1986 No. 164

HEALTH AND PERSONAL SOCIAL SERVICES

Payments for Optical Appliances Regulations (Northern Ireland) 1986

Made . . . . . *25th June 1986*

Coming into operation . . . *1st July 1986*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 62(2), 98, 106 and 107(6) of and Schedule 15 to, the Health and Personal Social Services (Northern Ireland) Order 1972(**a**) and Article 18(1) of the Health and Social Security (Northern Ireland) Order 1984(**b**) and of all other powers enabling it in that behalf, with the approval of the Department of Finance and Personnel(**c**), and after consultation with such organisations as appeared to the Department to be representative of medical practitioners practising as ophthalmic medical practitioners, ophthalmic opticians and dispensing opticians as required by Article 62(3) of the said 1972 Order, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Payments for Optical Appliances Regulations (Northern Ireland) 1986 and shall come into operation on 1st July 1986.

(2) In these regulations, unless the context otherwise requires—

"Board" means a Health and Social Services Board established under Article 16 of the Order for any area;

"child" means a person who is under the age of 16 years;

"complex appliance" means an optical appliance at least one lens of which—

(*a*) has a power in any one meridian of plus or minus 10 or more dioptres; or

(*b*) is a lenticular lens;

"contribution assessment" means a document issued by the Department showing whether or not there is a patient's contribution and, if there is, its amount;

"eligible person" has the meaning assigned to it by regulation 2(2) to (4);

"face value" means in relation to a voucher on which is marked a letter code specified in column 2 of Part I of Schedule 1 the amount specified in relation to it in column 3 of that Part, plus the amount of any increase for a prism or a tint provided for by paragraph 1 of Part II of that Schedule;

"minimum complex appliance payment" means in relation to an optical appliance the amount specified as such for the appliance in paragraph 2 of Part II of Schedule 1;

(**a**) S.I. 1972/1265 (N.I. 14)
(**b**) S.I. 1984/1158 (N.I. 8)
(**c**) Formerly Department of Finance: *see* S.I. 1982/338 (N.I. 6) Art. 3

"Ophthalmic Services Regulations" means the General Ophthalmic Services Regulations (Northern Ireland) 1986(**a**);

"optician" means an ophthalmic optician;

"Order" means the Health and Personal Social Services (Northern Ireland) Order 1972;

"patient" means a person whose sight has been tested under the Order;

"patient's contribution" means the amount of a contribution calculation in accordance with Schedule 2;

"qualifying full-time education" means full-time instruction at a recognised educational establishment or by other means accepted as comparable by the Department and "recognised educational establishment" means an establishment recognised by the Department as being, or as comparable to, a school, college or university;

"redemption value" is to be construed in accordance with regulation 8;

"voucher" means a voucher form supplied

(*a*) where a sight test is carried out under the general ophthalmic services, by the Agency to persons providing those services;

(*b*) where a sight test is carried out by a Board, by the Board,

for the purpose of enabling a payment to be made under these regulations.

(3) For the purposes of Part I of Schedule 1—

(*a*) where an optical appliance has lenses described in different paragraphs in column 1 of Part I of Schedule 1, the face value of a voucher for the appliance shall be determined according to whichever lens would provide the greater face value; and

(*b*) a monocle shall be treated as though it were glasses.

Eligibility for payment of costs of optical appliances

2.—(1) A payment shall be made as provided for by these regulations to meet, or to contribute towards, the cost incurred (whether by way of charge under the Order or otherwise) for the supply of an optical appliance for which a prescription has been given in consequence of a testing of sight under the Order for an eligible person.

(2) For the purposes of these regulations an eligible person is a person who at the time of supply of the optical appliance is any of the following:—

(*a*) a child;

(*b*) a person who is under the age of 19 years and receiving qualifying full-time education;

(*c*) a person whose resources are treated, in accordance with paragraph (3), as being less than his requirements;

(*d*) a person entitled to welfare milk under regulation 4 of the Welfare Foods Regulations (Northern Ireland) 1981(**b**) or to welfare food under regulation 5 of those regulations;

(*e*) a person to whom the Department has issued an exemption certificate pursuant to regulation 15(1)(*f*)(ii) of the Health and Personal Social Services (Charges for Drugs and Appliances) Regulations (Northern Ireland) 1973(**c**) (exemption from prescription charge on low income grounds);

(**a**) S.R. 1986 No. 163
(**b**) S.R. 1981 No. 159
(**c**) S.R. & O. (N.I.) 1973 No. 419

(*f*) a person for whom a prescription is issued for a complex appliance.

