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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 VI**

**PAYMENTS TO PATIENTS**

**Payments to patients in respect of the supply, replacement or repair of optical appliances**

**20.**—(1) A payment may be made under this regulation to a person of a description specified by regulation 8(2) or 15(1) who pays for the supply, replacement or repair of an optical appliance without exercising his right under regulation 9(1), 10(1) or 15(1) to a payment to meet or contribute towards the cost incurred for the supply, replacement or repair of such optical appliance.

(2) A patient who wishes to receive a payment under this regulation must—

- (a) make a claim to the Secretary of State if he considers that he falls within the description specified in regulation 8(2)(c) or (d); or
- (b) in all other cases, make a claim to the responsible authority.

(3) [<sup>F1</sup>Subject to paragraph (3A),] any such claim must be made within three months after the date of [<sup>F2</sup>payment for] the supply, replacement or repair of the optical appliance, or within such further period as the Secretary of State or the responsible authority may for good cause allow, and that claim must be made on a form provided by or on behalf of the Secretary of State or the responsible authority for that purpose.

[<sup>F3</sup>(3A) Where a patient pays by instalments for the supply, replacement or repair of an optical appliance, any claim he makes under paragraph (2)(a) or (b) must be made within three months after the date of payment of the first instalment.]

(4) It is a further condition of entitlement to a payment under paragraph (1) that the patient produces in support of his claim such evidence as the Secretary of State or the responsible authority may reasonably require including the receipt for any fee paid for the supply, replacement or repair.

(5) [<sup>F4</sup>Subject to paragraph (7),] where the Secretary of State is satisfied that the patient is entitled to a payment as a result of a claim under paragraph (2)(a), he shall authorise in writing the payment of the amount in question to the patient by the responsible authority and, on receipt of such authorisation, the responsible authority shall make a payment to the patient of an amount equal to the redemption value of the voucher which could have been completed under regulation 9, 10 or 16 if the patient had satisfied the requirements of regulation 9(1), 10(1) or 16(4), as the case may be.

(6) [<sup>F5</sup>Subject to paragraph (7),] where the responsible authority is satisfied that the patient is entitled to a payment of a claim under paragraph (2)(b), it shall make a payment to the patient of an amount equal to the redemption value of the voucher which could have been completed under regulation 9, 10, or 16 if the patient had satisfied the requirements of regulation 9(1), 10(1) or 16(4), as the case may be.

**Status:** Point in time view as at 01/04/1999.

**Changes to legislation:** There are currently no known outstanding effects for the The National Health Service (Optical Charges and Payments) (Scotland) Regulations 1998, PART VI. (See end of Document for details)

[<sup>F6</sup>(7) Where the responsible authority makes a payment under paragraph (5) or (6) to a patient who pays by instalments for the supply, replacement or repair of an optical appliance, that payment shall be made as soon as reasonably practicable after the date on which the total value of the instalments paid becomes equal to or greater than the redemption value of the voucher which could have been completed under regulation 9, 10 or 16 if the patient had satisfied the requirements of regulation 9(1), 10(1) or 16(4), as the case may be.]

#### Textual Amendments

- F1** Words in reg. 20(3) inserted (1.4.1999) by The National Health Service (Optical Charges and Payments) (Scotland) Amendment Regulations 1999 (S.I. 1999/748), regs. 1, **10(a)(i)**
- F2** Words in reg. 20(3) inserted (1.4.1999) by The National Health Service (Optical Charges and Payments) (Scotland) Amendment Regulations 1999 (S.I. 1999/748), regs. 1, **10(a)(ii)**
- F3** Reg. 20(3A) inserted (1.4.1999) by The National Health Service (Optical Charges and Payments) (Scotland) Amendment Regulations 1999 (S.I. 1999/748), regs. 1, **10(b)**
- F4** Words in reg. 20(5) inserted (1.4.1999) by The National Health Service (Optical Charges and Payments) (Scotland) Amendment Regulations 1999 (S.I. 1999/748), regs. 1, **10(c)**
- F5** Words in reg. 20(6) inserted (1.4.1999) by The National Health Service (Optical Charges and Payments) (Scotland) Amendment Regulations 1999 (S.I. 1999/748), regs. 1, **10(d)**
- F6** Reg. 20(7) inserted (1.4.1999) by The National Health Service (Optical Charges and Payments) (Scotland) Amendment Regulations 1999 (S.I. 1999/748), regs. 1, **10(e)**

#### Commencement Information

- I1** Reg. 20 in force at 1.4.1998, see **reg. 1(1)**

**Status:**

Point in time view as at 01/04/1999.

**Changes to legislation:**

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