
STATUTORY INSTRUMENTS

1995 No. 704 (S.62)

NATIONAL HEALTH SERVICE, SCOTLAND

The National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 1995

<i>Made</i>	- - - -	<i>9th March 1995</i>
<i>Laid before Parliament</i>		<i>10th March 1995</i>
<i>Coming into force</i>	- -	<i>1st April 1995</i>

The Secretary of State, in exercise of the powers conferred on him by sections 26, 105(7) and 108(1) of the National Health Service (Scotland) Act 1978(1) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 1995 and shall come into force on 1st April 1995.

(2) In these Regulations “the principal Regulations” means the National Health Service (General Ophthalmic Services) (Scotland) Regulations 1986(2).

Amendment of regulation 2 of the principal Regulations

2. In regulation 2(1) of the principal Regulations (interpretation), after the definition of “deputy” there is inserted the following definition:—

““disability working allowance” means disability working allowance under Part VII of the Social Security Contributions and Benefits Act 1992(3);”.

(1) 1978 c. 29; section 26 was amended by the Health and Social Security Act 1984 (c. 48), section 1(5) and (7) and Schedule 1, Part II, paragraphs 1 to 4 and Schedule 8 and by the Health and Medicines Act 1988 (c. 49), section 13(4); section 105(7), which contains provisions relevant to the making of Regulations, was amended by the Health Services Act 1980 (c. 53), Schedule 6, paragraph 5 and Schedule 7 and by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), Schedule 9, paragraph 24; section 108(1) contains definitions of “prescribed” and “regulations” relevant to the exercise of the statutory powers under which these Regulations are made.

(2) S.I.1986/965; relevant amending instrument is S.I. 1989/387.

(3) 1992 c. 4.

Amendment of regulation 14 of the principal Regulations

3.—(1) In regulation 14(2) of the principal Regulations (sight tests-eligibility)(4) the word “or” at the end of sub-paragraph (e) is omitted and after sub-paragraph (f) there is inserted—

- “(g) he is in receipt of disability working allowance and his capital resources, calculated in accordance with the regulations concerning entitlement to that allowance(5), were not more than £8,000 at the time that allowance was claimed; or
- (h) he is a member of the same family as a person described in sub-paragraph (g) of this paragraph.”.

(2) For regulation 14(4) of the principal Regulations, there is substituted—

“(4) In paragraph (2), “family” (in reference to membership of the same family) has the meaning given to it by section 137(1) of the Social Security Contributions and Benefits Act 1992—

- (a) as it applies to income support(6), in the case of paragraph (2)(b) and (f);
- (b) as it applies to family credit(7), in the case of paragraph (2)(d); and
- (c) as it applies to disability working allowance(8) in the case of paragraph 2(h).”.

St Andrew’s House,
Edinburgh
9th March 1995

Fraser of Carmyllie
Minister of State, Scottish Office

(4) Regulation 14 was substituted by S.I. 1989/387.

(5) S.I. 1991/2887; relevant amending instrument is S.I. 1993/2119.

(6) See S.I. 1987/1967, regulations 14 to 16; relevant amending instruments are S.I. 1988/663 and 1445, 1989/534, 1990/547, 1992/468 and 3147 and 1993/2119.

(7) See S.I. 1987/1973, regulations 6 to 9; relevant amending instruments are S.I. 1988/660, 1990/574, 1992/573 and 1993/2119.

(8) See S.I. 1991/2887, regulations 8 to 11 as amended by S.I. 1993/2119.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the National Health Service (General Ophthalmic Services) (Scotland) Regulations 1986 (“the principal Regulations”) which provide for the arrangements under which ophthalmic medical practitioners and ophthalmic opticians provide general ophthalmic services (ie sight testing services).

Regulation 2 of these Regulations amends regulation 2(1) of the principal Regulations in order to include a definition of disability working allowance.

Regulation 3 of these Regulations extends the categories of eligibility for free sight tests to include people in receipt of disability working allowance whose capital resources (calculated in accordance with the regulations concerning entitlement to that allowance) were £8,000 or less at the time that allowance was claimed, and also certain relatives of such people.