STATUTORY RULES OF NORTHERN IRELAND

1999 No. 111

HEALTH AND PERSONAL SOCIAL SERVICES

Optical Charges and Payments (Amendment) Regulations (Northern Ireland) 1999

Made - - - -	*11th March 1999*
Coming into operation	*1st April 1999*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 98 and 106 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, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Optical Charges and Payments (Amendment) Regulations (Northern Ireland) 1999 and shall come into operation on 1st April 1999.

(2) In these Regulations, "the principal Regulations" means the Optical Charges and Payments Regulations (Northern Ireland) 1997(**2**).

Amendment of regulation 1 of the principal Regulations

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

(a) in paragraph (2), in the definition of "health service sight test fee" for the amount "£39·04" substitute "£40·33" and for the amount "£14·10" substitute "£14·57";

(b) in paragraph (2), for the definition "small glasses" substitute—

> ""small glasses" means glasses—
>
> (a) prescribed for a child who is under the age of 7 years at the date of issue of a voucher relating to those glasses where the voucher is issued on the same occasion as the prescription relating to those glasses is issued;
>
> (b) having a frame which is either custom made or a stock frame requiring extensive adaptation to ensure an adequate fit; and

(**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. 1997 No. 458 and S.R. 1998 No. 86

(c) having a boxed centre distance of no more than 55 millimetres, and for this purpose "box centre" is to be construed in accordance with Part 1 of British Standard 3521/91 (Terms relating to ophthalmic optics and spectacles frames) published by the British Standards Institution as effective immediately before 1st April 1999;";

(c) in sub-paragraph (b) of paragraph (3), before "where" insert "subject to sub-paragraph (bb),";

(d) after sub-paragraph (b) of paragraph (3), insert the following sub-paragraph—

"(bb) where an optical appliance has a bifocal lens, the reading segment of which is more than 4 dioptres more powerful than the distance segment, the power of the lens shall be determined according to the power of the reading segment; and".

3. In regulation 2 of the principal Regulations (charges for optical appliances supplied by an HSS trust)—

(a) in paragraph (3) for "£40·90" substitute "£42·00";

(b) in paragraph (5)(b) for "£50·20" and "£81·60" in both places where they occur substitute "£51·50" and "£83·70" respectively.

Amendment of regulation 8 of the principal Regulations

4. In regulation 8(2) of the principal Regulations (eligibility - supply of optical appliances), after "at the time of" insert "the payment for".

Amendment of regulation 9 of the principal Regulations

5. In regulation 9 of the principal Regulations (issue of vouchers by ophthalmic medical practitioners or opticians)—

(a) after paragraph (1) insert the following paragraphs—

"(1A) Where—

(a) a patient has been supplied with an optical appliance following a testing of sight under the Ophthalmic Services Regulations or otherwise; and

(b) the patient has indicated that he is an eligible person; and

(c) the ophthalmic medical practitioner or optician, having consulted any records which he has relating to the patient and having made such enquiry of the patient as he considers relevant, is satisfied that—

(i) the prescription relating to the patient's existing optical appliance is unchanged; and

(ii) the patient requires a new optical appliance because his existing appliance has been rendered unserviceable by fair wear and tear,

the ophthalmic medical practitioner or optician may issue to the patient, in accordance with paragraph (2), a voucher relating to the optical appliance prescribed by the prescription.

(1B) Where—

(a) a patient has been issued with a prescription following a testing of sight under the Ophthalmic Services Regulations or otherwise; and

(b) the patient has indicated that, following the issue of the prescription, he has become an eligible person; and

(c) an ophthalmic medical practitioner or optician, having consulted any records which he has relating to the patient and having made such enquiry of the patient as he considers relevant, is satisfied that—

(i) no voucher has been issued in respect of the prescription; and

(ii) the prescription is unchanged,

the ophthalmic medical practitioner or optician may issue to the patient a voucher relating to the optical appliance prescribed by the prescription.".

(b) in paragraph (5), after "Unless" insert "paragraph (1A) or".

