SCOTTISH STATUTORY INSTRUMENTS

2003 No. 201

NATIONAL HEALTH SERVICE

The National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 2003

Made - - - -	*19th March 2003*
Laid before the Scottish Parliament - - - -	*20th March 2003*
Coming into force - -	*6th April 2003*

The Scottish Ministers, in exercise of the powers conferred by sections 26, 105(7) and 108(1) of 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 (General Ophthalmic Services) (Scotland) Amendment Regulations 2003 and shall come into force on 6th April 2003.

(2) In these regulations–

(a) "the 1986 Regulations" means the National Health Service (General Ophthalmic Services) (Scotland) Regulations 1986(**2**)"; and

(b) "eligible person" has the same meaning as in paragraph 2(1) of the 1986 Regulations.

Amendment of the 1986 Regulations

2.—(1) The 1986 regulations are amended as follows.

(2) In regulation 2(1) (interpretation)(**3**)–

(a) after the definition of "capital limit", insert–

(**1**) 1978 c. 29; section 26 was amended by the Health and Social Security Act 1984 (c. 48), section 1(5), Schedule 1, Part II, paragraphs 1 to 4 and Schedule 8 and by the Health and Medicines Act 1988 (c. 49), section 13(4); section 105(7) was amended by the Health Services Act 1980 (c. 53), Schedule 6, paragraph 5 and Schedule 7 and by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), Schedule 9, paragraph 24; section 108(1) contains definitions of "prescribed" and "regulations" relevant to the exercise of the statutory powers under which these Regulations are made. 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.1986/965.

(**3**) Regulation 2 was amended by S.I. 1988/543, 1989/387, 1991/534, 1992/531, 1995/704, 1996/843 and 2353, 1999/725 and S.S.I. 1999/55 and 2001/62.

""child tax credit" means child tax credit under the Tax Credits Act 2002(**4**);";

(b) after the definition of "director", insert–

""disability element" means the disability element of working tax credit as specified in section 11(3) of the Tax Credits Act 2002;";

(c) after the definition of "qualifications", insert–

""relevant income" has the same meaning as in section 7(3) of Part 1 of the Tax Credits Act 2002;";

(d) after the definition of "suspended by direction of the Tribunal", insert–

""tax credit" has the same meaning as in section 1(2) of the Tax Credits Act 2002;";

(e) after the definition of "the Tribunal", insert–

""working tax credit" means working tax credit under the Tax Credits Act 2002;"; and

(f) omit the definitions of "amount withdrawn", "disabled person's tax credit" and "working families' tax credit".

(3) In regulation 14 (sight tests – eligibility)(**5**)–

(a) in paragraph (2)–

(i) at the end of sub paragraph (j), insert– "or

(k) he is a member of a family–

(i) one member of which is receiving–

(aa) working tax credit and child tax credit; or

(bb) working tax credit which includes a disability element; or

(cc) child tax credit, but is not eligible for working tax credit;

(ii) where the relevant income of the person or persons to whom an award of a tax credit is made under section 14 of the Tax Credits Act 2002 is determined at the time of the award not to exceed £14,200; or

(l) he is a member of a family in respect of which there is a current notice of entitlement under regulation 14ZA."; and

(ii) omit sub paragraphs (c), (d), (g) and (h); and

(b) for paragraph (4), substitute–

"(4) In paragraph (2)–

(a) in sub paragraphs (b) and (f), "family" has the meaning given to it by section 137(1) of the Social Security Contributions and Benefits Act 1992, as it applies to income support;

(b) in sub paragraph (j), "family" has the meaning given to it by section 35 of the Jobseekers Act 1995(**6**); and

(**4**) 2002 c. 36.
(**5**) Regulation 14 was substituted by S.I. 1989/387 and amended by S.I. 1991/534, 1995/704, 1996/2353, S.I. 1999/725, S.S.I. 1999/55, 2001/4 and 2002/86.
(**6**) 1995 c. 18.