
STATUTORY INSTRUMENTS

1998 No. 642

The National Health Service (Optical Charges and Payments) (Scotland) Regulations 1998

PART V

PAYMENTS FOR COST OF REPLACEMENT OR REPAIR OF OPTICAL APPLIANCES

Eligibility – replacement or repair

15.—(1) A payment shall be made as provided for by this Part of these Regulations to meet, or contribute towards, any cost accepted by the responsible authority as having been incurred (whether by way of charge under the Act or otherwise) for the replacement or repair of an optical appliance for which a prescription is given in consequence of a testing of sight of—

- (a) a child, where the appliance needs replacement or repair in consequence of loss or damage;
- (b) a person of any description specified [^{F1}in regulation 8(2)(b), (c), (d) or (e)] suffering from illness [^{F2}or disability], where the appliance needs replacement or repair in consequence of its loss or damage and the responsible authority is satisfied, after making such enquiries as it considers relevant, that the loss or damage would not have occurred but for that illness [^{F2}or disability].

(2) No payment shall be made by virtue of paragraph (1)(a) or (b) unless the responsible authority is satisfied, after making such enquiries as it considers relevant, that the full cost of replacement or repair cannot be met under the terms of any warranty, insurance or other arrangement made with its supplier or manufacturer.

Textual Amendments

- F1** Words in [reg. 15\(1\)\(b\)](#) substituted (1.4.2000) by [The National Health Service \(Optical Charges and Payments\) \(Scotland\) Amendment Regulations 2000 \(S.S.I. 2000/45\)](#), regs. 1(1), **3(a)**
- F2** Words in [reg. 15\(1\)\(b\)](#) inserted (1.4.2000) by [The National Health Service \(Optical Charges and Payments\) \(Scotland\) Amendment Regulations 2000 \(S.S.I. 2000/45\)](#), regs. 1(1), **3(b)**

Commencement Information

- I1** Reg. 15 in force at 1.4.1998, see [reg. 1\(1\)](#)

Completion of vouchers for replacement or repair

16.—(1) A patient who considers that a payment may be made under this Part in his case in respect of the replacement or repair of his optical appliance may indicate to the supplier that he wishes such a payment may be made.

[^{F3}(2) In the case of a replacement, the supplier shall—

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Changes to legislation: There are currently no known outstanding effects for the The National Health Service (Optical Charges and Payments) (Scotland) Regulations 1998, PART V. (See end of Document for details)

- (a) ask the patient to produce satisfactory evidence of entitlement, unless the supplier, in cases other than where the patient is an eligible person by virtue of regulation 8(2)(c) or (d), already has satisfactory evidence of entitlement available to him;
 - (b) mark on the voucher the letter code specified in column 2 of Schedule 1, which relates to the type of optical appliance to be replaced as set out in column 1 of that Schedule;
 - (c) duly complete the relevant part of the voucher with—
 - (i) the name and address of the patient,
 - (ii) the patient's date of birth;
 - (d) if the patient has been asked for, but not produced, satisfactory evidence of entitlement, record the fact on the voucher.
- (3) In the case of a repair, the supplier shall—
- (a) ask the patient to produce satisfactory evidence of entitlement, unless the supplier, in cases other than where the patient is an eligible person by virtue of regulation 8(2)(c) or (d), already has satisfactory evidence of entitlement available to him;
 - (b) mark on the voucher the letter code specified in column 2 of Schedule 1 which relates to the type of optical appliance to be repaired as set out in column 1 of that Schedule;
 - (c) indicate on the voucher the nature of the repair of the appliance to be undertaken and, in particular, whether it comprises—
 - (i) the replacement or repair of one or more lens included in the appliance and, if so, how many,
 - (ii) the repair of a frame and, if so, whether it is the whole frame, the front of the frame or one or both sides of the frame;
 - (d) duly complete the relevant parts of the voucher with—
 - (i) the name and address of the patient,
 - (ii) the patient's date of birth;
 - (e) if the patient has been asked for, but not produced, satisfactory evidence of entitlement, record the fact on the voucher.]
- (4) The patient shall sign on the voucher—
- (a) a declaration in writing to the effect that he is an eligible person, indicating the grounds of his eligibility;
 - (b) a declaration in writing to the effect that the optical appliance cannot be replaced or repaired free of charge under the terms of any warranty, insurance or other arrangement made with its supplier or manufacturer; and
 - (c) an undertaking in writing to the effect that, if he is unable to show that he is an eligible person, he will pay to the responsible authority an amount equal to the voucher's redemption value.
- (5) A patient who is an eligible person only by virtue of regulation 8(2)(d) or only by virtue of his resources being treated in accordance with regulation 8(3)(e) or (f) as being less than his requirements shall show a current notice of entitlement to the supplier and permit him to copy such details as may be required for the purposes of regulation 18(2)(b)(iv).
- (6) In a case to which regulation 15(1)(b) applies, a supplier intending to use the voucher under regulation 17 shall first submit it to the responsible authority so that it may be satisfied as to the circumstances in which the loss or damage occurred and give its approval to the use of the voucher.

