

2004 No. 97

NATIONAL HEALTH SERVICE

**The National Health Service (Optical Charges and Payments)
(Scotland) Amendment Regulations 2004**

Made - - - - - *8th March 2004*

Laid before the Scottish Parliament *9th March 2004*

Coming into force in accordance with regulation 1(2) and (3)

The Scottish Ministers, in exercise of the powers conferred by sections 26, 70(1), 73(a), 74(a), 105(7) and 108(1) of, and paragraphs 2 and 2A of Schedule 11 to, the National Health Service (Scotland) Act 1978(a) and of all other powers enabling them in that behalf, hereby make 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 Regulations 2004.

(2) Subject to paragraph (3), these Regulations shall come into force on 1st April 2004.

(3) Regulation 2(2) and 2(3) shall come into force on 6th April 2004.

(4) In these Regulations “the principal Regulations” means the National Health Service (Optical Charges and Payments) (Scotland) Regulations 1998(b).

Amendment of the principal Regulations

2.—(1) The principal Regulations are amended as follows:—

(2) In regulation 1(2)(c) (interpretation), after the definition of “responsible authority” insert ““severe disability element” means the severe disability element of working tax credit as specified in section 11(6)(d) of the Tax Credits Act 2002(d);”.

(a) 1978 (c.29); section 26 was amended by the Health and Social Security Act 1984 (c.48) (“the 1984 Act”, 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; section 105(7) was amended by the Health Services Act 1980 (c.53), Schedule 6, paragraph 5 and Schedule 7, the Health and Social Services and Social Security Adjudications Act 1983 (c.41), Schedule 9, paragraph 24 and the Health Act 1999 (c.8) Schedule 4, paragraph 60; section 108(1) contained definitions of “prescribed” and “regulations” relevant to the exercise of the statutory powers under which these Regulations are made; paragraph 2(1) and Schedule 11 was substituted by the 1988 Act, Schedule 2, paragraph 15(1), and paragraph 2A of Schedule 11 was inserted by the 1984 Act, Schedule 1, Part II, paragraph 7 and amended by the 1988 Act, section 13(2) and (5). The functions of the Secretary of State were transferred to Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) S.I. 1998/642; amended by S.I. 1998/748, S.S.I. 1999/64, 2000/45 and 395, 2001/88, 2002/17, 86 and 224 and 2003/218 and 431.

(c) Regulation 1 was amended by S.I. 1999/748 and S.S.I. 1999/64, 2000/45 and 395, 2001/88, 2002/17 and 224, and 2003/218 and 431.

(d) 2002 c.21.

- (3) In regulation 8(3)(k) (eligibility - supply of optical appliances)(a)–
- (a) in sub-paragraph (i)(bb) after “disability element” insert “or severe disability element”; and
 - (b) in sub-paragraph (ii) for “£14,200” substitute “£14,600”.
- (4) In regulation 19 (redemption value of voucher for replacement or repair)(b)–
- (a) in paragraph (1)(b) for “£45.70” substitute “£46.80”;
 - (b) in paragraph (3)(a) for “£11.80” substitute “£12.10”; and
 - (c) in paragraph (3)(b) for “£51.50” substitute “£52.80”.
- (5) In Schedule 1 (voucher letter codes and face values - supply and replacement)(c) in column 3 (face value of voucher) for each amount specified in column 1 of the table below (old amount) substitute the amount specified in relation to it in column 2 of that table (new amount).

<i>Column 1</i> <i>Old amount</i>	<i>Column 2</i> <i>New amount</i>
£31.30	£32.10
£47.60	£48.80
£64.80	£71.30
£146.30	£161.00
£54.00	£55.40
£68.70	£70.40
£83.00	£91.30
£160.90	£177.00
£160.90	£164.90
£45.70	£46.80

(6) For Schedule 2 (voucher values - repair)(d), substitute the Schedule 2 set out in the Schedule to these Regulations.

(7) In Schedule 3 (prisms, tints, photochromic lenses, small glasses and special frames and complex appliances)(e)

- (a) in paragraph 1(1)(a) (single vision lens with prism) for “£10.10” substitute “£10.40”;
- (b) in paragraph 1(1)(b) (other lens with prism) for “£12.20” substitute “£12.50”;
- (c) in paragraph 1(1)(c) (single vision tinted lens) for “£3.40” substitute “£3.50”;
- (d) in paragraph 1(1)(d) (other tinted lens) for “£3.90” substitute “£4.00”;
- (e) in paragraph 1(1)(e) (small glasses)–
 - (i) in sub-head (i) for “£51.50” substitute “£52.80”;
 - (ii) in sub-head (ii) for “£45.70” substitute “£46.80”;
 - (iii) in sub-head (iii) for “£24.80” substitute “£25.40”;
- (f) in paragraph 1(1)(g) (specially manufactured frame) for “£51.50”, “£45.70” and “£24.80” substitute “£52.80”, “£46.80” and “£25.40” respectively;
- (g) in paragraph 2(a) (minimum complex appliance payment - single vision lenses) for “£11.00” substitute “£12.10”; and

(a) Regulation 8(3)(k) was inserted by S.S.I. 2003/218.

