SCOTTISH STATUTORY INSTRUMENTS

1999 No. 64

NATIONAL HEALTH SERVICE

The National Health Service (Optical Charges and Payments) (Scotland) Amendment (No.2) Regulations 1999

Made - - - -	*13th September 1999*
Laid before the Scottish Parliament - - - -	*14th September 1999*
Coming into force - -	*5th October 1999*

The Scottish Ministers, in exercise of the powers conferred on them 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. These Regulations may be cited as the National Health Service (Optical Charges and Payments) (Scotland) Amendment (No.2) Regulations 1999 and shall come into force on 5th October 1999.

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

Amendment of regulation 1 of the principal Regulations

3.—(1) Regulation 1 of the principal Regulations (interpretation) shall be amended in accordance with this regulation.

(2) In paragraph (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) and 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, which contains provisions relevant to the making of regulations, was amended by the Health Service Act 1980 (c. 53), Schedule 6, paragraph 5 and Schedule 7, by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), Schedule 9, paragraph 24 and by the Health Act 1999 (c. 8), Schedule 4, paragraph 60; 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 the 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.

(a) after the definition of "the Agency" there is inserted–

""amount withdrawn" means the amount by which the appropriate maximum disabled person's tax credit or working families' tax credit, as the case may be, determined in accordance with section 129(8) or 128(5) of the Social Security Contributions and Benefits Act 1992(**3**) as the case may be, is reduced by virtue of the claimant's income exceeding the applicable amount;";

(b) for the definition of "disability working allowance" there is substituted–

""disabled person's tax credit" means disabled person's tax credit under section 129 of the Social Security Contributions and Benefits Act 1992;";

(c) the definition of "family credit" is omitted;

(d) after the definition of "supply" there is inserted–

""working families' tax credit" means working families' tax credit under section 128 of the Social Security Contributions and Benefits Act 1992;";

(e) for the definition of "responsible authority" there is substituted–

""responsible authority" means–

(a) in relation to–

(i) a voucher completed pursuant to Part III, the Health Board for the area in which the testing of sight takes place;

(ii) a payment made pursuant to Part III, the Agency;

(b) in relation to a voucher issued or completed pursuant to Part IV, otherwise than by an NHS trust, the Health Board for the area in which the supply of the optical appliance to which it relates takes or is to take place, except in regulation 13 where it means the Agency;

(c) in relation to a voucher issued or completed pursuant to Part IV by an NHS trust, the Health Board in whose area the patient resides, except in regulation 13 where it means the Agency;

(d) in relation to a voucher issued or completed pursuant to Part V, otherwise than by an NHS trust, the Health Board for the area in which the replacement or repair of the optical appliance to which it relates takes or is to take place, except in regulations 15(1)(b) and (2), 16(6) and 18 where it means the Agency;

(e) in relation to a voucher issued or completed pursuant to Part V by an NHS trust, the Health Board in whose area the patient resides, except in regulations 15(1)(b) and (2), 16(6) and 18 where it means the Agency;

(f) in relation to a payment made pursuant to Part VI, otherwise than by an NHS trust, the Health Board for the area in which the supply, replacement or repair of the optical appliance to which it relates took place, except in regulation 20(3), (4), (5), (6) and (7) where it means the Agency;

(g) in relation to a payment made pursuant to Part VI by an NHS trust, the Health Board in whose area the patient resides, except in regulation 20(3), (4), (5), (6) and (7) where it means the Agency.".

(f) for the definition of "voucher" there is substituted–

""voucher" for the purpose of enabling a payment to be made under these Regulations means–

(**3**) 1992 (c. 4); sections 128 and 129 were amended by the Tax Credits Act 1999 (c. 10), Schedule 1, paragraphs 2(g) and (h).