(3) A person's resources shall be treated as being less than his requirements if—

(*a*) he is in receipt of a supplementary pension or allowance under the Supplementary Benefits (Northern Ireland) Order 1977(**a**) or his requirements fall under that Order to be aggregated with, and treated as, those of a person in receipt of such a pension or allowance;

(*b*) he is a member of a family for which a family income supplement under the Family Income Supplements Act (Northern Ireland) 1971(**b**) has been determined as payable; or

(*c*) his patient's contribution is less than the face value of a voucher issued to him under these regulations.

(4) For the purposes of regulation 4 and other provisions of these regulations as they apply to payments where the testing of sight was by a Board, a person is also an eligible person if, because of the frequency with which the condition of his eyes changes, he is considered by the Board to be non-tolerant of his existing optical appliance.

Issue of vouchers in connection with general ophthalmic services

3.—(1) A person making an application for a testing of sight pursuant to regulation 15 of the Ophthalmic Services Regulations who considers that he may be an eligible person and wishes a payment to be made under these regulations in his case shall indicate to the ophthalmic medical practitioner or optician to whom the application is made that he may be an eligible person.

(2) An ophthalmic medical practitioner or optician who, following a testing of sight under the Ophthalmic Services Regulations, issues a prescription for an optical appliance to a patient—

(*a*) who has indicated that he may be an eligible person; or

(*b*) whose prescription is for a complex appliance,

shall, in the circumstances described in paragraph (4) but subject to paragraph (5), issue to the patient a voucher relating to the optical appliance prescribed.

(3) The ophthalmic medical practitioner or optician issuing the voucher shall sign it and shall—

(*a*) mark on it the letter code specified in column 2 of Part I of Schedule 1 which relates to the type of optical appliance prescribed as set out in column 1 of that Part;

(*b*) duly complete the relevant parts of the voucher with the name and address of the patient, the patient's age, particulars of the prescription issued to the patient, the date on which the patient's sight was tested and the date of issue of the voucher.

(4) The circumstances referred to in paragraph (2) are where the ophthalmic medical practitioner or optician, having consulted any records which he has relating to the patient and made such enquiry of the patient as he considers relevant, is satisfied that—

(*a*) the patient requires an optical appliance for the first time or an optical appliance to a prescription the particulars of which differ from those relating to his existing appliance; or

---

(**a**) S.I., 1977/2156 (N.I. 27): provisions of the Supplementary Benefits (Northern Ireland) Order 1977, as amended by Article 7 of, and Part I of Schedule 2 to, the Social Security (Northern Ireland) Order 1980 (S.I. 1980/870 (N.I. 8)), are set out in Part II of that Schedule

(**b**) 1971 c. 8 (N.I.)

(*b*) the patient requires an optical appliance because his existing optical appliance has been rendered unserviceable by fair wear and tear.

(5) Where a patient requires an optical appliance to a prescription the particulars of which differ from those relating to his existing appliance only because the patient is non-tolerant of that appliance, and has been so since it was supplied to him, no voucher shall be issued unless the Agency being satisfied that the prescription for that existing appliance was clinically correct, has authorised the issue of a voucher.

(6) Where, on an application by a patient within six months of a voucher having been issued to him under paragraph (2), the Agency is satisfied, having made such enquiries as it considers relevant, that the voucher has been lost or destroyed without having been presented to a supplier of optical appliances, it may issue to the patient a replacement voucher completed in accordance with paragraph (3)(*a*) and (*b*), but with the date of issue of the voucher being that on which the replacement is issued.

(7) Unless paragraph (6) applies, not more than one voucher shall be issued to a patient in respect of any one optical appliance prescribed.

Issue of vouchers by Health and Social Services Boards

4.—(1) A person whose sight is tested by a Board who considers that he may be an eligible person and wishes a payment to be made under these regulations in his case shall indicate to that Board that he may be an eligible person.

