1989 No. 114

HEALTH AND PERSONAL SOCIAL SERVICES

Optical Charges and Payments Regulations (Northern Ireland) 1989

Made . . . . . *30th March 1989*

Coming into operation . . *1st April 1989*

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The Department of Health and Social Services in exercise of the powers conferred on it by Articles 62(1) and (2), 98, 106 and 107(6) of and Schedule 15 to the Health and Personal Social Services (Northern Ireland) Order 1972(**a**) and of all other powers enabling it in that behalf, with the approval of the Department of Finance and Personnel(**b**), and after consultation with such organisations as appeared to the Department to be representative of medical practitioners practising as ophthalmic medical practitioners and of 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 Regulations (Northern Ireland) 1989 and shall come into operation on 1st April 1989.

(**a**) S.I. 1972/1265 (N.I. 14). The relevant amending Orders in Council are S.I. 1984/1158 (N.I. 8), S.I. 1988/594 (N.I. 2) and S.I. 1988/2249 (N.I. 24)
(**b**) Formerly Department of Finance: *see* S.I. 1982/338 (N.I. 6) Art. 3

(2) In these regulations—

"Board" means a Health and Social Services Board established under Article 16 of the Order for any area;

"capital limit" means the amount prescribed for the purposes of Article 23(6) of the Social Security (Northern Ireland) Order 1986(**a**) as it applies to income support;

"child" means a person who is under the age of 16 years;

"complex appliance" means an optical appliance at least one lens of which—

(*a*) has a power in any one meridian of plus or minus 10 or more dioptres, or

(*b*) is a lenticular lens;

"eligible person" is to be construed—

(*a*) for the purposes of Part III, in accordance with regulation 3(2);

(*b*) for the purposes of Parts IV and V, in accordance with regulation 8(2) to (5);

"face value" means, in relation to a voucher on which is marked a letter code specified in column 2 of Schedule 1, the amount specified in relation to it in column 3 of that Schedule, plus the amount of any increase provided for by paragraph 1 of Schedule 2;

"family credit" means family credit under Part III of the Social Security (Northern Ireland) Order 1986;

"health service sight test fee" means, in relation to a testing of sight carried out either by an ophthalmic medical practitioner or by an optician, the fee payable, in accordance with the Statement published under regulation 12 of the Ophthalmic Services Regulations, to an optician in respect of a testing of sight;

"income support" means income support under Part III of the Social Security (Northern Ireland) Order 1986 and includes personal expenses addition, special transition addition and transitional addition as defined in regulation 2(1) of the Income Support (Transitional) Regulations (Northern Ireland) 1987(**b**);

"minimum complex appliance payment" means, in relation to an optical appliance the amount specified as such for the appliance in paragraph 2 of Schedule 2;

"notice of entitlement" means a notice issued under regulation 7 of the Remission Regulations for the purposes of remission of charges under the Order;

"ophthalmic list" means a list, prepared and published pursuant to regulations made under Article 62 of the Order of medical practitioners and opticians who undertake to provide general ophthalmic services(**c**);

(**a**) S.I. 1986/1888 (N.I. 18); regulation 45 of the Income Support (General) Regulations (Northern Ireland) 1987 (S.R. 1987 No. 459) has prescribed the amount of £6,000 as the capital limit

(**b**) S.R. 1987 No. 460

(**c**) *See* S.R. 1986 No. 163, regulation 8

"Ophthalmic Services Regulations" means the General Ophthalmic Services Regulations (Northern Ireland) 1986(**a**);

"optical appliance" means an appliance designed to correct, remedy or relieve a defect of sight;

"optician" means an ophthalmic optician;

"Order" means the Health and Personal Social Services (Northern Ireland) Order 1972;

"patient" means a person whose sight has been tested whether under the Order or otherwise;

"patient's contribution" means the amount specified under regulation 7(5) of the Remission Regulations as that for which there is no entitlement under those regulations to remission of charges;

"qualifying full time education" means full time instruction at a recognised educational establishment or by other means accepted as comparable by the Department and "recognised educational establishment" means an establishment recognised by the Department as being, or as comparable to, a school, college or university;

"redemption value" is to be construed—

(*a*) for the purposes of Part III, in accordance with regulation 7;

(*b*) for the purposes of Part IV, in accordance with regulation 15;

(*c*) for the purposes of Part V, in accordance with regulation 20;

"the Remission Regulations" means the Travelling Expenses and Remission of Charges Regulations (Northern Ireland) 1988(**b**);

"replacement" does not include the replacement of an optical appliance rendered unserviceable by fair wear and tear;

"small glasses" means glasses the lens apertures of which have datum centres not more than 56 millimetres apart; and for this purpose "datum centre" is to be construed in accordance with Part I of British Standard 3521: 1962 (Glossary of Terms relating to Ophthalmic Lenses and Spectacle Frames) published by the British Standard Institution as effective immediately before 30th March 1989;

"supplier" includes a person replacing or repairing an optical appliance;

"supply" includes the replacement of an optical appliance rendered unserviceable by fair wear and tear;

"voucher" means—

(*a*) in Part III, a voucher form supplied to those whose names are included in an ophthalmic list by the Agency;

(*b*) in Part IV, a voucher form supplied—

(i) where a testing of sight is carried out otherwise than by a Board, by the Agency to the person who carries it out;

(**a**) S.I. 1986 No. 163 as amended by S.R. 1988 No. 110 and S.R. 1989 No. 113
(**b**) S.R. 1988 No. 150

(ii) where a testing of sight is carried out by a Board, by the Board;

(*c*) in Part V, a voucher form supplied to a supplier, by the Agency;

for the purposes of enabling a payment to be made under these regulations.

(3) For the purposes of Schedule 1—

(*a*) where an optical appliance has lenses described in different paragraphs in column 1 of Schedule 1, the face value of a voucher for the appliance shall be determined according to whichever lens would provide the greater face value; and

(*b*) where an optical appliance has a bifocal lens, the power of the lens shall be determined according to the power of that segment of the lens designed to correct a defect in distant sight; and

(*c*) a monocle shall be treated as though it were glasses.

PART II

CHARGES

Charges for optical appliances supplied by a Board

2.—(1) A charge of such sum as is provided by this regulation shall be made and recovered in accordance with paragraph (2) in respect of the supply of an optical appliance by a Board.

(2) Where a charge is payable by virtue of paragraph (1), a Board, or other person on its behalf, that supplies or is to supply the optical appliance may—

(*a*) on arranging to supply the optical appliance, make the charge; and

(*b*) on supplying the optical appliance or having it available for supply, recover the charge from the patient (if it has not previously been paid).

(3) The charge for the supply of contact lenses shall be £26·50 for each contact lens supplied.

(4) Subject to paragraphs (5) and (6) the charges for glasses shall be the aggregate of the following—

(*a*) an amount which represents the cost to the Board, or other person on its behalf, of the purchase of the glasses or their components; and

(*b*) an amount which represents the cost to the Board, or any other person on its behalf, of the dispensing of the lenses.

(5) Where the aggregate of—

(*a*) the element of the amount mentioned in paragraph (4)(*a*) which represents the cost of the lenses; and

(*b*) the amount mentioned in paragraph (4)(*b*) exceeds, in the case of glasses each lens of which is a single vision lens, £32·00 and, in any other case, £52·00, the charge for glasses shall be the aggregate of that £32·00 or, as the case may be, £52·00 and, except in a case to which paragraph (6) applies, the element of the amount mentioned in paragraph (4)(*a*) which represents the cost of the frames.