
STATUTORY INSTRUMENTS

1998 No. 642

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

PART I
GENERAL

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the National Health Service (Optical Charges and Payments) (Scotland) Regulations 1998 and shall come into force on 1st April 1998.

(2) In these Regulations, unless the context otherwise requires—

“the Act” means the National Health Service (Scotland) Act 1978;

[^{F1}“the Agency” means the Common Services Agency for the Scottish Health Service constituted under section 10 of the Act;]

[^{F2}“amount withdrawn” means the amount by which the appropriate maximum disabled person’s tax credit or working families’ tax credit, as the case may be, determined in accordance with section 129(8) or 128(5) of the Social Security Contributions and Benefits Act 1992 as the case may be, is reduced by virtue of the claimant’s income exceeding the applicable amount;]

“capital limit” means the amount prescribed for the purposes of section 134(1) of the Social Security Contributions and Benefits Act 1992⁽¹⁾ as it applies to income support;

“child” means a person who is under the age of 16 years;

“complex appliance” means an optical appliance at least one lens of which—

- (a) has a power in any one meridian of plus or minus 10 or more dioptres, or
- (b) is a prism-controlled bifocal lens;

[^{F3}“disabled person’s tax credit” means disabled person’s tax credit under section 129 of the Social Security Contributions and Benefits Act 1992;]

“eligible person” is to be construed—

- (a) for the purposes of Part III, in accordance with regulation 3(2);
- (b) for the purposes of Parts IV and V, in accordance with regulation 8(2) to (5);

“face value” means, in relation to a voucher on which is marked a letter code specified in column 2 of Schedule 1, the amount specified in relation to it in column 3 of that Schedule, plus the amount of any increase provided for by paragraph 1 of Schedule 3;

^{F4}
...

(1) 1992 c. 4. The capital limit is prescribed for the purposes of income support in regulation 45 of S.I. 1987/1967. Whilst £8,000 is applicable in most cases there is a limit of £16,000 in certain cases prescribed in regulation 53(1B) of these Regulations. Regulation 45 was substituted by regulation 12(1)(a) of S.I. 1996/462, regulation 12(1)(b)(ii) of which also added regulation 53(1B).

Status: Point in time view as at 05/10/1999. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the The National Health Service (Optical Charges and Payments) (Scotland) Regulations 1998, Section 1. (See end of Document for details)

“income-based jobseeker’s allowance” has the meaning given to it by section 1(4) of the Jobseekers Act 1995⁽²⁾;

“income support” means income support under Part VII of the Social Security Contributions and Benefits Act 1992;

“Health Board” means a Health Board constituted under section 2 of the Act;

“minimum complex appliance payment” means, in relation to an optical appliance, the amount specified as such for the appliance in paragraph 2 of Schedule 3;

“NHS sight test fee” means, in relation to a testing of a patient’s sight carried out either by an ophthalmic medical practitioner or by an optician—

(a) at a place where the patient normally resides, an amount of [^{F5}£40.33]; or

(b) in any other case, an amount of [^{F6}£14.57];

“notice of entitlement” means a notice issued under regulation 7 of the Remission Regulations for the purposes of remission of charges under the Act;

“ophthalmic list” means a list, prepared and published pursuant to regulations made under section 26(2) of the Act of medical practitioners and opticians who undertake to provide general ophthalmic services⁽³⁾;

“Ophthalmic Services Regulations” means the National Health Service (General Ophthalmic Services) (Scotland) Regulations 1986⁽⁴⁾;

“optician” means an ophthalmic optician;

“patient” means a person whose sight has been tested whether under the Act or otherwise;

“patient’s contribution” is to be construed as follows—

(a) for the purposes of Parts III, IV and V, where a patient’s resources are less than his requirements, the contribution shall be nil;

(b) for the purposes of Part III, where the patient’s resources exceed his requirements, the contribution shall be an amount equal to that excess;

(c) for the purposes of Parts IV and V, where the patient’s resources exceed his requirements, the contribution shall be an amount equal to twice that excess;

“patient’s resources” means a person’s resources as calculated in accordance with regulation 6 of, and Schedule 1 to, the Remission Regulations;

“redemption value” is to be construed—

(a) for the purposes of Part III, in accordance with regulation 7;

(b) for the purposes of Part IV, in accordance with regulation 14;

(c) for the purposes of Part V, in accordance with regulation 19;

“the 1989 Regulations” means the National Health Service (Optical Charges and Payments) (Scotland) Regulations 1989⁽⁵⁾;

“the Remission Regulations” means the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) Regulations 1988⁽⁶⁾ and a reference to those Regulations is to be construed as a reference to them as they have effect on the making of these Regulations and as amended subsequently;

(2) 1995 c. 18.

