1981 No. 62

HEALTH AND PERSONAL SOCIAL SERVICES

Remission of Charges (Amendment) Regulations (Northern Ireland) 1981

Made	*3rd March 1981*
Coming into operation . . .	*1st April 1981*

The Department(**a**) of Health and Social Services in exercise of the powers conferred on it by Articles 98, 106 and 107 of and Schedule 15 to the Health and Personal Social Services (Northern Ireland) Order 1972(**b**) and of all other powers enabling it in that behalf, with the approval of and in conjunction with the Department(**a**) of Finance, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Remission of Charges (Amendment) Regulations (Northern Ireland) 1981, and shall come into operation on 1st April 1981.

Amendment of regulations

2. The Health and Personal Social Services (Remission of Charges) Regulations (Northern Ireland) 1974(**c**) shall be further amended as follows:

(1) In regulation 2(1) —

(*a*) for the definition "Statement of Fees and Charges" there shall be substituted the definition " "Statement of Fees and Charges" means the Statement of Fees and Charges prepared under Regulation 12 of the Health and Personal Social Services (General Ophthalmic Services) Regulations (Northern Ireland) 1975(**d**);";

(*b*) after the definition of "out-patient" there shall be inserted the definition " "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;".

(2) For regulation 5(1)(*a*) there shall be substituted:

"(*a*) to charges in respect of the supply, replacement or repair of any optical appliance other than children's glasses or an optical appliance which is clinically necessary, payable by a person who was at the time of the testing of sight leading to the supply of the optical appliance or of the first such testing under 16 years of age or under 19 years of age and receiving qualifying full-time education;".

(**a**) Formerly Ministry: *see* 1973 c. 36 s. 40 and sch. 5 para. 8
(**b**) S.I. 1972/1265 (N.I. 14)
(**c**) S.R. 1974 No. 271 amended by S.R. 1975 No. 299, S.R. 1976 No. 337 and S.R. 1980 No. 389
(**d**) S.R. 1975 No. 372

(3) In regulation 5(1)(*c*) for the reference to "regulation 15 of the Health and Personal Social Services (General Dental Services) Regulations (Northern Ireland) 1973" there shall be substituted the reference "regulation 16 of the Health and Personal Social Services (General Dental Services) Regulations (Northern Ireland) 1975"(a).

(4) For regulation 5(2)(*a*) there shall be substituted the following:

"(2)(*a*) In a case to which regulation 4(*d*) applies and subject to the provisions of paragraph (1), the remission of charges for which regulation 3 provides shall if the resources of the claimant as determined by the Department in accordance with the provisions of regulation 6 exceed his requirements as so determined, be limited in respect of him to the amount by which the sum of his claims (including those of any person whose requirements and resources are, as determined in accordance with regulation 6, aggregated with his) in a claims period exceeds three times the amount by which his resources determined as aforesaid exceed his requirements as so determined."

Application

3. Regulation 2(2) shall apply only to charges in respect of the supply of an optical appliance where the testing of sight or the first testing of sight leading to the supply of the appliance or the making of the contract or arrangements in pursuance of which the appliance is supplied takes place after 31st March 1981.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 3rd March 1981.

(L.S.) *W. Young*
Assistant Secretary

Sealed with the Official Seal of the Department of Finance for Northern Ireland on 3rd March 1981.

(L.S.) *R. McMurray*
Assistant Secretary

(a) S.R. 1975 No. 227

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations further amend the Health and Personal Social Services (Remission of Charges) Regulations (Northern Ireland) 1974 to provide that people under 16 years of age or under 19 years of age and receiving qualifying full-time education will not be eligible for remission of charges for an optical appliance on the grounds of low income. They also make some minor corrections to those regulations.