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STATUTORY INSTRUMENTS

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**1995 No. 705 (S.63)**

**NATIONAL HEALTH SERVICE, SCOTLAND**

**The National Health Service (Optical Charges and Payments) (Scotland) Amendment (No.2) 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, 70(1), 73(a) and (c), 74(a) and (c), 105(7) and 108(1) of, and paragraphs 2 and 2A of Schedule 11 to, 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 (Optical Charges and Payments) (Scotland) Amendment (No.2) Regulations 1995 and shall come into force on 1st April 1995.

(2) In these Regulations “the principal Regulations” means the National Health Service (Optical Charges and Payments) (Scotland) Regulations 1989(2).

**Amendment of regulation 1 of the principal Regulations**

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

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(1) 1978 c. 29; section 26 was amended by the Health and Social Security Act 1984 (c. 48), section 1(5), Schedule 1, Part II, paragraphs 1 to 4 and Schedule 8 and by the Health and Medicines Act 1988 (c. 49) (“the 1988 Act”), section 13(4); section 70(1) was amended by the 1988 Act, Schedule 3; sections 73(c) and 74(c) were inserted by the National Health Service and Community Care Act 1990 (c. 19), Schedule 9, paragraph 19(11) and (12); section 105(7) 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; paragraph 2(1) of Schedule 11 was substituted by the 1988 Act, Schedule 2, paragraph 15(1); and paragraph 2A of Schedule 11 was inserted by the Health and Social Security Act 1984 (c. 48), Schedule 1, Part II, paragraph 7 and amended by the 1988 Act, section 13(2) and (5).

(2) S.I. 1989/392; relevant amending instruments are S.I. 1991/1731, 1992/531, 1993/524 and 1994/635.

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

#### **Amendment of regulation 4(2) of the principal Regulations**

3. In regulation 4(2) of the principal Regulations (completion and use of voucher — sight tests) after the word “patient” there is inserted—

“, the patient’s date of birth”.

#### **Amendment of regulation 8 of the principal Regulations**

4.—(1) In regulation 8(3) of the principal Regulations (eligibility — supply of optical appliances), 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(4), were not more than £8000 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 8(4) of the principal Regulations there is substituted—

“(4) In paragraph (3), “family” (in references 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(5)—

- (a) as it applies to income support(6), in the case of paragraph (3)(b) and (f);
- (b) as it applies to family credit(7), in the case of paragraph (3)(d); and
- (c) as it applies to disability working allowance(8), in the case of paragraph (3)(h).”.

#### **Amendment of regulation 9 of the principal Regulations**

5. In regulation 9 of the principal Regulations (issue of vouchers by ophthalmic medical practitioners and opticians) in paragraph (3)(b), in place of the words “the patient’s age if under 19”, there is substituted “the patient’s date of birth”.

#### **Amendment of regulation 10 of the principal Regulations**

6. In regulation 10 of the principal Regulations (issue of vouchers by Health Boards) in paragraph (3)(b), in place of the words “the patient’s age if under 19”, there is substituted “the patient’s date of birth”.

#### **Amendment of regulation 11 of the principal Regulations**

7. In regulation 11 of the principal Regulations (issue of vouchers by Health Boards in connection with the hospital eye service) in paragraph (3)(b), in place of the words “the patient’s age if under 19”, there is substituted “the patient’s date of birth”.

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(3) 1992 c. 4.

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

(5) 1992 c. 4.

(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.

### **Amendment of regulation 17 of the principal Regulations**

**8.** In regulation 17 of the principal Regulations (completion of vouchers) in paragraphs 2(b) and 3(c), in place of the words “the patient’s age if under 16” in each case, there is substituted “the patient’s date of birth”.

### **Amendment of regulation 20 of the principal Regulations**

**9.** In regulation 20 of the principal Regulations (redemption value of voucher — replacement or repair)—

- (a) in paragraph (1)(b), for “£37.80” there is substituted “£38.60”;
- (b) in paragraph (3)(i), for “£9.60” there is substituted “£9.90”; and
- (c) in paragraph 3(ii) for “£42.10” there is substituted “£43.50”(9).

### **Amendment of Schedules to the principal Regulations**

**10.—(1)** In Schedule 1 to the principal Regulations (voucher letter codes and face values)(10), in column 3 (face value of voucher), for each amount specified in column 1 of the Table below there is substituted the amount specified in relation to it in column 2 of that Table.

TABLE

Column 1 Old Amount	Column 2 New Amount
£25.50	£26.40
£39.30	£40.10
£53.60	£54.70
£105.20	£107.30
£44.00	£45.50
£56.80	£57.90
£68.40	£69.80
£115.70 (in both places where it appears)	£118.00
£37.80	£38.60

(2) For Schedule 2 to the principal Regulations (voucher values — repair)(11) there is substituted the Schedule 2 set out in the Schedule to these Regulations.