(3) See S.I. 1986/965, regulation 6.

(4) S.I. 1986/965, amended by S.I. 1988/543, 1989/387 and 1177, 1990/1048, 1991/534, 1995/704, 1996/843 and 2353.

(5) S.I. 1989/392.

(6) S.I. 1988/546, amended by S.I. 1989/393 and 616, 1990/551, 917 and 1665, 1991/575, 1992/574, 1993/642 and 2049, 1995/700 and 2381, 1996/429 and 2391 and 1997/1012 and 2455.

“replacement” does not include the replacement of an optical appliance rendered unserviceable by fair wear and tear;

[^{F7}“responsible authority” means—

- (a) in relation to—
 - (i) a voucher completed pursuant to Part III, the Health Board for the area in which the testing of sight takes place;
 - (ii) a payment made pursuant to Part III, the Agency;
- (b) in relation to a voucher issued or completed pursuant to Part IV, otherwise than by an NHS trust, the Health Board for the area in which the supply of the optical appliance to which it relates takes or is to take place, except in regulation 13 where it means the Agency;
- (c) in relation to a voucher issued or completed pursuant to Part IV by an NHS trust, the Health Board in whose area the patient resides, except in regulation 13 where it means the Agency;
- (d) in relation to a voucher issued or completed pursuant to Part V, otherwise than by an NHS trust, the Health Board for the area in which the replacement or repair of the optical appliance to which it relates takes or is to take place, except in regulations 15(1)(b) and (2), 16(6) and 18 where it means the Agency;
- (e) in relation to a voucher issued or completed pursuant to Part V by an NHS trust, the Health Board in whose area the patient resides, except in regulations 15(1)(b) and (2), 16(6) and 18 where it means the Agency;
- (f) in relation to a payment made pursuant to Part VI, otherwise than by an NHS trust, the Health Board for the area in which the supply, replacement or repair of the optical appliance to which it relates took place, except in regulation 20(3), (4), (5), (6) and (7) where it means the Agency;
- (g) in relation to a payment made pursuant to Part VI by an NHS trust, the Health Board in whose area the patient resides, except in regulation 20(3), (4), (5), (6) and (7) where it means the Agency.]

[^{F8}“small glasses” means glasses—

- (a) prescribed for a child who is under the age of 7 years at the date of issue of a voucher relating to those glasses where the voucher is issued on the same occasion as the prescription relating to those glasses is issued;
- (b) having a frame which is either custom made or a stock frame requiring extensive adaptation to ensure an adequate fit; and
- (c) having a boxed centre distance of no more than 55 millimetres, and for this purpose “box centre” is to be construed in accordance with Part 1 of British Standard 3521/91 (Terms relating to ophthalmic optics and spectacle frames) published by the British Standards Institution as effective immediately before 9th March 1999;]

“supplier” includes a person replacing or repairing an optical appliance;

“supply” includes the replacement of an optical appliance rendered unserviceable by fair wear and tear;

[^{F9}“working families' tax credit” means working families' tax credit under section 128 of the Social Security Contributions and Benefits Act 1992;]

[^{F10}“voucher” for the purpose of enabling a payment to be made under these Regulations means—

Status: Point in time view as at 05/10/1999. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the The National Health Service (Optical Charges and Payments) (Scotland) Regulations 1998, Section 1. (See end of Document for details)

- (a) in Part III, a voucher form supplied by the Health Board to those whose names are included in its ophthalmic list;
 - (b) in Part IV, a voucher form supplied—
 - (i) where a testing of sight is carried out otherwise than by an NHS trust, by the Health Board to the person who carries it out;
 - (ii) where a testing of sight is carried out by an NHS trust, by the NHS trust;
 - (c) in Part V, a voucher form supplied to the supplier by the Health Board.]
- (3) For the purposes of Schedule 1—
- (a) where an optical appliance has lenses described in different paragraphs in column 1 of Schedule 1, the face value of a voucher for the appliance shall be determined according to whichever lens would provide the greater face value; and
 - (b) [^{F11}subject to sub-paragraph (bb),] where an optical appliance has a bifocal lens, the power of the lens shall be determined according to the power of that segment of the lens designed to correct a defect in distant sight; and
 - [^{F12}(bb) where an optical appliance has a bifocal lens, the reading segment of which is more than 4 dioptries more powerful than the distance segment, the power of the lens shall be determined according to the power of the reading segment; and]
 - (c) a monacle shall be treated as though it were glasses.
- [^{F13}(3A) A reference to “the Agency” in these Regulations includes a reference to the Agency acting on behalf of the [^{F14}Health Board.]]
- (4) In these Regulations, unless the context otherwise requires, a reference—
- (a) to a numbered regulation, Part or Schedule is to the regulation in, Part of, or Schedule to, these Regulations bearing that number;
 - (b) in a regulation to a numbered paragraph is to the paragraph in that regulation bearing that number;
 - (c) in Schedule 1 to a numbered paragraph is to the paragraph in column 1 in that Schedule bearing that number.

