SCOTTISH STATUTORY INSTRUMENTS

1999 No. 55

NATIONAL HEALTH SERVICE, SCOTLAND

The National Health Service (General Ophthalmic Services) (Scotland) Amendment (No.2) Regulations 1999

Made - - - -	*7th September 1999*
Laid before the Scottish Parliament - - - -	*10th September 1999*
Coming into force	
For the purposes of regulations	
4(a) and (b) and 8	*5th October 1999*
For all other purposes	*1st October 1999*

The Scottish Ministers, in exercise of the powers conferred on them by sections 26, 32E, 105(7), 106(a) 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 (No.2) Regulations 1999 and shall come into force for the purposes of regulations 4(a) and (b) and 8 on 5th October 1999 and for all other purposes on 1st October 1999.

(2) In these Regulations "the principal Regulations" means the National Health Service (General Ophthalmic Services) (Scotland) Regulations 1986(**2**).

(**1**) 1978 c. 29; section 26 was amended by the Health and Social Security Act 1984 (c. 48), section 1(5) and (7), 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 32E was inserted by the National Health Service (Amendment) Act 1995 (c. 31), section 8; section 105(7), which contains provisions relevant to the making of Regulations, was amended by the Health Services 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. 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.1986/965, amended by S.I.1988/543, 1989/387 and 1177, 1990/1048, 1991/534, 1992/531, 1995/704, 1996/843 and 2353 and 1999/725.

General amendment of the principal Regulations

2. In the following regulations, after the word "Board" in each place where it occurs there is inserted "or primary care NHS trust"–

regulation 7 (application for inclusion in ophthalmic list and notification of changes)(**3**);

regulation 8 (withdrawal from ophthalmic list);

regulation 9 (removal from ophthalmic list)(**4**);

regulation 10 (the statement);

regulation 13A (payments to contractors suspended by direction of the Tribunal)(**5**);

regulation 14A (sight test – applications)(**6**);

regulation 16 (publication of particulars)(**7**);

regulation 17 (service of documents on contractors).

Amendment of regulation 2 of the principal Regulations

3. In regulation 2(1) of the principal Regulations (interpretation)–

(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, as the case may be, is reduced by virtue of the claimant's income exceeding the applicable amount;"(**8**);

(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 "suspended by direction of the Tribunal"(**9**) 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) after the definition of "patient" there is inserted–

> ""primary care NHS trust" means an NHS trust to which certain functions referred to in section 12AA of the Act are delegated by the Board;"(**10**).

Amendment of regulation 6 of the principal Regulations

4. In regulation 6 of the principal Regulations (ophthalmic list)(**11**)–

(a) in paragraphs (1) and (4) after the word "Board" there is inserted "or primary care NHS trust";

(**3**) Regulation 7 was amended by S.I.1988/543.
(**4**) Regulation 9 was amended by S.I.1996/843.
(**5**) Regulation 13A was inserted by S.I.1996/843 and amended by S.I.1999/725.
(**6**) Regulation 14A was inserted by S.I.1989/387.
(**7**) Regulation 16 was substituted by S.I.1988/543.
(**8**) 1992 (c. 4); sections 128 and 129 were amended by the Tax Credits Act 1999 (c. 10), Schedule 1, paragraphs 2(g) and (h).
(**9**) The definition of "suspended by direction of the Tribunal" was inserted by S.I.1996/843.
(**10**) Section 12AA was inserted into the National Health Service (Scotland) Act 1978 (c. 29) by the Health Act 1999 (c. 8), section 47.
(**11**) Regulation 6 was substituted by S.I.1988/543 and amended by S.I.1996/843 and 1999/725.