SCOTTISH STATUTORY INSTRUMENTS

2003 No. 432

NATIONAL HEALTH SERVICE

The National Health Service (General Ophthalmic Services) (Scotland) Amendment (No. 2) Regulations 2003

Made - - - -	*11th September 2003*
Laid before the Scottish Parliament	*12th September 2003*
Coming into force - -	*6th October 2003*

The Scottish Ministers, in exercise of the powers conferred by sections 26, 105(7) and 108(1) of the National Health Service (Scotland) Act 1978(**a**) and of all other powers enabling them in that behalf hereby make the following Regulations.

Citation and commencement

1. These Regulations may be cited as the National Health Service (General Ophthalmic Services) (Scotland) Amendment (No. 2) Regulations 2003 and shall come into force on 6th October 2003.

Amendment of the National Health Service (General Ophthalmic Services) (Scotland) Regulations 1986

2.—(1) The National Health Service (General Ophthalmic Services) (Scotland) Regulations 1986(**b**) are amended as follows.

(2) In regulation 2(1)(**c**) (interpretation), after the definition of "patient" insert ""pension credit guarantee credit" means state pension credit guarantee credit as construed in accordance with sections 1 and 2 of the State Pension Credit Act 2002(**d**);".

(3) In regulation 14 (sight tests - eligibility)(**e**)–

(a) after sub-paragraph (2)(l) insert–

"(m) he is a member of the same family as a person who is in receipt of pension credit guarantee credit."; and

(**a**) 1978 c.29; section 26 was amended by the Health and Social Security Act 1984 (c.48), section 1(5), Schedule 1, Part II, paragraphs 1 to 4, and Schedule 8, and by the Health and Medicines Act 1988 (c.49), section 13(4); section 105(7) was amended by the Health Services Act 1980 (c.53), Schedule 6, paragraph 5, and Schedule 7, and by the Health and Social Services and Social Security Adjudications Act 1983 (c.41), Schedule 9, paragraph 24 and by the Health Act 1999 (c.8), Schedule 4, paragraph 60; section 108(1) contains definitions of "prescribed" and "regulations" relevant to the exercise of the statutory powers under which these Regulations are made. 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. 1986/965.

(**c**) Regulation 2 was amended by S.I. 1988/543. 1989/387, 1991/534, 1992/531, 1995/704, 1996/843 and 2353, 1999/725 and S.S.I. 1999/55, 2001/62 and 2003/201.

(**d**) 2002 c.16.

(**e**) Regulation 14 was substituted by S.I. 1989/387 and amended by S.I. 1991/534, 1995/704, 1996/2353, and 1999/725 and S.S.I. 1999/55, 2001/4, 2002/86 and 2003/201.

(b) for sub-paragraph (4)(a), substitute–

"(a) in sub-paragraphs (b), (f) and (m), "family" has the meaning given to it by section 137(1) of the Social Security Contributions and Benefits Act 1992(**a**), as it applies to income support;".

MALCOLM CHISHOLM
A member of the Scottish Executive

St Andrew's House,
Edinburgh
11th September 2003

(**a**) 1992 c.4.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (General Ophthalmic Services) (Scotland) Regulations 1986, which provide for arrangements under which ophthalmic medical practitioners and ophthalmic opticians provide general ophthalmic services under the National Health Service.

Regulations 2(2) and (3) extend the description of persons entitled to have their sight tested under general ophthalmic services to members of families of those persons in receipt of pension credit guarantee credit.

Regulation 2(3)(b) extends the current definition of "family" contained in section 137(1) of the Social Security Contributions and Benefits Act 1992 to the family of a person in receipt of state pension credit guarantee credit.

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