Textual Amendments

- F3** Reg. 16(2)(3) substituted (1.5.2001) by [The National Health Service \(Optical Charges and Payments\) \(Scotland\) Amendment Regulations 2001 \(S.S.I. 2001/88\)](#), regs. 1(2)(c), [6](#)

Commencement Information

- I2** Reg. 16 in force at 1.4.1998, see [reg. 1\(1\)](#)

Use of vouchers for replacement or repair

17. The supplier may use the voucher as being in substitution for payment by the patient of an amount equal to its redemption value, being the whole or part of the cost incurred for the replacement or repair.

Commencement Information

- I3** Reg. 17 in force at 1.4.1998, see [reg. 1\(1\)](#)

Payments to suppliers for replacement or repair

18.—(1) Except where it was the supplier, the responsible authority shall, if the conditions specified in paragraph (2) are fulfilled, make a payment of a voucher's redemption value to a supplier who has used a voucher in accordance with regulation 17.

(2) The conditions referred to in paragraph (1) are that—

- (a) the patient has signed the declarations and undertaking referred to in regulation 16(4) and acknowledged on the voucher that the optical appliance has been replaced or repaired; and
- (b) the supplier has—
 - (i) made and kept a written record of the replacement or repair and issued to the patient a receipt for any money received from the patient;
 - (ii) obtained any prior approval required by regulation 16(6);
 - (iii) made a claim for payment on a duly completed voucher to the responsible authority within the period of three months beginning with the date of the replacement or repair of the optical appliance; and
 - (iv) where the person has shown a notice of entitlement to him informed the responsible authority of the amount of the patient's contribution, if any.

[^{F4}(3) The responsible authority shall also make a payment, to be determined by the Scottish Ministers, to the supplier to meet or contribute to the cost incurred by the supplier in order to comply with regulation 16(2) or (3).]

Textual Amendments

- F4** Reg. 18(3) inserted (1.5.2001) by [The National Health Service \(Optical Charges and Payments\) \(Scotland\) Amendment Regulations 2001 \(S.S.I. 2001/88\)](#), regs. 1(2)(c), [7](#)

Commencement Information

- I4** Reg. 18 in force at 1.4.1998, see [reg. 1\(1\)](#)

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Changes to legislation: There are currently no known outstanding effects for the The National Health Service (Optical Charges and Payments) (Scotland) Regulations 1998, PART V. (See end of Document for details)

Redemption value of voucher for replacement or repair

19.—(1) Subject to paragraph (4), the redemption value of a voucher shall, in the case of a replacement, be the lesser of—

- (a) the full cost which would have been payable by the patient for the replacement but for this Part;
- (b) the face value of the voucher or, in the case of the replacement of one only of a pair of contact lenses, [^{F5}£46.80].

(2) Subject to paragraph (4), the redemption value of a voucher shall, in the case of the repair of an appliance be the lesser of—

- (a) the full cost which would have been payable by the patient for the repair but for this Part of these Regulations;
- (b) the amount specified in column 2 of Schedule 2 which relates to the type of optical appliance repaired (identified in that column by reference to the relevant letter code as specified in Schedule 1) and to the nature of the repair specified in column 1 of Schedule 2, together with any increase provided for by Schedule 3.

(3) Where more than one repair is made to an appliance the amount taken for the purposes of paragraph (2)(b) as being specified in Schedule 2 shall be the aggregate of the relevant amounts ascertained in accordance with Schedule 2, except—

- (a) that the element of the value of a voucher which relates to the repair of a frame shall not exceed [^{F6}£12.10]; and
- (b) the maximum supplement payable under paragraph 1(1)(e) or (g) of Schedule 3 in respect of the repair of any one appliance shall not exceed [^{F7}£52.80].

(4) In the case of a person who was eligible for a payment to be made in his case only by virtue of regulation 8(2)(d), the amounts taken for the purpose of paragraphs (1)(a) and (b) and (2)(a) and (b) shall be reduced by the patient's contribution.

Textual Amendments

- F5** Sum in reg. 19(1)(b) substituted (1.4.2004) by [The National Health Service \(Optical Charges and Payments\) \(Scotland\) Amendment Regulations 2004 \(S.S.I. 2004/97\)](#), regs. 1(2), **2(4)(a)** (with reg. 3)
- F6** Sum in reg. 19(3)(a) substituted (1.4.2004) by [The National Health Service \(Optical Charges and Payments\) \(Scotland\) Amendment Regulations 2004 \(S.S.I. 2004/97\)](#), regs. 1(2), **2(4)(b)** (with reg. 3)
- F7** Sum in reg. 19(3)(b) substituted (1.4.2004) by [The National Health Service \(Optical Charges and Payments\) \(Scotland\) Amendment Regulations 2004 \(S.S.I. 2004/97\)](#), regs. 1(2), **2(4)(c)** (with reg. 3)

Commencement Information

- I5** Reg. 19 in force at 1.4.1998, see [reg. 1\(1\)](#)

Status:

Point in time view as at 01/04/2004.

Changes to legislation:

There are currently no known outstanding effects for the The National Health Service (Optical Charges and Payments) (Scotland) Regulations 1998, PART V.