SCOTTISH STATUTORY INSTRUMENTS

2001 No. 88

NATIONAL HEALTH SERVICE

The National Health Service (Optical Charges and Payments) (Scotland) Amendment Regulations 2001

Made - - - -	*7th March 2001*
Laid before the Scottish Parliament - - - -	*9th March 2001*
Coming into force in accordance with regulation 1(2)	

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 2001 and shall come into force on 1st April 2001.

(2) These Regulations come into force–

(a) on 1st April 2001 for all purposes except regulations 2 to 7,

(b) on 10th April 2001 for the purposes of regulation 4, and

(c) on 1st May 2001 for the purposes of regulations 2, 4, 5, 6 and 7.

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

(**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 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; 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). 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. 1999/748 and S.S.I. 1999/64, 2000/45, and 395.

Amendment of regulation 1 of the principal Regulations

2. In regulation 1(2) of the principal Regulations (interpretation)(**3**), in the definition of "NHS sight test fee"–

(a) in sub paragraph (a) for "£42.79" there is substituted "£42.85"; and

(b) in sub paragraph (b) for "£15.46" there is substituted "£15.52".

Amendment of regulation 8 of the principal Regulations

3. In regulation 8(3) of the principal Regulations (eligibility – supply of optical appliances)(**4**), in sub-paragraphs (c), (d) and (g) for "£70" there is substituted "£71".

Amendment of regulation 12 of the principal Regulations

4. In regulation 12 of the principal Regulations (use of vouchers for the supply of optical appliances)(**5**)–

(a) in paragraph (1) for "and (5)" there is substituted ", (5) and (6)"

(b) after paragraph (5) there is inserted–

"(6) When the patient presents the voucher–

(a) the supplier shall ask him to produce satisfactory evidence that he is an eligible person, unless the supplier, in cases other than where the patient is an eligible person by virtue of regulation 8(2)(c) or (d) already has satisfactory evidence of entitlement available to him;

(b) if the patient has been asked for but, not produced satisfactory evidence of entitlement, the supplier shall record the fact on the voucher.".

Amendment of regulation 13 of the principal Regulations

5. In regulation 13 of the principal Regulations (payment to suppliers)(**6**) after paragraph (2) there is inserted–

"(3) The responsible authority shall also make a payment, to be determined by the Scottish Ministers, to the supplier to meet or contribute to the cost incurred by the supplier in order to comply with regulation 12(6).".

Amendment of regulation 16 of the principal Regulations

6. In regulation 16 of the principal Regulations (completion of vouchers for replacement or repair) for paragraphs (2) and (3) substitute–

"(2) In the case of a replacement, the supplier shall–

(a) ask the patient to produce satisfactory evidence of entitlement, unless the supplier, in cases other than where the patient is an eligible person by virtue of regulation 8(2)(c) or (d), already has satisfactory evidence of entitlement available to him;

(b) mark on the voucher the letter code specified in column 2 of Schedule 1, which relates to the type of optical appliance to be replaced as set out in column 1 of that Schedule;

(**3**) Regulation 1 was amended by S.I. 1999/748 and S.S.I. 1999/64, 2000/45, and 395.
(**4**) Regulation 8 was amended by S.I. 1999/748 and S.S.I. 1999/64.
(**5**) Regulation 12 was amended by S.I. 1999/748.
(**6**) Regulation 13 was amended by S.I. 1999/748.

(c) duly complete the relevant part of the voucher with–

(i) the name and address of the patient,

(ii) the patient's date of birth;

(d) if the patient has been asked for, but not produced, satisfactory evidence of entitlement, record the fact on the voucher.

(3) In the case of a repair, the supplier shall–

(a) ask the patient to produce satisfactory evidence of entitlement, unless the supplier, in cases other than where the patient is an eligible person by virtue of regulation 8(2)(c) or (d), already has satisfactory evidence of entitlement available to him;

(b) mark on the voucher the letter code specified in column 2 of Schedule 1 which relates to the type of optical appliance to be repaired as set out in column 1 of that Schedule;

(c) indicate on the voucher the nature of the repair of the appliance to be undertaken and, in particular, whether it comprises–

(i) the replacement or repair of one or more lens included in the appliance and, if so, how many,

(ii) the repair of a frame and, if so, whether it is the whole frame, the front of the frame or one or both sides of the frame;

(d) duly complete the relevant parts of the voucher with–

(i) the name and address of the patient,

(ii) the patient's date of birth;

(e) if the patient has been asked for, but not produced, satisfactory evidence of entitlement, record the fact on the voucher.".

Amendment of regulation 18 of the principal Regulations

7. In regulation 18 of the principal Regulations (payment to suppliers for replacement or repair) after paragraph (2) there is inserted–

"(3) The responsible authority shall also make a payment, to be determined by the Scottish Ministers, to the supplier to meet or contribute to the cost incurred by the supplier in order to comply with regulation 16(2) or (3).".

Amendment of regulation 19 of the principal Regulations

8. In regulation 19 of the principal Regulations (redemption value of voucher for replacement or repair)–

(a) in paragraph (1)(b) for "£42.80" there is substituted "£43.90";

(b) in paragraph (3)(a) for "£11.00" there is substituted "£11.30"; and

(c) in paragraph (3)(b) for "£48.20" there is substituted "£49.40".

Amendment of Schedules to the principal Regulations

9.—(1) In Schedule 1 to the principal Regulations (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

(**7**) Schedule 1 was substituted by S.I. 1999/748, and subsequently amended by S.S.I. 1999/64 and 2000/45.