1988 No. 151

HEALTH AND PERSONAL SOCIAL SERVICES

Payments for Optical Appliances (Amendment No. 2) Regulations (Northern Ireland) 1988

Made	*8th April 1988*
Coming into operation . .	*11th April 1988*

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(**a**) and of all other powers enabling it in that behalf, with the approval of the Department of Finance and Personnel(**b**), hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Payments for Optical Appliances (Amendment No. 2) Regulations (Northern Ireland) 1988 and shall come into operation on 11th April 1988.

(2) In these regulations, ''the principal regulations'' means the Payments for Optical Appliances Regulations (Northern Ireland) 1986(**c**).

Amendment of regulation 1 of the principal regulations

2. In regulation 1(2) of the principal regulations (interpretation)—

(*a*) after the definition of ''Board'' there is inserted the following definition:—

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

(*b*) the definition of ''contribution assessment'' is omitted;

(*c*) after the definition of ''face value'' there are inserted the following definitions:—

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

''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

(**a**) S.I. 1972/1265 (N.I. 14). As amended by S.I. 1984/1158 (N.I. 8) and S.I. 1988/594 (N.I. 2)
(**b**) Formerly Department of Finance: *see* S.I. 1982/338 (N.I. 6) Art. 3
(**c**) S.R. 1986 No. 164. As amended by S.R. 1988 No. 80
(**d**) 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

addition as defined in regulation 2(1) of the Income Support (Transitional) Regulations (Northern Ireland) 1987(**a**);'';

(*d*) after the definition of ''minimum complex appliance payment'' there is inserted the following definition:—

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

(*e*) for the definition of ''patient's contribution'' there is substituted the following definition:— '' ''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;'';

(*f*) after the definition of ''redemption value'' there is inserted the following definition:—

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

Amendment of regulation 2 of the principal regulations

3. In regulation 2 of the principal regulations (eligibility for payment of costs of optical appliances)—

(*a*) in paragraph (2), sub-paragraphs (*d*) and (*e*) are omitted and after sub-paragraph (*f*) there is added the following sub-paragraph:—

''(*g*) a person whose income resources, as calculated in accordance with regulation 6 of, and Schedule 1 to, the Remission Regulations for the purposes of remission of charges under the Order, are equal to or exceed his requirements as so calculated but whose patient's contribution is nil or is less than the face value of a voucher issued to him under these regulations and whose capital resources as so calculated do not exceed the capital limit.'';

(*b*) for paragraph (3) there are substituted the following paragraphs:—

''(3) A person's resources shall be treated as being less than his requirements if—

(*a*) he is in receipt of income support; or

(*b*) he is a member of the same family as a person who is in receipt of income support; or

(*c*) he is in receipt of family credit; or

(*d*) he is a member of the same family as a person who is in receipt of family credit; or

(*e*) his income resources as calculated in accordance with regulation 6 of, and Schedule 1 to, the Remission Regulations for the purposes of remission of charges under the Order are less than his requirements as so calculated and his capital resources as so calculated do not exceed the capital limit.

(**a**) S.R. 1987 No. 460
(**b**) S.R. 1988 No.150