

EXECUTIVE NOTE

The National Health Service (Optical Charges and Payments) (Scotland) Amendment Regulations 2008 (SSI 2008/106)

The above instrument is made in exercise of the powers conferred by sections 26, 70(1), 73(a), 74(a), 105(7) and 108(1) of, and by paragraphs 2 and 2A of Schedule 11 to, the National Health Service (Scotland) Act 1978. The instrument is subject to negative procedure.

Policy Objective

The main purpose of this instrument is to amend the National Health Service (Optical Charges and Payments) (Scotland) Regulations 1998 (“the 1998 Regulations”) (SSI 1998/642) to increase optical voucher values and supplements. The instrument also makes a minor amendment to the 1998 Regulations as a consequence of the consolidation of the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations.

Regulation 2(2) of the instrument amends the reference in the 1998 Regulations to paragraph 3(1)(b) of the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations, as a result of the consolidation of those Regulations into the 2008 Regulations. The reference to regulation 3(1)(b) is replaced with a reference to paragraph 3(1)(b)(ii) of the 2008 Regulations. Regulation 3(1)(b)(ii) of the 2008 Regulations refers to the prescription charge set in the NHS (Charges for Drugs and Appliances) Regulations 2000. That amount (currently £6.85) is what will be used in the NHS Low Income Scheme (LIS) assessment of all LIS claims in connection with the ‘cushion’ of half a prescription charge. This cushion is allowed over and above a claimant’s assessed resources when calculating eligibility for full help under the LIS. Use of the English charge will benefit Scottish claimants, who would otherwise be allowed less ‘excess’ income than LIS claimants elsewhere in the UK. (This would arise from the fact that half of the reduced Scottish prescription charge will be £2.50 instead of, at present, £3.43.)

Voucher values are increased on 1 April each year. Regulation 2(3) of the instrument amends regulation 19 (redemption value of voucher for replacement and repair) of the 1998 Regulations to increase a) the redemption value of a voucher for the replacement of a contact lens; b) the maximum value of a voucher for the repair of a frame; and c) the maximum supplement for small glasses and special frames. Regulation 2(4) of the instrument amends Schedule 1 (voucher letter codes and face values – supply and replacement) of the 1998 Regulations to increase the value of vouchers issued towards the supply and replacement of glasses and contact lenses. Regulation 2(5) of the instrument substitutes a new Schedule 2 (voucher values – repair) of the 1998 Regulations to increase the value of vouchers issued towards the repair of an optical appliance. Regulation 2(6) of the instrument amends Schedule 3 (prism, tints, photochromic lenses, small glasses and special frames and complex appliances) to increase the supplement values, which, with the exception of complex appliances, can be paid in addition to the voucher value. The voucher values and supplements are increased by 2.7%.

Consultation

No consultation has taken place on the preparation of this instrument. The Department of Health, on behalf of the other Health Departments, has consulted on the voucher increases with the representatives of the optical profession.

Financial Effect

Provision has been made within the General Ophthalmic Services budget for these increases.

Consolidation

The Scottish Government is aware of the desirability of consolidating regulations when an instrument has been amended on a number of occasions. However, the time and resources required to consolidate an instrument has to be balanced against the other demands being made on the Directorate. Bearing those demands in mind, it has been decided not to consolidate these particular regulations nor are there any immediate plans to do so.

SCOTTISH GOVERNMENT HEALTH DIRECTORATES

March 2008