(2) A Board which, following a testing of sight, issues a prescription for an optical appliance to a patient—

(*a*) who has indicated that he may be an eligible person;

(*b*) whose prescription is for a complex appliance; or

(*c*) who is an eligible person by virtue of regulation 2(4),

shall issue to the patient a voucher relating to the optical appliance prescribed.

(3) The Board issuing the voucher shall—

(*a*) mark on it the letter code specified in column 2 of Part I of Schedule 1 which relates to the type of optical appliance prescribed as set out in column 1 of that Part;

(*b*) duly complete the relevant parts of the voucher with the name and address of the patient, the patient's age, particulars of the prescription issued to the patient, the date on which the patient's sight was tested and the date of issue of the voucher.

Use of voucher

5.—(1) Subject to paragraphs (3) to (5), a patient to whom a voucher, duly completed in accordance with regulation 3 or regulation 4, has been issued may present it to a supplier who supplies or is to supply him with an optical appliance, provided that the arrangements for supply are made within six months of the date on which the voucher was issued.

(2) A supplier may accept the voucher in substitution for payment by the patient of an amount equal to its redemption value, being the whole or part of the cost incurred for the supply of an optical appliance.

(3) Before presenting the voucher to the supplier the patient shall sign on the voucher—

(*a*) a declaration in writing to the effect that he is an eligible person, indicating the grounds of his eligibility;

(*b*) an undertaking in writing to the effect that, if he is unable to show that he is an eligible person, he will pay to the Agency an amount equal to the voucher's redemption value.

(4) A patient wishing to present to a supplier a voucher which has been issued only because he may be an eligible person by virtue of regulation 2(3)(*c*) shall, before presenting the voucher to the supplier apply to the Department for a contribution assessment.

(5) A patient to whom a contribution assessment is issued shall present it to the supplier at the same time as he presents him with a voucher in accordance with paragraph (1).

Payments to suppliers

6.—(1) The Agency shall, if the conditions specified in paragraph (2) are fulfilled, make a payment of a voucher's redemption value to a supplier who has accepted the voucher from a patient in accordance with regulation 5.

(2) The conditions referred to in paragraph (1) are that—

(*a*) the patient has signed the declaration and undertaking referred to in regulation 5(3) and acknowledged receipt on the voucher of the optical appliance supplied to him;

(*b*) the optical appliance is not sold or supplied in contravention of section 21(1) of the Opticians Act 1958(**a**);

(*c*) the supplier has—

(i) made and kept a written record of the supply and issued to the patient a receipt for any money received from the patient;

(ii) made a claim for a payment, on a duly completed voucher, to the Agency; and

(iii) sent to the Agency any contribution assessment presented to him under regulation 5(5).

Payments to patients in Health and Social Services Board cases

7.—(1) A payment may be made under this regulation to a patient who—

(*a*) has been issued by a Board with a voucher only because he may be an eligible person by virtue of regulation 2(3)(*c*); and

(*b*) incurs cost for the supply of an optical appliance without first having obtained a contribution assessment and without presenting his voucher to a supplier.

(2) A patient who wishes a payment to be made to him under this regulation shall—

(*a*) apply to the Department for a contribution assessment;

(*b*) sign the declaration and undertaking referred to in regulation 5(3);

(*c*) within six months of the date on which he was supplied with the optical appliance, apply to the Agency for a payment and send to the Agency—

(i) the voucher issued to him;

(ii) any contribution assessment issued to him;

(iii) evidence of the cost incurred for the supply of the optical appliance.

(3) On an application made in accordance with paragraph (2), the Agency shall, if satisfied—

(*a*) that the patient was an eligible person; and

(*b*) as to the cost incurred for the supply of the optical appliance,

make a payment to the patient of the voucher's redemption value.

(**a**) 1958 c. 32; section 21 was amended by the Health and Social Security Act 1984 (c. 48), section 1(1)

Redemption value of voucher

8.—(1) The redemption value of a voucher shall, subject to paragraphs (2) and (3), be the lesser of—

(*a*) the full cost which would have been payable by the patient for the supply of the optical appliance but for these regulations;

(*b*) the face value of the voucher.

