STATUTORY RULES OF NORTHERN IRELAND

1999 No. 394

HEALTH AND PERSONAL SOCIAL SERVICES

Optical Charges and Payments and General Ophthalmic Services (Amendment) Regulations (Northern Ireland) 1999

Made - - - -	*23rd September 1999*
Coming into operation	*5th October 1999*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 62, 98, 106 and 107(6) of, and Schedule 15 to, the Health and Personal Social Services (Northern Ireland) Order 1972(**1**) and of all other powers enabling it in that behalf, with the approval of the Department of Finance and Personnel, and after consultation with such organisations as appeared to the Department to be representative of medical practitioners practising as ophthalmic medical practitioners, and ophthalmic opticians, as required by Article 62(3) of the said Order, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Optical Charges and Payments and General Ophthalmic Services (Amendment) Regulations (Northern Ireland) 1999 and shall come into operation on 5th October 1999.

(2) In these Regulations—

(a) "the 1997 Regulations" means the Health and Personal Social Services (Optical Charges and Payments) Regulations (Northern Ireland) 1997(**2**);

(b) "the 1986 Regulations" means the General Ophthalmic Services Regulations (Northern Ireland) 1986(**3**).

Amendment of the 1997 Regulations

2.—(1) In regulation 1 of the 1997 Regulations (citation, commencement and interpretation) in paragraph (2)—

(a) after the definition of "the Agency" there shall be inserted—

(**1**) S.I.1972/1265 (N.I. 14) as amended by S.I. 1984/1158 (N.I. 8) Article 3(2) and paragraph 3 of Schedule 1; S.I. 1988/2249 (N.I. 24) paragraphs 4 and 5 of Article 8, and S.I. 1991/194 (N.I. 1) Article 34 and Part II of Schedule 5; there are other amendments which are not relevant

(**2**) S.R. 1997 No. 191 as amended by S.R. 1999 No. 111

(**3**) S.R. 1986 No. 163; relevant amending Regulations are S.R. 1989 No. 113, S.R. 1995 No. 115, and S.R. 1996 Nos. 135 and 416

""amount withdrawn" means working families' tax credit, or as the case may be, the amount by which the appropriate maximum disabled person's tax credit, determined in accordance with section 127(5) or 128(8) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**4**), 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 shall be substituted—

""disabled person's tax credit" means disabled person's tax credit under section 128 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992;";

(c) the definition of "family credit" shall be omitted;

(d) after the definition of "supply" there shall be inserted—

""working families' tax credit" means working families' tax credit under section 127 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992;".

(2) In regulation 8 of the 1997 Regulations (eligibility – supply of optical appliances)—

(a) for paragraph (3)(c) there shall be substituted—

"(c) he is in receipt of working families' tax credit with an amount withdrawn of £70.00 or less;";

(b) for paragraph (3)(d) there shall be substituted—

"(d) a member of the same family as a person described in sub-paragraph (c);";

(c) for paragraph (3)(g) there shall be substituted—

"(g) he is in receipt of disabled person's tax credit with an amount withdrawn of £70.00 or less;";

(d) in paragraph (4)(b) for "family credit" there shall be substituted "working families' tax credit";

(e) in paragraph (4)(c) for "disability working allowance" there shall be substituted "disabled person's tax credit".

Amendment of the 1986 Regulations

3.—(1) In regulation 2(1) of the 1986 Regulations (citation, commencement and interpretation)—

(a) at the beginning before the definition of "Board" there shall be inserted—

""amount withdrawn" means working families' tax credit, or as the case may be, the amount by which the appropriate maximum disabled person's tax credit, determined in accordance with section 127(5) or 128(8) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992, 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 shall be substituted—

""disabled person's tax credit" means disabled person's tax credit under section 128 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992;";

(c) the definition of "family credit" shall be deleted;

(d) after the definition of "training school" there shall be substituted—

(**4**) 1992 c. 7; section 127 was amended by section 1(2) and paragraph 4(g) of Schedule 1 to the Tax Credits Act 1999 (c. 10); section 128 was amended by Article 12(2) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I. 1994/1898 (N.I. 12)) and sections 1(2), 14(2) and paragraph 4(h) of Schedule 1 to the Tax Credits Act 1999