SCOTTISH STATUTORY INSTRUMENTS

2006 No. 138

NATIONAL HEALTH SERVICE

The National Health Service (Optical Charges and Payments) (Scotland) Amendment Regulations 2006

Made - - - -	*9th March 2006*
Laid before the Scottish Parliament	*10th March 2006*
Coming into force - -	*1st April 2006*

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 by 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 2006 and shall come into force on 1st April 2006.

(2) 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) (interpretation)(**c**)–

(a) in the definition of "eligible person" omit sub-paragraph (a);

(b) omit the definition of "NHS sight test fee";

(c) in the definition of "patient's contribution" omit–

(i) "III," in sub-paragraph (a); and

(ii) sub-paragraph (b);

(**a**) 1978 c.29; section 26 was amended by the Health and Social Security Act 1984 (c.48) ("the 1984 Act"), section 1(5) and Schedule 1, Part II, paragraphs 1 to 4 and Schedule 8, the Health and Medicines Act 1988 (c.49) ("the 1988 Act"), section 13(4) and the Smoking, Health and Social Care (Scotland) Act 2005 (asp 13) ("the 2005 Act"), section 13(2); 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(1) and Schedule 7, the Health and Social Services and Social Security Adjudications Act 1983 (c.41), Schedule 9, Part I, paragraph 24 and 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; paragraph 2(1) of 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) and the 2005 Act, section 13(3). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(**b**) S.I. 1998/642; amended by S.I. 1999/748 and S.S.I. 1999/64, 2000/45 and 395, 2001/88, 2002/17, 86 and 224, 2003/218 and 431, 2004/97 and 168 and 2005/119.

(**c**) Regulation 1(2) was amended by S.I. 1999/748 and S.S.I. 1999/64, 2000/45 and 395, 2001/88, 2002/17 and 224, 2003/218 and 431, 2004/97 and 168 and 2005/119.

(d) in the definition of "redemption value" omit sub-paragraph (a);

(e) in the definition of "the Remission Regulations" for "the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) Regulations 1988" substitute "the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003(**a**)";

(f) in the definition of "responsible authority" omit sub-paragraph (a); and

(g) in the definition of "voucher" omit sub-paragraph (a).

(3) Omit Part III (payments towards cost of sight tests).

(4) In regulation 8 (eligibility – supply of optical appliances)(**b**)–

(a) in paragraph (2)(d) for "6" substitute "8"; and

(b) in paragraph (3)(e) for "6" substitute "8".

(5) In regulation 12A(5) (notice of entitlement)(**c**) for "7" substitute "9".

(6) In regulation 19 (redemption value of voucher for replacement or repair)(**d**)–

(a) in paragraph (1)(b) for "£48.00" substitute "£49.20";

(b) in paragraph (3)(a) for "£12.40" substitute "£12.70"; and

(c) in paragraph (3)(b) for "£54.10" substitute "£55.50".

(7) In Schedule 1 (voucher letter codes and face values – supply and replacement)(**e**) in column 3 (face value of voucher) for each amount specified in column 1 of the table (old amount) substitute the amount specified in relation to it in column 2 of the table (new amount).

Column 1 *Old amount*	*Column 2* *New amount*
£32.90	£33.70
£50.00	£51.20
£73.10	£74.90
£165.00	£169.10
£56.80	£58.20
£72.20	£74.00
£93.60	£95.90
£181.40	£185.90
£169.00	£173.20
£48.00	£49.20

(8) For Schedule 2 (voucher values – repair)(**f**), substitute the Schedule 2 set out in the Schedule to these Regulations.

