

**2004 No. 113**

**HEALTH AND PERSONAL SOCIAL SERVICES**

**Optical Charges and Payments and General Ophthalmic  
Services (Amendment No. 2) Regulations  
(Northern Ireland) 2002**

*Made* - - - - - *15th March 2004*

*Coming into operation* *6th April 2004*

The Department of Health, Social Services and Public Safety<sup>(a)</sup> in exercise of the powers conferred on it by Articles 62, 98, 106 and 107(6) of, and Schedule 15 to, the Health and Personal Social Services (Northern Ireland) Order 1972<sup>(b)</sup> and of all other powers enabling it in that behalf, with the approval of the Department of Finance and Personnel, and after consultation with such organisations as appeared to the Department to be representative of medical practitioners practising as ophthalmic medical practitioners, and ophthalmic opticians, as required by Article 62(3) of the said Order, hereby makes the following Regulations:

**Citation, commencement and interpretation**

**1.**—(1) These Regulations may be cited as the Optical Charges and Payments and General Ophthalmic Services (Amendment No. 2) Regulations (Northern Ireland) 2004 and shall come into operation on 6th April 2004.

(2) In these Regulations –

“the Optical Regulations” means the Health and Personal Social Services (Optical Charges and Payments) Regulations (Northern Ireland) 1997<sup>(c)</sup>; and

“the Ophthalmic Regulations” means the Health and Personal Social Services (General Ophthalmic Services) Regulations (Northern Ireland) 1986<sup>(d)</sup>.

**Amendment of the Optical Regulations**

**2.**—(1) The Optical Regulations are amended as provided by paragraphs (2) and (3).

(2) In regulation 1 (citation, commencement and interpretation), in paragraph (2), after the definition of “replacement” there is inserted –

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(a) See S.I. 1999/283 (N.I. 1) Article 3(6)

(b) S.I. 1972/1265 (N.I. 14) as amended by Article 3(2) of, and paragraph 3 of Schedule 1 to, the Health and Social Security (Northern Ireland) Order 1984 (S.I. 1984/1158 (N.I. 8)); paragraphs (4) and (5) of Article 8 of the Health and Medicines (Northern Ireland) Order 1988 (S.I. 1988/2249 (N.I. 24)); Article 34 of, and Part II of Schedule 5 to, the Health and Personal Social Services (Northern Ireland) Order 1991 (S.I. 1991/194 (N.I. 1)) there are other amendments which are not relevant

(c) S.R. 1997 No. 191; relevant amending Regulations are S.R. 1999 Nos. 111 and 394, S.R. 2000 No. 51, S.R. 2001 No. 133, S.R. 2002 No. 85, S.R. 2003 Nos. 176 and 424 and S.R. 2004 No. 92

(d) S.R. 1986 No. 163; relevant amending Regulations are S.R. 1989 No. 113, S.R. 1995 No. 115, S.R. 1996 No. 416, S.R. 1999 Nos. 112 and 394, S.R. 2001 Nos. 339 and 370, S.R. 2002 No. 85, S.R. 2003 Nos. 176 and 424 and S.R. 2004 No. 92

“severe disability element” means severe disability element of working tax credit specified in section 11(6)(d) of the Tax Credits Act 2002<sup>(a)</sup>”.

(3) In regulation 8 (eligibility – supply of optical appliances), in paragraph (3)(k)(i)(bb)<sup>(b)</sup> after “disability element” there is inserted “or severe disability element”.

### **Amendment of the Ophthalmic Regulations**

3.—(1) The Ophthalmic Regulations are amended as provided by paragraphs (2) and (3).

(2) In regulation 2 (Interpretation), in paragraph (1), after the definition of “residential centre” there is inserted –

“severe disability element” means severe disability element of working tax credit specified in section 11(6)(d) of the Tax Credits Act 2002”.

(3) In regulation 15 (sight tests – eligibility), in paragraph (2)(k)(i)(bb)<sup>(c)</sup> after “disability element” there is inserted “or severe disability element”.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 15th March 2004.

(L.S.)

*Dr. J. F. Livingstone*

Senior Officer of the Department of Health, Social Services and Public Safety

Sealed with the Official Seal of the Department of Finance and Personnel on 15th March 2004.

(L.S.)

*Ciaran Doran*

Senior Officer of the Department of Finance and Personnel

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(a) 2002 c. 21

(b) Paragraph (3)(k)(i)(bb) was inserted by S.R. 2003 No. 176

(c) Paragraph (2)(k)(i)(bb) was inserted by S.R. 2003 No. 176

## **EXPLANATORY NOTE**

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

These Regulations further amend the Optical Charges and Payments Regulations (Northern Ireland) 1997 (“the optical 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. The Regulations also amend the General Ophthalmic Services Regulations (Northern Ireland) 1986 (“the ophthalmic Regulations”) which provide for the arrangements under which ophthalmic medical practitioners and ophthalmic opticians provide General Ophthalmic Services.

Regulations 2 and 3 extends the eligibility to remission of charges to families claiming working tax credit with a severe disability element.

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