
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (Optical Charges and Payments) (Scotland) Regulations 1998 (“the 1998 Regulations”), the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003 (“the 2003 Regulations”) and the National Health Service (Optical Charges and Payments and General Ophthalmic Services) (Scotland) Amendment Regulations 2015 (“the 2015 Regulations”).

Amendments are made to the 1998 Regulations and the 2003 Regulations in order to insert certain income thresholds for persons in receipt of universal credit who are eligible persons in terms of those Regulations.

Regulation 8 of the 1998 Regulations makes provision for eligibility for payments to meet or contribute to the cost of the supply of optical appliances. Those who are eligible for such assistance include persons in receipt of universal credit. Regulation 2 of these Regulations amends regulation 8 of the 1998 Regulations so that, after 31st October 2015, a person receiving universal credit without a child element, a limited capability for work (LCW) element or a limited capability for work and work-related activity (LCWRA) element is eligible for assistance if that person has no earned income or earned income of £435 per month or less. A person (or a qualifying young person for whom the recipient is responsible) will also be entitled to such assistance if that person is in receipt of universal credit with any of the aforementioned elements to the award and has no earned income or earned income of £935 per month or less.

Regulation 3 of the 2003 Regulations provides that persons of certain descriptions are entitled to payment of the travelling expenses incurred in attending hospital for the provision of NHS services (including where necessary overnight accommodation and expenses related to a person accompanying the person receiving the service) and the remission of charges payable for certain NHS services. Regulation 4 of the 2003 Regulations prescribes descriptions of persons for the purpose of this entitlement. Those descriptions include persons in receipt of universal credit. Regulation 3 of these Regulations amends regulation 4 of the 2003 Regulations so that, after 31st October 2015, certain income thresholds apply in relation to the eligibility of a person receiving universal credit for payment or remission under regulation 3 of the 2003 Regulations. The income thresholds are the same as those described above in relation to the 1998 Regulations. Regulation 4 of the 2003 Regulations is also amended to remove a reference to a member of a couple not included in an award of Universal Credit.

An amendment is made to the 2015 Regulations by regulation 4 of these Regulations in order to correct a reference within the 2015 Regulations.

Regulations 5 to 7 of these Regulations make saving provisions to extend eligibility of certain persons who will no longer be eligible for assistance, or entitled to remission of charges or payment of expenses, because of the insertion of the income thresholds described above.