SCOTTISH STATUTORY INSTRUMENTS

2004 No. 97

NATIONAL HEALTH SERVICE

The National Health Service (Optical Charges and Payments) (Scotland) Amendment Regulations 2004

Made - - - - 8th March 2004
Laid before the Scottish Parliament - - - - 9th March 2004
Coming into force in accordance with regulation 1(2) and (3)

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 paragraphs 2 and 2A of Schedule 11 to, the National Health Service (Scotland) Act 1978(**1**) 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 2004.

(2) Subject to paragraph (3), these Regulations shall come into force on 1st April 2004.

(3) Regulation 2(2) and 2(3) shall come into force on 6th April 2004.

(4) In these Regulations "the principal Regulations" means the National Health Service (Optical Charges and Payments) (Scotland) Regulations 1998(**2**).

Amendment of the principal Regulations

2.—(1) The principal Regulations are amended as follows:–

(**1**) 1978 (c. 29); section 26 was amended by the Health and Social Security Act 1984 (c. 48) ("the 1984 Act), section 1(5), Schedule 1, Part II, paragraphs 1 to 4 and Schedule 8 and by the Health and Medicines Act 1988 (c. 49) ("the 1988 Act"), section 13(4); 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 and Schedule 7, the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), Schedule 9, paragraph 24 and the Health Act 1999 (c. 8) Schedule 4, paragraph 60; section 108(1) contained definitions of "prescribed" and "regulations" relevant to the exercise of the statutory powers under which these Regulations are made; paragraph 2(1) and 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). The functions of the Secretary of State were transferred to Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

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

(2) In regulation 1(2)(**3**) (interpretation), after the definition of "responsible authority" insert ""severe disability element" means the severe disability element of working tax credit as specified in section 11(6)(d) of the Tax Credits Act 2002(**4**);".

(3) In regulation 8(3)(k) (eligibility – supply of optical appliances)(**5**)–

(a) in sub-paragraph (i)(bb) after "disability element" insert "or severe disability element"; and

(b) in sub-paragraph (ii) for "£14,200" substitute "£14,600".

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

(a) in paragraph (1)(b) for "£45.70" substitute "£46.80";

(b) in paragraph (3)(a) for "£11.80" substitute "£12.10"; and

(c) in paragraph (3)(b) for £51.50" substitute "£52.80".

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

Column 1 *Old amount*	*Column 2* *New amount*
£31.30	£32.10
£47.60	£48.80
£64.80	£71.30
£146.30	£161.00
£54.00	£55.40
£68.70	£70.40
£83.00	£91.30
£160.90	£177.00
£160.90	£164.90
£45.70	£46.80

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

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

(a) in paragraph 1(1)(a) (single vision lens with prism) for "£10.10" substitute "£10.40";

(b) in paragraph 1(1)(b) (other lens with prism) for "£12.20" substitute "£12.50";

(c) in paragraph 1(1)(c) (single vision tinted lens) for "£3.40" substitute "£3.50";

(**3**) Regulation 1 was amended by S.I. 1999/748 and S.S.I. 1999/64, 2000/45 and 395, 2001/88, 2002/17 and 224, and 2003/218 and 431.
(**4**) 2002 c. 21.
(**5**) Regulation 8(3)(k) was inserted by S.S.I. 2003/218.
(**6**) Regulation 19 was amended by S.I. 1999/748, S.S.I. 2000/45, 2001/88, 2002/86 and 2003/218.
(**7**) Schedule 1 was substituted by S.I. 1999/748, and subsequently amended by S.S.I. 1999/64, 2000/45, 2001/88, 2002/86 and 2003/218.
(**8**) Schedule 2 was substituted by S.I. 1999/748, S.S.I. 2000/45, 2001/88, 2002/86 and 2003/218.
(**9**) Schedule 3 was amended by S.I. 1999/748, S.S.I. 1999/64, 2000/45, 2001/88, 2002/86 and 2003/218.