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## STATUTORY INSTRUMENTS

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# 1998 No. 642

## The National Health Service (Optical Charges and Payments) (Scotland) Regulations 1998

### PART V

#### PAYMENTS FOR COST OF REPLACEMENT OR REPAIR OF OPTICAL APPLIANCES

##### **Eligibility – replacement or repair**

**15.**—(1) A payment shall be made as provided for by this Part of these Regulations to meet, or contribute towards, any cost accepted by the responsible authority as having been incurred (whether by way of charge under the Act or otherwise) for the replacement or repair of an optical appliance for which a prescription is given in consequence of a testing of sight of—

- (a) a child, where the appliance needs replacement or repair in consequence of loss or damage;
- (b) a person of any description specified in regulation 8(2)(c), (d) or (e) suffering from illness, where the appliance needs replacement or repair in consequence of its loss or damage and the responsible authority is satisfied, after making such enquiries as it considers relevant, that the loss or damage would not have occurred but for that illness.

(2) No payment shall be made by virtue of paragraph (1)(a) or (b) unless the responsible authority is satisfied, after making such enquiries as it considers relevant, that the full cost of replacement or repair cannot be met under the terms of any warranty, insurance or other arrangement made with its supplier or manufacturer.

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##### **Commencement Information**

**II** Reg. 15 in force at 1.4.1998, see [reg. 1\(1\)](#)

##### **Completion of vouchers for replacement or repair**

**16.**—(1) A patient who considers that a payment may be made under this Part in his case in respect of the replacement or repair of his optical appliance may indicate to the supplier that he wishes such a payment may be made.

- (2) In the case of a replacement the supplier may—
  - (a) mark on a voucher the letter code specified in column 2 of Schedule 1 which relates to the type of optical appliance to be replaced as set out in column 1 of that Schedule;
  - (b) duly complete the relevant parts of the voucher with the name and address of the patient, the patient's date of birth and the date of issue of the voucher.
- (3) In the case of a repair the supplier may—

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- (a) mark on a voucher the letter code specified in column 2 of Schedule 1 which relates to the type of optical appliance to be repaired as set out in column 1 of that Schedule;
  - (b) indicate on the voucher the nature of the repair of the appliance to be undertaken and, in particular, whether it comprises—
    - (i) the replacement or repair of one or more lens included in the appliance, and, if so of how many,
    - (ii) the repair of a frame and, if so, whether it is of the whole frame, the front of a frame or one or both sides of a frame;
  - (c) duly complete the relevant parts of the voucher with the name and address of the patient, the patient's date of birth and the date of issue of the voucher.
- (4) The patient shall sign on the voucher—
- (a) a declaration in writing to the effect that he is an eligible person, indicating the grounds of his eligibility;
  - (b) a declaration in writing to the effect that the optical appliance cannot be replaced or repaired free of charge under the terms of any warranty, insurance or other arrangement made with its supplier or manufacturer; and
  - (c) an undertaking in writing to the effect that, if he is unable to show that he is an eligible person, he will pay to the responsible authority an amount equal to the voucher's redemption value.
- (5) A patient who is an eligible person only by virtue of regulation 8(2)(d) or only by virtue of his resources being treated in accordance with regulation 8(3)(e) or (f) as being less than his requirements shall show a current notice of entitlement to the supplier and permit him to copy such details as may be required for the purposes of regulation 18(2)(b)(iv).
- (6) In a case to which regulation 15(1)(b) applies, a supplier intending to use the voucher under regulation 17 shall first submit it to the responsible authority so that it may be satisfied as to the circumstances in which the loss or damage occurred and give its approval to the use of the voucher.

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**Commencement Information**

**I2** Reg. 16 in force at 1.4.1998, see [reg. 1\(1\)](#)

**Use of vouchers for replacement or repair**

**17.** The supplier may use the voucher as being in substitution for payment by the patient of an amount equal to its redemption value, being the whole or part of the cost incurred for the replacement or repair.

