

Status: Point in time view as at 01/04/2006.

Changes to legislation: National Health Service (Scotland) Act 1978, Paragraph 2A is up to date with all changes known to be in force on or before 04 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 11 S

ADDITIONAL PROVISIONS AS TO REGULATIONS FOR THE MAKING AND RECOVERY OF CHARGES

Regulations under section 70—charges for dental or optical appliances

- [^{F1}2A (1) It shall be the duty of the Secretary of State to provide by regulations for payments to be made by him or by a Health Board to meet, or to contribute towards, the cost incurred (whether by way of charge under this Act or otherwise) for the supply of optical appliances for which a prescription has been given in consequence of a testing of sight under this Act—
- (a) for a child;
 - (b) for a person whose resources fall to be treated under the regulations as being less than his requirements; or
 - (c) for a person of such other description as may be prescribed [^{F2}or for which a prescription has been given for a person such as is mentioned in paragraph (a), (b) or (c) above in consequence of a testing of sight (not being a testing of sight under this Act) which took place in prescribed circumstances].
- (2) In sub-paragraph (1) (above) “child” means—
- (a) a person who is under the age of 16 years; or
 - (b) a person who is under the age of 19 years and receiving qualifying full-time education.
- [The Secretary of State may by regulations—
- ^{F3}(3) (a) ^{F4}.....
- (b) provide for payments to be made by him or by a Health Board to meet, or to contribute towards, any cost accepted by him or by the Board as having been incurred (whether by way of charge under this Act or otherwise) for the replacement or repair in prescribed circumstances of optical appliances for which a prescription was given in consequence of a testing of the sight of a person of a prescribed description; and
 - (c) direct how a person’s resources and requirements are to be calculated and, without prejudice to the generality of this sub-paragraph, give any such direction as to how they are to be calculated as may be given by regulations under section 75A(3).
- (3A) Descriptions of persons may be prescribed under this paragraph by reference to any criterion and, without prejudice to the generality of this sub-paragraph, by reference to any of the criteria specified in section 75A(2).
- (3B) Subsection (4) of section 75A shall have effect in relation to regulations under this paragraph as it has effect in relation to regulations under that section.]

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- (4) If regulations under this paragraph provide for payments to be made by a Health Board, it shall be the duty of the Secretary of State to pay to the Board, in respect of each financial year, the sum attributable to the Board's disbursements under the regulations.
- (5) Sums falling to be paid in pursuance of regulations made under this paragraph shall be payable subject to compliance with such conditions as to records, certificates or otherwise as the Secretary of State may determine.]

Textual Amendments

- F1** Sch. 11 para. 2A inserted by [Health and Social Security Act 1984 \(c. 48, SIF 113:1\)](#), s. 1(7), **Sch. 1 Pt. II para. 7**
- F2** Words added after paragraph (c) of sub-paragraph (1) by [Health and Medicines Act 1988 \(c. 49, SIF 113:2\)](#), **s. 13(2)**
- F3** Paragraphs (3)–(3B) substituted for paragraph (3) by [Health and Medicines Act 1988 \(c. 49, SIF 113:2\)](#), **s. 13(5)**
- F4** Sch. 11 para. 2A(3)(a) repealed (7.3.2006 for certain purposes, otherwise 1.4.2006) by [Smoking, Health and Social Care \(Scotland\) Act 2005 \(asp 13\)](#), **ss. 13(3)**, 43(3); S.S.I. 2005/492, **art. 3(e)** Sch. 3; S.S.I. 2006/121, **art. 3(a)**, Sch. 1

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