(9) In Schedule 3 (prisms, tints, photochromic lenses, small glasses and special frames and complex appliances)(**g**)–

(a) in paragraph 1(1)(a) (single vision lens with prism) for "£10.70" substitute "£11.00";

(b) in paragraph 1(1)(b) (other lens with prism) for "£12.80" substitute "£13.10";

(c) in paragraph 1(1)(c) (single vision tinted lens) for "£3.60" substitute "£3.70";

(d) in paragraph 1(1)(d) (other tinted lens) for "£4.10" substitute "£4.20";

(**a**) S.S.I. 2003/460 was amended by S.S.I. 2004/102 and 166, 2005/3 and 179 and 2006/ .
(**b**) Regulation 8 was amended by S.I. 1999/748 and S.S.I. 1999/64, 2001/88, 2002/86, 2003/218 and 431, 2004/97 and 168 and 2005/119.
(**c**) Regulation 12A was inserted by S.S.I. 2003/218.
(**d**) Regulation 19 was amended by S.I. 1999/748 and S.S.I. 2000/45, 2001/88, 2002/86, 2003/218, 2004/97 and 2005/119.
(**e**) Schedule 1 was substituted by S.I. 1999/748 and amended by S.S.I. 1999/64, 2000/45, 2001/88, 2002/86, 2003/218, 2004/97 and 168 and 2005/119.
(**f**) Schedule 2 was substituted by S.I. 1999/748, S.S.I. 2000/45, 2001/88, 2002/86, 2003/218, 2004/97 and 2005/119.
(**g**) Schedule 3 was amended by S.I. 1999/748, S.S.I. 1999/64, 2000/45, 2001/88, 2002/86, 2003/218, 2004/97 and 168 and 2005/119.

(e) in paragraph 1(1)(e) (small glasses)–

(i) in sub-head (i) for "£54.10" substitute "£55.50";

(ii) in sub-head (ii) for "£48.00" substitute "£49.20"; and

(iii) in sub-head (iii) for "£26.00" substitute "£26.60";

(f) in paragraph 1(1)(g) (specially manufactured frame) for "£54.10", "£48.00" and "£26.00" substitute "£55.50", "£49.20" and "£26.60" respectively;

(g) in paragraph 2(a) (minimum complex appliance payment – single vision lenses) for "£12.40" substitute "£12.70"; and

(h) in paragraph 2(b) (minimum complex appliance payment – other lenses) for "£31.30" substitute "£32.10".

Application of regulation 2 of these Regulations

3. The amendments made by regulation 2(6) to (9) 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 2006.

LEWIS MACDONALD
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
9th March 2006

SCHEDULE

Regulation 2(8)

SCHEDULE 2 AS SUBSTITUTED BY THESE REGULATIONS

"SCHEDULE 2

Regulation 19(2) and (3)

VOUCHER VALUES – REPAIR

Column 1 *Nature of Repair to Appliance*	*Column 2* *Letter Codes – Values*								
	A	*B*	*C*	*D*	*E*	*F*	*G*	*H*	*I*
	£	£	£	£	£	£	£	£	£
Repair or replacement of one lens	10.50	19.25	31.10	78.20	22.75	30.65	41.60	86.60	80.25
Repair or replacement of two lenses	21.00	38.50	62.20	156.40	45.50	61.30	83.20	173.20	160.50
Repair or replacement of–									
the front of a frame	10.75	10.75	10.75	10.75	10.75	10.75	10.75	10.75	10.75
a side of a frame	6.40	6.40	6.40	6.40	6.40	6.40	6.40	6.40	6.40
the whole frame	12.70	12.70	12.70	12.70	12.70	12.70	12.70	12.70	12.70

"

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 2(2) amends the definitions in the principal Regulations.

Regulation 2(3) amends the principal Regulations by omitting Part III (payments towards cost of sight tests) as a result of the introduction of free eye examinations including where clinically necessary testing of sight in the Smoking, Health and Social Care (Scotland) Act 2005.

Regulation 2(6) amends the principal 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(7) amends the principal Regulations to increase the value of vouchers towards the cost of the supply and replacement of optical appliances.

Regulation 2(8) amends the principal Regulations to increase the value of vouchers issued towards the cost of the repair and replacement of optical appliances.

Regulation 2(9) amends the principal Regulations to increase the additional values for vouchers for prisms, tints or photochromic lenses and special categories of appliances.

The increases contained in regulation 2(6) to (9) and the Schedule come into force on 1st April 2006. Regulation 3 provides however that those increases only apply in relation to vouchers accepted or used on or after 1st April 2006.

The amendment made by regulation 2(4)(b)(ii) comes into force on 6th April 2006.

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£3.00

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1700 03/06 19593