(2) In the case of a patient who was an eligible person only by virtue of regulation 2(3)(*c*), the amounts taken for the purposes of paragraph (1)(*a*) and (*b*) shall be reduced by the patient's contribution.

(3) In the case of a patient who was an eligible person by virtue of regulation 2(2)(*f*), the redemption value of a voucher shall be—

(*a*) where he was an eligible person on some other ground also, an amount calculated in accordance with paragraphs (1) and (2) or the minimum complex appliance payment, whichever is the greater;

(*b*) in any other case, the minimum complex appliance payment.

Amounts wrongly paid

9.—(1) Where a person who is not an eligible person declares on a voucher that he is an eligible person and—

(*a*) a supplier accepts the voucher; and

(*b*) the Agency makes a payment to the supplier under these regulations,

the person who makes the declaration shall repay to the Agency the amount of the payment which it makes to the supplier.

(2) Where a supplier makes a claim for payment to the Agency, representing that the conditions specified in regulation 6(2) are fulfilled, but those conditions are not fulfilled and the Agency makes a payment to the supplier under these regulations, it may recover the amount of that payment from the supplier.

Signatures

10. A signature required by these regulations may be given—

(*a*) on behalf of a child by either parent, or in the absence of both parents, the guardian or other adult person who has the care of the child;

(*b*) on behalf of any other person who is incapable of giving such a signature, by a relative or any other adult who has the care of that person; or

(*c*) on behalf of any person under 18 years of age—

(i) in the care of an authority to whose care that person has been committed under the provisions of the Children and Young Persons Act (Northern Ireland) 1968(**a**) by a person duly authorised by that authority;

(ii) in the care of a voluntary organisation, by that organisation or a person duly authorised by them.

Transitional

11.—(1) A person who—

(*a*) before 1st July 1986 but after 31st May 1986 has been given a prescription for an optical appliance following a testing of sight under the Order;

(*b*) has not made arrangements before 1st July 1986 for the supply of an optical appliance under the Order in pursuance of that prescription; and

(**a**) 1968 c. 34 (N.I.)

(*c*) considers that he may be an eligible person;

shall, upon his making an application by 31st July 1986 to the person who gave him the prescription, be issued with a voucher in accordance with regulation 3(2) to (5) or regulation 4(2) and (3), as the case may be.

(2) Where, after the coming into operation of these regulations, a patient—

(*a*) is supplied before 1st January 1987 with an optical appliance for which he incurs cost;

(*b*) is an eligible person but was not issued with a voucher; and

(*c*) applies for a payment under this regulation within six months of the date on which he was supplied with that appliance to the Agency,

the Agency shall, if satisfied that a voucher should have been issued to that patient or would have been issued to him had he indicated, when his sight was tested, that he may have been an eligible person, make a payment to him of an amount determined in accordance with regulation 8 as though a voucher had been issued and marked with the appropriate letter code.

Revocations and savings

12.—(1) Subject to the following provisions of this regulation, the regulations specified in column 1 of Schedule 3 are revoked to the extent specified in column 3 of that Schedule.

(2) Where arrangements are made before 1st July 1986 for the supply of an optical appliance as part of general ophthalmic services a charge may be made and recovered in respect of the supply as though the revoked regulations remained in force.

(3) Where an optical appliance is supplied under the Order after 1st July 1986, otherwise than as part of general ophthalmic services, but the testing of sight, or the first such testing, takes place before that date, a charge may be made and recovered in respect of the supply as though the revoked regulations remained in force.

(4) In respect of transactions entered into before 1st July 1986, claims and payments may be made as though regulation 8(5) of the Health and Personal Social Services (Remission of Charges) Regulations (Northern Ireland) 1974(**a**) (which provide for repayments in certain cases for optical appliances supplied, replaced or repaired otherwise than under the health service) remained in force.

Sealed with the Official Seal of the Department of Health and Social Services on 25th June 1986.

(L.S.) *R. W. McQuiston*
Assistant Secretary

The Department of Finance and Personnel hereby approves the foregoing Regulations.

Sealed with the Official Seal of the Department of Finance and Personnel on 25th June 1986.

