
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (Optical Charges and Payments) (Scotland) Regulations 1998 (“the principal Regulations”), 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 3 inserts a new definition of “the Agency” and substitutes a new definition of “small glasses” in regulation 2(1) of the principal Regulations. It also inserts a new regulation 1(3)(bb) to provide that, for the purposes of Schedule 1 to the principal Regulations, where an optical appliance has a bifocal lens, the reading segment of which is more powerful than the distance segment, the power of the lens is determined by reference to the power of the reading segment.

Regulation 3 also amends the definition of “NHS sight test fee”. This fee is set at two levels depending on whether the sight test was carried out at the patient’s home or not, and the appropriate figure is used to calculate the value of assistance towards the cost of a private sight test.

The two levels of NHS sight test fee are raised by regulation 3 as follows–

- (a) the figures used where the sight test was carried out at the patient’s home is raised from £39.04 to £40.33, which represents an increase of 3.3%; and
- (b) the figure used in all other cases is increased from £14.10 to £14.57, which represents an increase of 3.3%.

Regulation 4 amends regulation 8(2) of the principal Regulations to provide that a person’s status as an eligible person is determined by reference to the time when he pays for the supply of an optical appliance.

Regulation 5 inserts new paragraphs (1A) and (1B) in regulation 9 of the principal Regulations. These paragraphs set out the circumstances in which an ophthalmic medical practitioner or optician may issue a voucher to a patient who has had a recent sight test without needing to re-test his sight. The regulation also substitutes a reference to the Agency for the reference to a Health Board in relation to the authorisation of vouchers in the case of non-tolerance.

Regulation 6 substitutes a new regulation 11 which increases to 2 years the period during which a patient may apply for a replacement voucher and provides for the Agency, a Health Board or NHS trust to authorise the issue of a replacement voucher rather than itself issuing the replacement.

Regulation 7 increases to 2 years the period during which a patient may present a voucher to a supplier of optical appliances.

Regulation 9 amends regulation 19 of the principal regulations by uprating redemption values of vouchers for replacement or repair.

Regulation 10 amends regulation 20 of the principal Regulations. The regulation amends regulation 20(3) to provide that a claim for payment under regulation 20 must be made by a patient within 3 months after the date on which he paid for the supply, replacement or repair of the optical appliance in respect of which he makes the claim. Regulation 10 also inserts a new paragraph (3A) which provides that a patient who pays by instalments for the supply, replacement or repair of an appliance and who makes a claim under regulation 20(2) must make that claim within 3 months of the payment of the first instalment. A new paragraph (7) is also inserted which provides that the responsible authority must make a payment to the patient in respect of his claim no earlier than the

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date on which the total value of the instalments paid is at least equivalent to the value of the voucher to which he would have been entitled.

Regulation 12(1) and Part I of the Schedule substitute a new Schedule 1 in the principal Regulations. Regulation 12(2) and Part II of the Schedule substitutes a new Schedule 2 in the principal Regulations and regulation 12(3) amends Schedule 3 to the principal Regulations.

Regulation 13 revokes the provision in Schedule 3 to the principal Regulations concerning the issue or completion by NHS trusts of vouchers in respect of photochromic lenses.