1974. No. 271

HEALTH AND PERSONAL SOCIAL SERVICES

Remission of Charges

REGULATIONS, DATED 31ST OCTOBER 1974, MADE BY THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES WITH THE APPROVAL OF THE DEPARTMENT OF FINANCE UNDER THE HEALTH AND PERSONAL SOCIAL SERVICES (NORTHERN IRELAND) ORDER 1972.

The Department of Health and Social Services (hereinafter referred to as "the Department") in exercise of the powers conferred on it by Article 98 of and paragraph 1(*b*) of Schedule 15 to and Article 106 of the Health and Personal Social Services (Northern Ireland) Order 1972(**a**) and with the approval of the Department of Finance hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Health and Personal Social Services (Remission of Charges) Regulations (Northern Ireland) 1974 and shall come into operation on 1st November 1974.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires—

"children's glasses" means glasses for which a standard type of children's frame as described in the Statement of Fees and Charges is used;

"claim" means a claim for or in respect of a remission for which regulation 3 provides, and "claimant" shall be construed accordingly;

"current specified cost" in relation to frames supplied in accordance with arrangements made under Part VI of the Order means the sum specified in the Statement of Fees and Charges as the sum payable for frames of that description by the person to whom they are supplied and in relation to frames supplied by any hospital vested in the Department means a sum equal to the sum specified as aforesaid, or in the case of frames of a description for which no sum is so specified, such sum as may be determined by or in accordance with directions given by the Department;

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

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

"out-patient" means a patient receiving hospital services who is not for the time being resident in a hospital;

"remission" includes exception;

"Statement of Fees and Charges" means the Statement of Fees and Charges prepared under Regulation 5 of the Health and Personal Social Services (General Ophthalmic Services) Regulations (Northern Ireland) 1973(**b**).

(**a**) S.I. 1972, No. 1265 (N.I. 14). (**b**) S.R. & O. (N.I.) 1973, No. 417.

Remission of charges

3. A person to whom this regulation applies shall subject to regulations 5 and 7—

(*a*) be excepted from liability for any charges which are payable apart from this regulation by him by virtue of regulations made under Articles 61(2)(*d*)(ii) and Article 62(2)(*e*)(ii) of the Order and under Article 98 of the Order in relation to charges for appliances payable by outpatients of hospitals vested in the Department; and

(*b*) have remitted any charges which are payable apart from this regulation by him under regulations made under Article 98 of the Order in relation to—

(i) the provision of dental treatment and appliances;

(ii) the testing of sight and the supply of optical appliances, and

(iii) the supply of appliances to outpatients of hospitals vested in the Department.

Application of remission

4. Regulation 3 applies—

(*a*) to a person, being a member of a family for which a family income supplement is payable under the Family Income Supplements Act (Northern Ireland) 1971(**c**) the weekly amount of whose income calculated as at the date that the claim for that supplement was made or treated as made and in like manner as a person's normal gross income is computed pursuant to regulations made under section 4(2) of that Act, is at a weekly rate less than the amount prescribed in relation to that family in or under section 2 of that Act;

(*b*) to a person

(i) belonging to a family a member of which is receiving free of charge welfare food under the Welfare Foods Act (Northern Ireland) 1968(**d**) and Welfare Foods Regulations (Northern Ireland) 1973(**e**) as amended (**f**), and

(ii) the weekly amount of whose income, calculated under the provisions of Regulation 3 of the said Regulations as at the date of the application for that food as if it were his resources, is at a weekly rate less than the weekly amount of his requirements as so calculated;

(*c*) to a person during the validity of an exemption certificate issued for him by the Department under the provisions of Regulation 15(1)(*f*)(ii) of the Health and Personal Social Services (Charges for Drugs and Appliances) Regulations (Northern Ireland) 1973(**g**) the weekly amount of whose income calculated under the provisions of that regulation as at the date of issue of that certificate and as if it were his resources, is at a weekly rate less than the weekly amount of his requirements as so calculated; and

(*d*) to a person the weekly amount of whose income calculated pursuant to a claim and under regulation 6 as if it were his resources is at a weekly rate less than the sum of the weekly amount of his requirements as so calculated and one third of the amount of the charge to which the claim relates.

(**c**) 1971. c. 8 (N.I.).
(**d**) 1968. c. 26 (N.I.).
(**e**) S.R. & O. (N.I.) 1973, No. 396.
(**f**) S.R. & O. (N.I.) 1973, No. 501.
(**g**) S.R. & O. (N.I.) 1973, No. 419.