

2023 No. 125

NATIONAL HEALTH SERVICE

**The National Health Service (Optical Charges and Payments)
(Scotland) Amendment Regulations 2023**

<i>Made</i> - - - -	<i>19th April 2023</i>
<i>Laid before the Scottish Parliament</i>	<i>21st April 2023</i>
<i>Coming into force</i> - -	<i>1st June 2023</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 70(1), 73(a), 74(a) and 105(7) and paragraphs 2(2) and 2A of schedule 11 of the National Health Service (Scotland) Act 1978(a) and all other powers enabling them to do so.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the National Health Service (Optical Charges and Payments) (Scotland) Amendment Regulations 2023 and come into force on 1 June 2023.

(2) In these Regulations, “the 1998 Regulations” means the National Health Service (Optical Charges and Payments) (Scotland) Regulations 1998(b).

Amendment of the National Health Service (Optical Charges and Payments) (Scotland) Regulations 1998

2. The 1998 Regulations are amended in accordance with regulations 3 to 6.

3. In regulation 19 (redemption value of voucher for replacement or repair)—

- (a) in paragraph (1)(b) for “£58.15” substitute “£60.75”,
- (b) in paragraph (3)(a) for “£15.10” substitute “£15.80”,
- (c) in paragraph (3)(b) for “£65.50” substitute “£68.45”.

(a) 1978 c. 29. Section 70(1) was amended by section 25 and schedule 3 of the Health and Medicines Act 1988 (c. 49) (“the 1988 Act”). Section 105(7) was amended by paragraph 5(1) of schedule 6 and schedule 7 of the Health Services Act 1980 (c. 53) (“the 1980 Act”), paragraph 24 of schedule 9 of the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), and paragraph 60 of schedule 4 of the Health Act 1999 (c. 8) (“the 1999 Act”). Paragraph 2 of schedule 11 was amended by section 26 and schedule 5 of the 1980 Act, sections 1 and 24 and schedules 1 and 8 of the Health and Social Security Act 1984 (c. 48) (“the 1984 Act”) and sections 11 and 25 and schedules 2 and 3 of the 1988 Act. Paragraph 2A of schedule 11 was inserted by section 1 and schedule 1 of the 1984 Act and amended by section 13 of the 1988 Act and section 13 of the Smoking, Health and Social Care (Scotland) Act 2005 (asp 13). Section 108(1) contains a definition of “prescribed” relevant to the exercise of the statutory powers under which these Regulations are made. See section 66(1) of the 1999 Act in relation to any provision of that Act being taken to be a pre-commencement enactment within the meaning of the Scotland Act 1998 (c. 46) (“the 1998 Act”). The functions of the Secretary of State, insofar as exercisable within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act.

(b) S.I. 1998/642, relevantly amended by S.I. 1999/748, S.S.I. 1999/64, S.S.I. 2004/168 and S.S.I. 2022/169.

4. In schedule 1 (voucher letter codes and face values supply and replacement) in column 3 (face value of voucher) for each amount specified in column 1 of the table below (old amount) substitute the amount specified in relation to it in column 2 (new amount).

<i>Column 1 Old amount</i>	<i>Column 2 New amount</i>
£39.90	£41.70
£60.50	£63.20
£88.60	£92.60
£199.90	£208.90
£68.80	£71.90
£87.30	£91.20
£113.40	£118.50
£219.80	£229.70
£204.80	£214.00
£58.15	£60.75

5. For schedule 2 (voucher values – repair) substitute the schedule 2 set out in the schedule of these Regulations.

6. In schedule 3 (prisms, tints, photochromic lenses, small glasses and special frames and complex appliances)—

- (a) in paragraph 1(1)(a) for “£12.85” substitute “£13.45”,
- (b) in paragraph 1(1)(b) for “15.70” substitute “£16.40”,
- (c) in paragraph 1(1)(c) for “£4.50” substitute “£4.70”,
- (d) in paragraph 1(1)(d) for “£5.00” substitute “£5.20”,
- (e) in paragraph 1(1)(e)—
 - (i) in sub-head (i) for “£65.50” substitute “£68.45”,
 - (ii) in sub-head (ii) for “£58.15” substitute “£60.75”,
 - (iii) in sub-head (iii) for “£31.40” substitute “£32.80”,
- (f) in paragraph 1(1)(g) for “£65.50”, “£58.15” and “£31.40” substitute “£68.45”, “£60.75” and “£32.80” respectively,
- (g) in paragraph 2(a) for “£14.90” substitute “£15.55”,
- (h) in paragraph 2(b) for “£38.15” substitute “£39.90”.

Application of regulations 3 to 6

7. The amendments made by regulations 3 to 6 apply only in relation to a voucher accepted pursuant to regulation 12 of the 1998 Regulations or used pursuant to regulation 17 of the 1998 Regulations after these Regulations come into force.

JENNI MINTO

Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
19th April 2023

SCHEDULE

Regulation 5

“SCHEDULE 2

Regulation 19(2) and (3)

VOUCHER VALUES – REPAIR

<i>Column 1</i>	<i>Column 2</i>								
<i>Nature of Repair to Appliance</i>	<i>Letter Codes-Values</i>								
	<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>	<i>E</i>	<i>F</i>	<i>G</i>	<i>H</i>	<i>I</i>
	£	£	£	£	£	£	£	£	£
Repair or replacement of one lens	12.95	23.70	38.40	96.55	28.05	37.70	51.35	106.95	99.10
Repair or replacement of two lenses	25.90	47.40	76.80	193.10	56.10	75.40	102.70	213.90	198.20
Repair or replacement of the front of a frame	13.25	13.25	13.25	13.25	13.25	13.25	13.25	13.25	13.25
Repair or replacement of a side of a frame	7.85	7.85	7.85	7.85	7.85	7.85	7.85	7.85	7.85
Repair or replacement of the whole frame	15.80	15.80	15.80	15.80	15.80	15.80	15.80	15.80	15.80”

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”) 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.

These Regulations amend the voucher values in the 1998 Regulations to—

- (a) increase the redemption value of a voucher issued towards the cost of replacing a single contact lens, increase the maximum contribution by way of a voucher to the cost of repairing a frame and increase the maximum supplement for small glasses and special frames (regulation 3),
- (b) increase the value of vouchers issued towards the cost of supply and replacement of optical appliances (regulation 4),
- (c) increase the value of vouchers issued towards the cost of repair of optical appliances (regulation 5), and
- (d) increase the additional values for vouchers for prisms, tints, photochromic lenses and special categories of appliances (regulation 6).

Regulation 7 provides that the increases to the voucher values in the 1998 Regulations apply only in relation to vouchers accepted or used after these Regulations come into force.

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