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**Commencement Information**

**I3** Reg. 17 in force at 1.4.1998, see [reg. 1\(1\)](#)

**Payments to suppliers for replacement or repair**

**18.—(1)** Except where it was the supplier, the responsible authority shall, if the conditions specified in paragraph (2) are fulfilled, make a payment of a voucher's redemption value to a supplier who has used a voucher in accordance with regulation 17.

(2) The conditions referred to in paragraph (1) are that—

- (a) the patient has signed the declarations and undertaking referred to in regulation 16(4) and acknowledged on the voucher that the optical appliance has been replaced or repaired; and
- (b) the supplier has—
  - (i) made and kept a written record of the replacement or repair and issued to the patient a receipt for any money received from the patient;
  - (ii) obtained any prior approval required by regulation 16(6);
  - (iii) made a claim for payment on a duly completed voucher to the responsible authority within the period of three months beginning with the date of the replacement or repair of the optical appliance; and
  - (iv) where the person has shown a notice of entitlement to him informed the responsible authority of the amount of the patient's contribution, if any.

#### Commencement Information

**I4** Reg. 18 in force at 1.4.1998, see [reg. 1\(1\)](#)

#### Redemption value of voucher for replacement or repair

**19.**—(1) Subject to paragraph (4), the redemption value of a voucher shall, in the case of a replacement, be the lesser of—

- (a) the full cost which would have been payable by the patient for the replacement but for this Part;
- (b) the face value of the voucher or, in the case of the replacement of one only of a pair of contact lenses, [<sup>F1</sup>£42.00].

(2) Subject to paragraph (4), the redemption value of a voucher shall, in the case of the repair of an appliance be the lesser of—

- (a) the full cost which would have been payable by the patient for the repair but for this Part of these Regulations;
- (b) the amount specified in column 2 of Schedule 2 which relates to the type of optical appliance repaired (identified in that column by reference to the relevant letter code as specified in Schedule 1) and to the nature of the repair specified in column 1 of Schedule 2, together with any increase provided for by Schedule 3.

(3) Where more than one repair is made to an appliance the amount taken for the purposes of paragraph (2)(b) as being specified in Schedule 2 shall be the aggregate of the relevant amounts ascertained in accordance with Schedule 2, except—

- (a) that the element of the value of a voucher which relates to the repair of a frame shall not exceed [<sup>F2</sup>£10.80]; and
- (b) the maximum supplement payable under paragraph 1(1)(e) or (g) of Schedule 3 in respect of the repair of any one appliance shall not exceed [<sup>F3</sup>£47.30].

(4) In the case of a person who was eligible for a payment to be made in his case only by virtue of regulation 8(2)(d), the amounts taken for the purpose of paragraphs (1)(a) and (b) and (2)(a) and (b) shall be reduced by the patient's contribution.

#### Textual Amendments

**F1** Sum in [reg. 19\(1\)\(b\)](#) substituted (1.4.1999) by [The National Health Service \(Optical Charges and Payments\) \(Scotland\) Amendment Regulations 1999 \(S.I. 1999/748\)](#), regs. 1, [9\(a\)](#)

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- F2** Sum in reg. 19(3)(a) substituted (1.4.1999) by The National Health Service (Optical Charges and Payments) (Scotland) Amendment Regulations 1999 (S.I. 1999/748), regs. 1, **9(b)**
- F3** Sum in reg. 19(3)(b) substituted (1.4.1999) by The National Health Service (Optical Charges and Payments) (Scotland) Amendment Regulations 1999 (S.I. 1999/748), regs. 1, **9(c)**

**Commencement Information**

- I5** Reg. 19 in force at 1.4.1998, see **reg. 1(1)**

**Status:**

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There are currently no known outstanding effects for the The National Health Service (Optical Charges and Payments) (Scotland) Regulations 1998, PART V.