(L.S.) *R. G. Smartt*
Assistant Secretary

(a) S.R. 1974 No. 271. The relevant amending regulation is S.R. 1985 No. 57

SCHEDULE 1

Regulations 1(2) and (3), 3(3)(*a*) and 4(3)(*a*)

VOUCHER VALUES

PART I

VOUCHER LETTER CODES AND FACE VALUES

Column 1 *Type of Optical Appliance*	Column 2 *Letter Code*	Column 3 *Face Value of Voucher*
1. Glasses with single vision lenses of a power (plus or minus) not exceeding— (*a*) as respects any spherical power, 6 dioptres; (*b*) as respects any cylindrical power, 2 dioptres.	A	£14·25
2. Glasses with single vision lenses not falling within paragraph 1 or 3.	B	£22·00
3. Glasses with single vision lenses— (*a*) of a spherical power (plus or minus) exceeding 20 dioptres; (*b*) of a spherical power (plus or minus) exceeding 10 dioptres with any cylindrical power; (*c*) of a cylindrical power (plus or minus) exceeding 6 dioptres; or (*d*) in lenticular form.	C	£33·00
4. Glasses with bifocal lenses of a power (plus or minus) not exceeding— (*a*) as respect any spherical power, 6 dioptres; (*b*) as respects any cylindrical power, 2 dioptres.	D	£27·00
5. Glasses with bifocal lenses not falling within paragraph 4 or 6.	E	£42·00
6. Glasses with prism segment bifocal lenses or glasses with bifocal lenses— (*a*) of a spherical power (plus or minus) exceeding 20 dioptres; (*b*) of a spherical power (plus or minus) exceeding 10 dioptres with any cylindrical power; (*c*) of a cylindrical power (plus or minus) exceeding 6 dioptres; or (*d*) in lenticular form.	F	£66·00
7. Glasses not falling within any of paragraphs 1 to 6 for which a prescription is given in consequence of a testing of sight by a Board.	G	£66·00

PART II

PRISMS, TINTS AND COMPLEX APPLIANCES

1. The amounts in column 3 in Part I of, and in paragraph 2 of this Part of the Schedule shall be increased in the case of any appliance containing a prism which has been prescribed on the basis of clinical need or containing a tinted lens for which the tint has been prescribed on the basis of clinical needs; and the amount of the increase shall be—

(*a*) in the case of single vision lenses, £3 in respect of each lens containing a prism and £3 in respect of each pair of tinted lenses;

(*b*) in the case of other lenses, £4 in respect of each lens containing a prism and £4 in respect of each pair of tinted lenses.

2. The minimum complex appliance payment is—

(*a*) for a complex appliance with single vision lenses only, £2;

(*b*) for any other complex appliance, £14.

Plus in each case, the amount of any increase for a prism or a tint provided for by paragraph 1 of this part of this Schedule.

SCHEDULE 2 Regulation 1(2)

PATIENT'S CONTRIBUTION

1. For the purposes of calculating the patient's contribution, his requirements and resources shall first be determined.

2. For those purposes a person's requirements and resources shall be determined according to the provisions of Schedule 1 to the Supplementary Benefits (Northern Ireland) Order 1977 (provisions for determining right to and amount of supplementary benefit), as if—

(*a*) Article 7 (availability and registration for employment), 9 (exclusion of certain employed persons and pupils), 12 (persons affected by trade disputes) and 14 (notification in certain cases of refusal or neglect to maintain) of, and paragraphs 2(5) (no normal requirements in certain cases) and 3(2)(*b*) (aggregation in prescribed circumstances) of Schedule 1 to, that Order did not apply;

(*b*) his requirements included the following additional requirements—

(i) the sum of £2·50;

(ii) such amount (if any) as is considered reasonable to meet housing costs;

(iii) such amount in respect of life insurance premiums payable by, and in respect of a policy on the life of, that person as is reasonable in the circumstances;

(iv) an amount in respect of hire purchase payments under a hire purchase agreement for items of essential equipment for which a payment would be made under the Supplementary Benefit (Single Payments) Regulations (Northern Ireland) 1981(**a**) if he were in receipt of a supplementary pension or allowance under that Act;

(*c*) paragraph 15(*d*) of Schedule 3 to the Supplementary Benefit (Requirements) Regulations (Northern Ireland) 1983(**b**) (which relates to hire purchase) did not apply.

