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STATUTORY INSTRUMENTS

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**1996 No. 2353 (S.186)**

**NATIONAL HEALTH SERVICE, SCOTLAND**

**The National Health Service (General Ophthalmic Services) Amendment (No.2) Regulations 1996**

<i>Made</i>	- - - -	<i>9th September 1996</i>
<i>Laid before Parliament</i>		<i>12th September 1996</i>
<i>Coming into force</i>	- -	<i>7th October 1996</i>

The Secretary of State, in exercise of powers conferred on him by sections 26, 105(7) and 108(1) of 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 (General Ophthalmic Services) Amendment (No.2) Regulations 1996 and shall come into force on 7th October 1996.

(2) In these Regulations, “the principal Regulations” means the National Health Service (General Ophthalmic Services) (Scotland) Regulations 1986(2).

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

2. In regulation 2(1) of the principal Regulations (interpretation), after the definition of “general ophthalmic services”(3) add—

““income-based jobseeker’s allowance” has the meaning given to it by section 1(4) of the Jobseekers Act 1995(4);”.

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(1) 1978 c. 29; section 26 was amended by the Health and Social Security Act 1984 (c. 48), section 1(5) and (7), Schedule 1, Part II, paragraphs 1 to 4 and Schedule 8 and by the Health and Medicines Act 1988 (c. 49), section 13(4); section 105(7), which contains provisions relevant to the making of Regulations, 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.

(2) S.I. 1986/965; amending instruments are 1988/543, 1989/387 and 1177, 1990/1048, 1991/534, 1992/531, 1995/704 and 1996/843.

(3) The definition of “general ophthalmic services” was inserted by S.I. 1989/387.

(4) 1995 c. 18.

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

3.—(1) Regulation 14 of the principal Regulations (sight tests-eligibility)(5) is amended as follows.

(2) In paragraph (2)—

(a) in sub-paragraph (g), omit the words from “and his” to the end; and

(b) after sub-paragraph (h), add—

“(i) he is in receipt of an income-based jobseeker’s allowance; or

(j) he is a member of the same family as a person described in sub-paragraph (i) of this paragraph.”.

(3) In paragraph (4), after sub-paragraph (c) add—

“and has the meaning given to it by section 35 of the Jobseekers Act 1995(6) in the case of paragraph (2)(j).”.

St Andrew’s House,  
Edinburgh  
9th September 1996

*Lindsay*  
Parliamentary Under Secretary of State, Scottish  
Office

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(5) Regulation 14 was substituted by S.I. 1989/387 and amended by S.I. 1995/704.

(6) See regulations 76 to 78 of S.I. 1996/207, as amended by S.I. 1996/1516 and 1517.

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## EXPLANATORY NOTE

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

These Regulations further amend the National Health Service (General Ophthalmic Services) (Scotland) Regulations 1986 (“the 1986 Regulations”).

Regulation 2 of these Regulations amends regulation 2(1) of the 1986 Regulations in order to include a definition of an income-based jobseeker’s allowance.

Regulation 3(2)(a) of these Regulations removes the capital restriction relating to disability working allowance so that everyone in receipt of this, and certain of their relatives, will be eligible for general ophthalmic services.

Regulation 3(2)(b) and (3) of these Regulations extends the categories of eligibility for general ophthalmic services to include people in receipt of an income-based jobseeker’s allowance, and also certain relatives of such people.