STATUTORY INSTRUMENTS

1976 No. 1825 (S. 144)

NATIONAL HEALTH SERVICE, SCOTLAND

The National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 1976

Made - - - -	*27th October* 1976
Laid before Parliament	*11th November* 1976
Coming into Operation	*1st January* 1977

In exercise of the powers conferred on me by section 45(1)(*b*) of the National Health Service (Scotland) Act 1947**(a)** (as amended by sections 19(1) and 39(1) and (2) of the Health Services and Public Health Act 1968**(b)**) and of all other powers enabling me in that behalf, I hereby make the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 1976, and shall come into operation on 1st January 1977.

(2) In these regulations, "the principal regulations" means the National Health Service (General Ophthalmic Services) (Scotland) Regulations 1974**(c)**, as amended by the National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 1974**(d)** and the National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 1975**(e)**.

(3) The Interpretation Act 1889**(f)** shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

Amendment of the principal regulations

2. For regulation 16 of the principal regulations (as substituted by regulation 2 of the National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 1974) there shall be substituted—

"16.—(1) Subject to the provisions of paragraph (2), a patient, other than any of the persons mentioned in paragraph (3), shall be liable to pay, for the replacement or repair under the General Ophthalmic Services of the whole or part of an optical appliance, the charges specified in respect thereof in the Statement.

(2) Where a patient submits a claim to the Committee that such replacement or repair was not necessitated by an act or omission of his and that he should not be held liable to pay the charges referred to in paragraph (1), the Committee shall consider such claim and any further particulars which the patient may, at the Committee's request, give orally or in writing, and shall notify in writing to the patient and to the optician their decision on such claim.

(a) 1947 c. 27.
(b) 1968 c. 46.
(c) S.I. 1974/507 (1974 I, p. 1912).
(d) S.I. 1974/1522 (1974 III, p. 5809).
(e) S.I. 1975/789 (1975 II, p. 2825).
(f) 1889 c. 63.

(3) The persons referred to in paragraph (1) are persons who, at the date of the application for replacement or repair—

(*a*) were pupils in attendance at any school, or

(*b*) were young persons in attendance at any junior college or other educational establishment under the management of an education authority, or

(*c*) were under 16 years of age,

and in respect of whom evidence to that effect is produced to the Committee.

(4) In this regulation:—

(*a*) "education authority", "educational establishment", "junior college" and "young person" have the meanings assigned to them respectively by the Education (Scotland) Act 1962**(a)**, and

(*b*) "pupil" and "school" have the meanings assigned to them respectively by the said Act of 1962, or the Education Act 1944**(b)**."

3.—(1) The National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 1974 are hereby revoked.

(2) Section 38 of the Interpretation Act 1889 shall apply as if these regulations were an Act of Parliament and as if the regulations revoked by these regulations were an Act of Parliament repealed by an Act of Parliament.

Bruce Millan,
One of Her Majesty's Principal Secretaries of State.

New St. Andrew's House,
Edinburgh.
27th October 1976.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations supersede the National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 1974. They extend the categories of children and young persons who are excepted from the liability to pay certain charges for the replacement or repair of optical appliances (hitherto those attending schools, junior colleges or other educational establishments managed by education authorities in Scotland) so as to include those attending any school within the meaning of the Education (Scotland) Act 1962 or the Education Act 1944 and all other children under age 16.

(a) 1962 c. 47. **(b)** 1944 c. 31.

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