(b) Regulation 19 was amended by S.I. 1999/748, S.S.I. 2000/45, 2001/88, 2002/86 and 2003/218.

(c) Schedule 1 was substituted by S.I. 1999/748, and subsequently amended by S.S.I. 1999/64, 2000/45, 2001/88, 2002/86 and 2003/218.

(d) Schedule 2 was substituted by S.I. 1999/748, S.S.I. 2000/45, 2001/88, 2002/86 and 2003/218.

(e) Schedule 3 was amended by S.I. 1999/748, S.S.I. 1999/64, 2000/45, 2001/88, 2002/86 and 2003/218.

(h) in paragraph 2(b) (minimum complex appliance payment - other lenses) for “£27.70” substitute “£30.50”.

Application of regulation 3 to these Regulations

3. The amendments made by regulation 2(4) to (7) of, and the Schedule to, these Regulations apply only in relation to a voucher accepted or used pursuant to regulation 12 or regulation 17 of the principal Regulations on or after 1st April 2004.

St Andrew's House,
Edinburgh
8th March 2004

MALCOLM CHISHOLM
A member of the Scottish Executive

SCHEDULE

Regulation 2(6)

SCHEDULE 2 AS SUBSTITUTED BY THESE REGULATIONS

“SCHEDULE 2

Regulation 19(2) and (3)

VOUCHER VALUES - REPAIR

<i>Column 1</i>	<i>Column 2</i>								
	<i>Letter Codes - Values</i>								
	<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>	<i>E</i>	<i>F</i>	<i>G</i>	<i>H</i>	<i>I</i>
<i>Nature of Repair to Appliance</i>	£	£	£	£	£	£	£	£	£
Repair or replacement of one lens	10.00	18.35	29.60	74.45	21.65	29.15	39.60	82.45	76.40
Repair or replacement of two lens	20.00	36.70	59.20	148.90	43.30	58.30	79.20	164.90	152.80
Repair or replacement of— the front of a frame	10.25	10.25	10.25	10.25	10.25	10.25	10.25	10.25	10.25
a side of a frame	6.10	6.10	6.10	6.10	6.10	6.10	6.10	6.10	6.10
the whole frame	12.10	12.10	12.10	2.10	12.10	12.10	12.10	12.10	12.10

”.

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 1998 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 sight tests and the supply, replacement and repair of optical appliances.

Regulation 2(2) inserts a definition of “severe disability element” into the 1998 Regulations.

Regulation 2(3)(a) amends regulation 8(3)(k)(i) of the 1998 Regulations to extend the description of persons entitled to a payment towards the cost incurred for the supply of an optical appliance for which a prescription has been given to include a person who is a member of a family, one member of which is receiving working tax credit with a severe disability element.

Regulation 2(3)(b) amends regulation 8(3)(k)(ii) of the 1998 Regulations by raising the relevant income level of a person or persons at the time an award of a tax credit is made under section 14 of the Tax Credits Act 2002 from £14,200 to £14,600.

Regulation 2(4) amends regulation 19 of the 1998 Regulations to increase the redemption value of a voucher issued towards the cost of replacement of a single contact lens and to increase the maximum contribution by way of a voucher to the cost of repair of a frame.

Regulation 2(5) amends Schedule 1 to the 1998 Regulations to increase the value of vouchers towards the cost of the supply and replacement of optical appliances.

Regulation 2(6) substitutes a new Schedule 2 in the 1998 Regulations to increase the value of vouchers issued towards the cost of the repair and replacement of optical appliances.

Regulation 2(7) amends Schedule 3 to the 1998 Regulations to increase the additional values for vouchers for prisms, tints or photochromic lenses and special categories of appliances.

Regulation 3 provides that the increases contained in regulations 2(4)-(7) and the Schedule only apply in relation to vouchers accepted or used on or after 1st April 2004.

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£3.00

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under the authority and superintendence of Carol Tullo, the Queen's Printer for Scotland
1750 03/04 19593

