miscellaneous Amendments) (Scotland) Regulations 1991**

<i>Made</i>	- - - -	<i>7th March 1991</i>
<i>Laid before Parliament</i>		<i>11th March 1991</i>
<i>Coming into force</i>	- -	<i>1st April 1991</i>

The Secretary of State, in exercise of powers conferred on him by sections 26(1), (1C), (1E) and (2), 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) (Miscellaneous Amendments) (Scotland) Regulations 1991 and shall come into force on 1st April 1991.

(2) In these Regulations, “the principal Regulations” means the National Health Service (Optical Charges and Payments) (Scotland) Regulations 1989(2).

**Amendment of regulation I of the principal Regulations**

2. In regulation 1(2) of the principal Regulations (interpretation)—

(a) in the definition of “complex appliance”—

(i) in sub-paragraph (b) for “lens;” there is substituted “lens, or”; and

(ii) after sub-paragraph (b) there is added the following sub-paragraph:—

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- (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.

- “(c) is a prism-controlled bifocal lens;”;
- (b) for the definition of “responsible Board” there is substituted the following definition:—
- ““responsible authority” means—
- (a) in relation to a voucher completed pursuant to regulation 4, the Health Board for the area in which the testing of sight to which it relates takes place;
  - (b) in relation to a voucher issued pursuant to regulation 9 or regulation 10 or completed pursuant to regulation 17, the Health Board for the area in which the supply, replacement or repair of the optical appliance to which it relates takes or is to take place;
  - (c) in relation to a voucher issued pursuant to regulation 11 or completed pursuant to regulation 17 by a Health Board, the Health Board which issues or completes it;
  - (d) in relation to a voucher issued pursuant to regulation 11 or completed pursuant to regulation 17 by an NHS trust<sup>(3)</sup>, the Health Board in whose area the patient resides;”;
- and
- (c) in the definition of “voucher”, in sub-paragraph (b) after the words “Health Board” in each place where they occur in heads (i) and (ii) there are inserted the words “or NHS trust”.

#### **Amendment of regulation 2 of the principal Regulations**

3. In regulation 2(2) of the principal Regulations (charges for glasses and contact lenses) after the words “Health Board” there are inserted the words “or NHS trust”.

#### **Amendment of regulation 3 of the principal Regulations**

4. In regulation 3(1) of the principal Regulations (eligibility – sight tests) for the word “Board” there is substituted the word “authority”.

#### **Amendment of regulation 5 of the principal Regulations**

5. In regulation 5 of the principal Regulations (payments to sight testers) there is substituted for the word “Board” in each place where it occurs the word “authority”.

#### **Amendment of regulation 6 of the principal Regulation**

6. In regulation 6 of the principal Regulation (payments to patients in respect of sight tests) for the word “Board” in each place where it occurs there is substituted the word “authority”.

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

7. In regulation 8(5) of the principal Regulations (eligibility supply of optical appliances) after the words “Health Board” in both places where they occur there are inserted the words “or NHS Trust”.

#### **Amendment of regulation 10 of the principal Regulations**

8. In regulation 10(3) of the principal Regulations (issue of vouchers by Health Boards) for the word “Board” there is substituted the word “authority”.

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(3) See for the definition of “NHS trust” section 108(1) of the National Health Service (Scotland) Act 1978 (c. 29), as amended by the National Health Service and Community Care Act 1990 (c. 19), Schedule 9, paragraph 19(22)(c).

#### **Amendment of regulation 11 of the principal Regulations**

9. In regulation 11 of the principal Regulations (issue of vouchers by Health Boards in connection with the hospital eye service) after the words “Health Board” in each place where they occur there are inserted the words “or NHS trust”.

#### **Amendment of regulation 12 of the principal Regulations**

10. In regulation 12(4)(b) of the principal Regulations (use of vouchers for the supply of optical appliances) for the word “Board” there is substituted the word “authority”.

#### **Amendment of regulation 13 of the principal Regulations**

11. In regulation 13 of the principal Regulations (payments to suppliers)—
- (a) in paragraph (1) for the words “Health Board” there are substituted the words “responsible authority”;
  - (b) in paragraph (2) for the word “Board” in each place where it occurs there is substituted the word “authority”.

#### **Amendment of regulation 14 of the principal Regulations**

12. In regulation 14 of the principal Regulations (payments to patients in Health Board cases)—
- (a) in paragraph (1) after the words “Health Board” there are inserted the words “or NHS trust”; and
  - (b) in paragraph (2) and (3) for the word “Board” in each place where it occurs there is inserted the word “authority”.

#### **Amendment of regulation 16 of the principal Regulations**

13. In regulation 16 of the principal Regulations (eligibility—replacement or repair) for the word “Board” in each place where it occurs there is substituted the word “authority”.