Textual Amendments

- F1** Words in [reg. 1\(2\)](#) inserted (1.4.1999) by [The National Health Service \(Optical Charges and Payments\) \(Scotland\) Amendment Regulations 1999 \(S.I. 1999/748\)](#), regs. 1, **3(a)(i)**
- F2** Words in [reg. 1\(2\)](#) inserted (5.10.1999) by [The National Health Service \(Optical Charges and Payments\) \(Scotland\) Amendment \(No.2\) Regulations 1999 \(S.S.I. 1999/64\)](#), regs. 1, **3(2)(a)** (with [reg. 10](#))
- F3** Words in [reg. 1\(2\)](#) substituted (5.10.1999) by [The National Health Service \(Optical Charges and Payments\) \(Scotland\) Amendment \(No.2\) Regulations 1999 \(S.S.I. 1999/64\)](#), regs. 1, **3(2)(b)** (with [reg. 10](#))
- F4** Words in [reg. 1\(2\)](#) omitted (5.10.1999) by virtue of [The National Health Service \(Optical Charges and Payments\) \(Scotland\) Amendment \(No.2\) Regulations 1999 \(S.S.I. 1999/64\)](#), regs. 1, **3(2)(c)** (with [reg. 10](#))
- F5** Sum in [reg. 1\(2\)](#) substituted (1.4.1999) by [The National Health Service \(Optical Charges and Payments\) \(Scotland\) Amendment Regulations 1999 \(S.I. 1999/748\)](#), regs. 1, **3(a)(ii)(a)**
- F6** Sum in [reg. 1\(2\)](#) substituted (1.4.1999) by [The National Health Service \(Optical Charges and Payments\) \(Scotland\) Amendment Regulations 1999 \(S.I. 1999/748\)](#), regs. 1, **3(a)(ii)(b)**

Status: Point in time view as at 05/10/1999. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the The National Health Service (Optical Charges and Payments) (Scotland) Regulations 1998, Section 1. (See end of Document for details)

- F7** Words in reg. 1(2) substituted (5.10.1999) by The National Health Service (Optical Charges and Payments) (Scotland) Amendment (No.2) Regulations 1999 (S.S.I. 1999/64), regs. 1, **3(2)(e)** (with reg. 10)
- F8** Words in reg. 1(2) substituted (1.4.1999) by The National Health Service (Optical Charges and Payments) (Scotland) Amendment Regulations 1999 (S.I. 1999/748), regs. 1, **3(a)(iv)**
- F9** Words in reg. 1(2) inserted (5.10.1999) by The National Health Service (Optical Charges and Payments) (Scotland) Amendment (No.2) Regulations 1999 (S.S.I. 1999/64), regs. 1, **3(2)(d)** (with reg. 10)
- F10** Words in reg. 1(2) substituted (5.10.1999) by The National Health Service (Optical Charges and Payments) (Scotland) Amendment (No.2) Regulations 1999 (S.S.I. 1999/64), regs. 1, **3(2)(f)** (with reg. 10)
- F11** Words in reg. 1(3)(b) inserted (1.4.1999) by The National Health Service (Optical Charges and Payments) (Scotland) Amendment Regulations 1999 (S.I. 1999/748), regs. 1, **3(b)**
- F12** Reg. 1(3)(bb) inserted (1.4.1999) by The National Health Service (Optical Charges and Payments) (Scotland) Amendment Regulations 1999 (S.I. 1999/748), regs. 1, **3(c)**
- F13** Reg. 1(3A) inserted (1.4.1999) by The National Health Service (Optical Charges and Payments) (Scotland) Amendment Regulations 1999 (S.I. 1999/748), regs. 1, **3(d)**
- F14** Words in reg. 1(3A) substituted (5.10.1999) by The National Health Service (Optical Charges and Payments) (Scotland) Amendment (No.2) Regulations 1999 (S.S.I. 1999/64), regs. 1, **3(3)** (with reg. 10)

Commencement Information

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

Status:

Point in time view as at 05/10/1999. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the The National Health Service (Optical Charges and Payments) (Scotland) Regulations 1998, Section 1.