(3) In Schedule 3 to the principal Regulations (prisms, tints, photochromic lenses, small glasses and special frames and complex appliances)—

- (a) in paragraph 1(1)(a) (single vision lens with prism), for “£4.90” there is substituted “£5.10”;
- (b) in paragraph 1(1)(b) (other lens with prism), for “£6.10” there is substituted “£6.30”;
- (c) in paragraph 1(1)(c) (single vision tinted lens), for “£2.50” there is substituted “£2.60”;
- (d) in paragraph 1(1)(d) (other tinted lens), for “£3.00” there is substituted “£3.10”;

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(9) The figures substituted by this regulation were last substituted by [S.I. 1994/635](#).

(10) Schedule 1 was substituted by regulation 4 of [S.I. 1992/531](#), and subsequently amended by [S.I. 1993/524](#) and [1994/635](#).

(11) Schedule 2 was last substituted by [S.I. 1994/635](#).

- (e) in paragraph 1(1)(e) (small glasses)(12)—
  - (i) in sub-head (i), for “£42.10” there is substituted “£43.50”,
  - (ii) in sub-head (ii), for “£37.40” there is substituted “£38.60”, and
  - (iii) in sub-head (iii), for “£20.20” there is substituted “£20.90”;
- (f) in paragraph 1(1)(f) (photochromic lenses), for “£2.50” there is substituted “£2.60” and for “£3.00” there is substituted “£3.10”;
- (g) in paragraph 1(1)(g) (specially manufactured frame), for “£42.10” there is substituted “£43.50”;
- (h) in paragraph 2(a) (minimum complex appliance payment — single vision lenses), for “£4.20” there is substituted “£4.30”; and
- (i) in paragraph 2(b) (minimum complex appliance payment—other lenses), for “£22.70” there is substituted “£23.40”.

### **Application of these Regulations**

**11.** The amendments made by regulations 9 and 10 of these Regulations apply only in relation to a voucher—

- (a) accepted or used pursuant to regulation 12 or regulation 18 of the principal Regulations on or after 1st April 1995; or
- (b) provided to a responsible authority pursuant to regulation 14(2)(c) of the principal Regulations in respect of cost incurred on or after that date.

New St Andrew’s House,  
Edinburgh  
9th March 1995

*Fraser of Carmyllie*  
Minister of State, Scottish Office

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(12) Paragraph 1(1)(e) was substituted by [S.I. 1991/1731](#).

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Regulation 10(2)

SCHEDULE 2 TO THE PRINCIPAL REGULATIONS  
AS SUBSTITUTED BY THESE REGULATIONS

“SCHEDULE 2

Regulation 20(2) and (3)

VOUCHER VALUES — REPAIR

Column 1 Nature of Repair to Appliance	Column 2 Letter Codes — Values							
	A £	B £	C £	D £	E £	F £	G £	H&I £
Repair or replacement of one lens	8.20	15.10	22.40	48.70	17.80	24.00	29.90	54.00
Repair or replacement of two lenses	16.50	30.20	44.80	97.40	35.60	48.00	59.90	108.10
Repair or replacement of—								
the front of a frame	8.50	8.50	8.50	8.50	8.50	8.50	8.50	8.50
the side of a frame	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00
the whole frame	9.90	9.90	9.90	9.90	9.90	9.90	9.90	9.90
Maximum	26.40	40.10	54.70	107.30	45.50	57.90	69.80	118.00”

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations further amend the National Health Service (Optical Charges and Payments) (Scotland) Regulations 1989, 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.

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

Regulations 3, 5, 6, 7 and 8 of these Regulations amend regulations 4(2), 9(3), 10(3), 11(3) and 17(2) and (3) respectively of the principal Regulations so as to require the ophthalmic medical practitioner, optician or other responsible authority completing an optical voucher to include on it the patient's date of birth.

Regulation 4 of these Regulations extends the categories of eligibility for payments towards the cost of optical appliances to include people in receipt of disability working allowance whose capital resources (calculated in accordance with the Regulations concerning entitlement to that allowance) were £8000 or less at the time that allowance was claimed, and also certain relatives of such people.

Regulation 9 of these Regulations amends regulation 20 of the principal Regulations (redemption value for replacement or repair) to increase the value of an optical voucher issued towards the cost of replacing a single contact lens, and to increase the maximum contribution by way of voucher to the cost of repairing a frame.

Regulation 10(1) amends Schedule 1 to the principal Regulations to increase the value of vouchers issued towards the cost of the supply and replacement of glasses and contact lenses.

Regulation 10(2) and the Schedule substitute a new Schedule 2 in the principal Regulations to increase the value of vouchers issued towards the cost of the repair and replacement of optical appliances.

Regulation 10(3) increases the additional values for vouchers for prisms, tints, photochromic lenses and special categories of appliances.

The increases in voucher values range from approximately 1.68% to 4.16% (approximately 1.94% or 3.53% in the case of vouchers for the supply of optical appliances).