#### **Amendment of regulation 17 of the principal Regulations**

14. In regulation 17 of the principal Regulations (completion of vouchers) for the word “Board” in each place where it occurs there is substituted the word “authority”.

#### **Amendment of regulation 19 of the principal Regulations**

15. In regulation 19 of the principal Regulations (payments to suppliers – replacement or repair) for the word “Board” in each place where it occurs there is substituted “authority”.

#### **Amendment of regulation 20 of the principal Regulations**

16. In regulation 20 of the principal Regulations (redemption value of voucher – replacement or repair)—
- (a) in paragraph (1)(b) for “£28.85” there is substituted “£32.15”;
  - (b) in paragraph (3)(i) for “£7.70” there is substituted “£8.20”; and
  - (c) in paragraph (3)(ii) for “£34.50” there is substituted “£35.30”.

### **Amendment of regulation 21 of the principal Regulations**

17. In regulation 21 of the principal Regulations (amounts wrongly paid) for the word “Board” in each place where it occurs there is substituted the word “authority”.

### **Amendment of Schedules to the principal Regulations**

18.—(1) In Schedule 1 to the principal Regulations (voucher letter codes and face values) in column 1 (type of optical appliance)—

- (a) in paragraph 3—
  - (i) in sub-paragraph (b) for the words “exceeding 10 dioptres” there are substituted the words “of 10 or more dioptres”; and
  - (ii) in sub-paragraph (c) for the words “not exceeding 10 dioptres” there are substituted the words “of less than 10 dioptres”; and
- (b) in paragraph 6—
  - (i) for the words “prism segment bifocal lenses” there are substituted the words “prism-controlled bifocal lenses”;
  - (ii) in sub-paragraph (b) for the words “exceeding 10 dioptres” there are substituted the words “of 10 or more dioptres”; and
  - (iii) in sub-paragraph (c) for the words “not exceeding 10 dioptres” there are substituted the words “of less than 10 dioptres”; and
- (c) in paragraphs 7 and 8 after the words “Health Board” there are inserted the words “or NHS trust”.

(2) In Schedule 1 to the principal Regulations in column 3 (face value of voucher) for each amount specified in column 1 of the Table below (old amount) there is substituted the amount specified in relation to it in column 2 of that Table (new amount).

TABLE

Column 1 Old amount	Column 2 New amount
£18.00	£19.30
£28.75	£30.50
£47.00	£48.00
£34.75	£37.00
£59.75	£61.00
£100.00 (in both places where it appears)	£102.00
£28.85	£32.15

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

(4) 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 “£4.00” there is substituted “£4.10”;
- (b) in paragraph 1(1)(b) (other lens with prism) for “£5.00” there is substituted “£5.10”;

- (c) in paragraph 1(1)(c) (single vision tinted lens) for “£2.00” there is substituted “£2.05”;
- (d) in paragraph 1(1)(d) (other tinted lens) for “£2.50” there is substituted “£2.55”;
- (e) in paragraph 1(1)(e) (small glasses)—
  - (i) for “£34.50” there is substituted “£35.20”;
  - (ii) for “£30.70” there is substituted “£31.30”; and
  - (iii) for “£16.60” there is substituted “£16.90”;
- (f) in paragraph 1(1)(f) (photochromic lenses)—
  - (i) after the word “Board” there are inserted the words “or NHS trust”; and
  - (ii) for “£2.00” there is substituted “£2.05” and for “£2.50” there is substituted “£2.55”;
- (g) in paragraph 1(1)(g) (specially manufactured frames)—
  - (i) after the word “Board” in both places where it occurs there are inserted the words “or NHS trust”; and
  - (ii) for “£34.50” there is substituted “£35.20”;
- (h) in paragraph 2(a) (minimum complex appliance payment – single vision lens) for “£3.50” there is substituted “£3.60”; and
- (i) in paragraph 2(b) (minimum complex appliance payment other lenses) for “£18.75” there is substituted “£19.25”.

#### **Amendment of the National Health Service (General Ophthalmic Services) (Scotland) Regulations 1986**

**19.** In regulation 2(1) of the National Health Service (General Ophthalmic Services) (Scotland) Regulations 1986(4) in the definition of “complex appliance”—

- (a) in sub-paragraph (ii) for “lens;” there is substituted “lens, or”;
- (b) after sub-paragraph (ii) there is added the following sub-paragraph:—
  - “(iii) is a prism-controlled bifocal lens;”.

#### **Amendment of the National Health Service (Charges for Appliances) (Scotland) Regulations 1974**

**20.**—(1) The National Health Service (Charges for Appliances) (Scotland) Regulations 1974(5) shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 5 after the word “Board” in each place where it occurs there are inserted the words “or NHS trust”.