Amendment of regulation 11 of the principal Regulations

6. For regulation 11 of the principal Regulations (issue of replacement vouchers by the Agency or an HSS trust) substitute the following regulation—

"**Issue of replacement vouchers by the Agency or an HSS trust**

11. Where, on an application by a patient within 2 years of a voucher having been issued to him under regulation 9(1) or 10(1), the Agency or HSS trust is satisfied, having made such enquiries as it considers relevant, that the voucher has been lost or destroyed without having been presented to a supplier of optical appliances, it may authorise an ophthalmic medical practitioner or optician to issue to the patient a replacement voucher completed in accordance with regulation 9(2)(a) and (b) or 10(2)(a) and (b), but with the date of issue of the voucher being that on which the replacement is issued.".

Amendment of regulation 12 of the principal Regulations

7. In regulations 12(1) of the principal Regulations (use of vouchers for supply of optical appliances), for "6 months" substitute "2 years".

Amendment of regulation 13 of the principal Regulations

8. In regulation 13 of the principal Regulations (payments to suppliers), in paragraph (2)(b), for "21(1)" substitute "27(1)".

Amendment of regulation 19 of the principal Regulations

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

(a) in paragraph (1)(b) for "£40·90" substitute "£42·00"; and

(b) in paragraph (3) for "£10·50" substitute "£10·80".

Amendment of regulation 20 of the principal Regulations

10. In regulation 20 of the principal Regulations (payments to patients in respect of the supply, replacement or repair of optical appliances)—

(a) in paragraph (3)—

(i) before "Any such claim" insert "Subject to paragraph (3A),",

(ii) after "after the date of" insert "payment for";

(b) after paragraph (3), insert the following paragraph—

"(3A) Where a patient pays by instalments for the supply, replacement or repair of an optical appliance, any claim he makes under paragraph (2)(a) or (b) must be made within 3 months after the date of payment of the first instalment.";

(c) in paragraph (5), before "Where the Department" insert "Subject to paragraph (7),";

(d) in paragraph (6), before "Where the Agency" insert "Subject to paragraph (7),";

(e) after paragraph (6), add the following paragraph—

"(7) Where the Agency makes a refund under paragraph (5) or (6) to a patient who pays by instalments for the supply, replacement or repair of an optical appliance, that payment shall be made as soon as reasonably practicable after the date on which the total value of the instalments paid becomes equal to or greater than the redemption value of the voucher which could have been completed under regulation 9, 10 or 16 if the patient had satisfied the requirements of regulation 9(1), 10(1) or 16(4) as the case may be.".

Amendment of the Schedules to the principal Regulations

11.—(1) For Schedule 1 to the principal Regulations (voucher letter codes and face values — supply and replacement), substitute the Schedule 1 set out in Part I of the Schedule.

(2) In Schedule 2 to the principal Regulations (prisms, tints, photochromic lenses, small and special glasses and complex appliances)—

(a) in paragraph 1(1)(a) (prism — single vision lens) for "£5·40" substitute "£6·00";

(b) in paragraph 1(1)(b) (prism — other lens) for "£6·70" substitute "£6·90";

(c) in paragraph 1(1)(c) (single vision tinted lens) for "£2·90" substitute "£3·00", and after "tinted" insert "or photochromic";

(d) in paragraph 1(1)(d) (other tinted lens), for "£3·40" substitute "£3·50", and after "tinted" insert "or photochromic";

(e) in paragraph 1(1)(e) (small glasses), for "£46·10" substitute "£47·30", for "£40·90" substitute "£42·00", and for "£22·10" substitute "£22·70";

(f) in paragraph 1(1)(g) (specially manufactured frames), for "£46·10" substitute "£47·30";

(g) in paragraph 2(a) (minimum complex appliance payment — single vision lenses), for "£4·60" substitute "£10·00"; and

(h) in paragraph 2(b) (minimum complex appliance payment — other cases), for "£24·80" substitute "£25·40".

(3) For Schedule 3 to the principal Regulations (voucher values — repair) substitute the Schedule 3 set out in Part II of the Schedule.

Revocation

12. In paragraph 1 of Schedule 2 to the principal Regulations—

(a) sub-paragraph (1)(f) is hereby revoked; and

(b) in sub-paragraph (2), ", (f)" shall be omitted.

Sealed with the Official Seal of the Department of Health and Social Services on

11th March 1999. *Joan Dixon*
Assistant Secretary

The Department of Finance and Personnel hereby approves the foregoing Regulations.
Sealed with the Official Seal of the Department of Finance and Personnel on

11th March 1999. *J. G. Sullivan*
Assistant Secretary