

Health, Social Care and Sport Committee

16th Meeting, 2023 (Session 6), Tuesday, 9 May 2023

Subordinate legislation

Note by the clerk

Purpose

1. This paper invites the Committee to consider the following negative instrument:
 - [National Health Service \(Optical Charges and Payments\) \(Scotland\) Amendment Regulations 2023](#)

Procedure for negative instruments

2. Negative instruments are instruments that are “subject to annulment” by resolution of the Parliament for a period of 40 days after they are laid. This means they become law unless they are annulled by the Parliament. All negative instruments are considered by the Delegated Powers and Law Reform Committee (on various technical grounds) and by the relevant lead committee (on policy grounds).
3. Under Rule 10.4, any member (whether or not a member of the lead committee) may, within the 40-day period, lodge a motion for consideration by the lead committee recommending annulment of the instrument.
4. If the motion is agreed to by the lead committee, the Parliamentary Bureau must then lodge a motion to annul the instrument to be considered by the Parliament as a whole. If that motion is also agreed to, the Scottish Ministers must revoke the instrument.
5. If the Parliament resolves to annul an SSI then what has been done under authority of the instrument remains valid but it can have no further legal effect. Following a resolution to annul an SSI the Scottish Ministers (or other responsible authority) must revoke the SSI (make another SSI which removes the original SSI from the statute book.) Ministers are not prevented from making another instrument in the same terms and seeking to persuade the Parliament that the second instrument should not be annulled.
6. Each negative instrument appears on the Health, Social Care and Sport Committee’s agenda at the first opportunity after the Delegated Powers and Law Reform

Committee has reported on it. This means that, if questions are asked or concerns raised, consideration of the instrument can usually be continued to a later meeting to allow the Committee to gather more information or to invite a Minister to give evidence on the instrument. Members should however note that, for scheduling reasons, it is not *always* possible to continue an instrument to the following week. For this reason, if any Member has significant concerns about a negative instrument, they are encouraged to make this known to the clerks in advance of the meeting.

7. In many cases, the Committee may be content simply to note the instrument and agree to make no recommendations on it.

Guidance on subordinate legislation

8. Further guidance on subordinate legislation is available on the Delegated Powers and Law Reform Committee's web page at:
<http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/delegated-powers-committee.aspx>

Recommendation

9. The Committee is invited to consider any issues which it wishes to raise in relation to this instrument.

Clerks to the Committee

4 May 2023

SSI 2023/125

Title of Instrument: National Health Service (Optical Charges and Payments) (Scotland) Amendment Regulations 2023

Type of Instrument: Negative

Laid Date: 21 April 2023

Meeting Date: 9 May 2023

Minister to attend meeting: No

Motion for annulment lodged: No

Drawn to the Parliament's attention by the Delegated Powers and Law Reform Committee? No.

10. The Delegated Powers and Law Reform Committee considered the instrument at its meeting on [2 May 2023](#) and made no recommendations in relation to this instrument.

Reporting deadline: 29 May 2023

Purpose

11. The purpose of the instrument is to increase NHS optical voucher values by 4.5% from 1 June 2023.

12. The instrument amends the National Health Service (Optical Charges and Payments) (Scotland) Regulations 1998 ("the 1998 Regulations"). This will ensure that the values of NHS optical vouchers issued in Scotland continue to match those issued elsewhere in the UK.

13. A copy of the Scottish Government's Policy Note is included in **Annexe A**.

POLICY NOTE**THE NATIONAL HEALTH SERVICE (OPTICAL CHARGES AND PAYMENTS)
(SCOTLAND) AMENDMENT REGULATIONS 2023****SSI 2023/125**

The above instrument was made in exercise of the powers conferred by sections 70(1), 73(a), 74(a) and 105(7) and paragraphs 2(2) and 2A of schedule 11 of the National Health Service (Scotland) Act 1978. The instrument is subject to negative procedure.

Purpose of the instrument:

To increase NHS optical voucher values by 4.5% from 1 June 2023

Policy objectives

The instrument amends the National Health Service (Optical Charges and Payments) (Scotland) Regulations 1998 (“the 1998 Regulations”).

Optical vouchers - Uprating of values

NHS optical vouchers provide financial help towards the purchase of new glasses or contact lenses for eligible persons, including children aged under 16, those aged 16 to 18 in qualifying full-time education, those on a low income and those who require complex lenses. Some people are also eligible to a NHS optical voucher for help with the cost of repairing or replacing glasses or contact lenses.

This instrument amends the 1998 Regulations by increasing the values of all NHS optical voucher categories and supplements by 4.5% for NHS optical vouchers that are accepted or used by a supplier on or after 1 June 2023. This will ensure that the values of NHS optical vouchers issued in Scotland continue to match those issued elsewhere in the UK.

Consultation

Optometry Scotland and NHS Boards have been consulted in the preparation of this instrument. Their views have been factored into the preparation of this instrument.

Impact Assessments

There are no Equalities, Children's Rights and Wellbeing, Island Communities, Socio-economic or Strategic Environmental impact issues arising from this instrument.

Financial Effects

The Minister for Public Health and Women’s Health confirms that no Business and Regulatory Impact Assessment is necessary as the instrument itself has no financial effects on business and the third sector. The financial effect on the Scottish Government from the increase in optical voucher values will be met from within existing budgets.

Scottish Government Directorate for Primary Care
Dentistry, Optometry and Audiology Division April 2023