(3) In regulation 6—

- (a) in paragraph (1)—
  - (i) for the words “Secretary of State or a Board” there are substituted the words “Secretary of State, an NHS trust or a Board”;
  - (ii) for the words “Secretary of State or the Board” in both places where they occur there are substituted the words “Secretary of State, the NHS trust or the Board”;
  - (iii) in sub-paragraph (b), for the words from “a Board” where they first occur to the word “appliances”, there are substituted the words “an NHS trust or a Board (or otherwise

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(4) [S.I. 1986/965](#); relevant amending instrument is [S.I. 1989/387](#).

(5) [S.I. 1974/1910](#); relevant amending instrument is [S.I. 1989/363](#).

than by a Board by virtue of arrangements made by a Board for the provision of such appliances), the NHS trust or”;

- (b) in paragraph (2) after the word “Where” there shall be substituted the words “an NHS trust or”; and
- (c) in paragraph (4) before the words “the Board” in both places where they occur there are inserted the words “the NHS trust or”.

### **Application of these Regulations**

**21.** The amendments made by regulations 16 and 18(2), (3) and (4) of, and the Schedule to, these Regulations apply only in relation to a voucher—

- (a) accepted or used on or after 1st April 1991 pursuant to regulation 12 or regulation 18 of the principal Regulations; or
- (b) sent to a Health Board or NHS trust pursuant to regulation 14(2)(e) of the principal Regulations in respect of cost incurred on or after that date.

St. Andrew’s House,  
Edinburgh  
7th March 1991

*Michael B. Forsyth*  
Minister of State Scottish Office

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SCHEDULE

Regulation 18(3)

SCHEDULE 2 TO THE PRINCIPAL REGULATIONS  
AS SUBSTITUTED BY THESE REGULATIONS

“SCHEDULE 2

Regulation 20(2) and (3)

VOUCHER VALUES — REPAIR

Column 1 Nature of repair to appliance	Column 2 Letter codes — Values					
	A £	B £	C £	D £	E £	F & G £
Repair or replacement of one lens	5.55	11.15	19.90	14.40	26.40	46.90
Repair or replacement of two lenses	11.10	22.30	39.80	28.80	52.80	93.80
Repair or replacement of—	7.30	7.30	7.30	7.30	7.30	7.30
the front of a frame						
a side of a frame	4.00	4.00	4.00	4.00	4.00	4.00
the whole frame	8.20	8.20	8.20	8.20	8.20	8.20
Maximum	19.30	30.50	48.00	37.00	61.00	102.00”

**EXPLANATORY NOTE**

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

These Regulations 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

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a voucher system, in respect of costs incurred by certain categories of persons in connection with the supply and replacement of optical appliances, and make an associated amendment to the Regulations which make provision for general ophthalmic services (ie. sight testing services).

Regulation 2 amends the definition of “complex appliance” to include an optical appliance at least one lens of which is a prism-controlled bifocal lens (and regulation 19 similarly amends the definition of “complex appliance” in the National Health Service (General Ophthalmic Services) (Scotland) Regulations 1986), and regulation 18(1)(b)(i) makes a consequential amendment to the specifications of appliances for which vouchers may be used. Regulation 18(1)(a) and (b)(ii) and (iii) clarify the specifications of appliances to which vouchers with letter codes C and F apply.

These Regulations amend Schedule I to, and substitute a new Schedule 2 in, the principal Regulations to increase by an average of 6.00% (11.5% in the case of contact lenses) the value of vouchers issued in respect of the cost of the supply and replacement of glasses and contact lenses (regulation 18(2)) and of the repair and replacement of appliances (regulation 18(3) and the Schedule). Regulation 16 makes consequential amendments to regulation 20 of the principal Regulations (redemption value of voucher replacement or repair). Regulation 18(4) increases the additional values for vouchers in respect of prisms, tints, photochromic lenses and special categories of appliances.

These Regulations also make amendments in consequence of the coming into force of powers enabling provisions of NHS services from 1st April 1991 by NHS trusts under the National Health Service (Scotland) Act 1978 as amended by the National Health Service and Community Care Act 1990.

Regulation 2 substitutes the definition of “responsible Board” and amends the definition of “voucher” to make provision in respect of vouchers issued and completed by an NHS trust, and further amendments are made in the principal Regulations by regulations 3 to 15, 17 and 18(4)(f) (i) and (4)(g)(i) so that charges and payments may be made, and vouchers issued, in respect of the supply of optical appliances by NHS trusts.

Regulation 20 makes similar consequential amendments in the National Health Service (Charges for Appliances) (Scotland) Regulations 1974.