3. Where the patient's resources are equal to or less than his requirements the patient's contribution is nil.

4. Where the patient's resources exceed his requirements the patient's contribution is an amount equal to three times the excess.

(**a**) S.R. 1981 No. 369. The relevant amending regulations are S.R. 1983 No. 191
(**b**) S.R. 1983 No. 61. The relevant amending regulations are S.R. 1983 No. 247

SCHEDULE 3 Regulation 12(1)

REGULATIONS REVOKED

Column 1 *Regulations Revoked*	Column 2 *References*	Column 3 *Extent of Revocation*
The Health and Personal Social Services (Remission of Charges) Regulations (Northern Ireland) 1974	S.R. 1974 No. 271	(*a*) In regulation 2(1) the definitions of "children's glasses" and "current specified cost"; (*b*) in regulation 5(1)(*a*), all the words following "optical appliance" where it first occurs; (*c*) regulation 5(1)(*b*). (*d*) regulation 8(5).
Remission of Charges (Amendment) Regulations (Northern Ireland) 1981.	S.R. 1981 No. 62	Regulation 2(2)
Remission of Charges (Amendment) (No. 2) Regulations (Northern Ireland) 1981.	S.R. 1981 No. 315	The whole regulations
The Health and Personal Social Services (General Ophthalmic Services) Regulations (Northern Ireland) 1975.	S.R. 1975 No. 372	(*a*) Regulations 18, 19, 21 and 22 (*b*) Schedule 3
The Health and Personal Social Services (General Ophthalmic Services) (Amendment) Regulations (Northern Ireland) 1977.	S.R. 1977 No. 80	The whole regulations
The Health and Personal Social Services (General Ophthalmic Services) (Amendment) Regulations (Northern Ireland) 1978.	S.R. 1978 No. 21	Regulation 2(2)
General Ophthalmic Services (Amendment) Regulations (Northern Ireland) 1981.	S.R. 1981 No. 60	(*a*) Regulation 2(2), (3), (4), (5) and (6) (*b*) Regulation 3
General Ophthalmic Services (Amendment) Regulations (Northern Ireland) 1982.	S.R. 1982 No. 61	The whole regulations
General Ophthalmic Services (Amendment) Regulations (Northern Ireland) 1983.	S.R. 1983 No. 33	The whole regulations
General Ophthalmic Services (Amendment) Regulations (Northern Ireland) 1984.	S.R. 1984 No. 65	The whole regulations
General Ophthalmic Services (Amendment) Regulations (Northern Ireland) 1985.	S.R. 1985 No. 57	(*a*) Regulation 2(4), (5), (6), (7) and (9) (*b*) Regulations 3 and 4

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations provide for payments to be made by the Central Services Agency and Health and Social Services Boards in respect of the cost incurred by certain categories of persons (specified in regulation 2) for the supply of optical appliances prescribed following a sight test under the health service. As a consequence of amendments made to the Health and Personal Social Services (Northern Ireland) Order 1972 by the Health and Social Security (Northern Ireland) Order 1984, the supply of optical appliances will cease on 1st July 1986 to be part of the general ophthalmic services provided under Part VI of the 1972 Order.

Under these regulations, whether a person's sight is tested under the general ophthalmic services (regulation 3) or the hospital eye service provided by Boards (regulation 4), a voucher is to be issued to him, if he appears eligible for a payment under the regulations. The voucher is required to bear a letter code which varies according to the type of appliance prescribed and indicates a monetary value (set out in Schedule 1). The patient may use the voucher towards the cost incurred by him for the supply of the optical appliance prescribed (regulation 5) and the supplier may, on submitting the voucher, claim a payment from the Agency (regulation 6). The amount of that payment varies according to whether or not the patient is required to make a contribution (which has the effect of reducing the voucher's value) and whether or not the optical appliance is a complex appliance (regulation 8). In some hospital eye service cases, payment may be made direct to the patient if he has been supplied with his optical appliance without using his voucher (regulation 7). These regulations also contain provision for repayment of amounts wrongly paid (regulation 9) for signatures by those under disability (regulation 10) and transitional provisions (regulation 11). They effect revocations (regulation 12 and Schedule 3) mainly consequential upon the introduction of the provisions for payment.