
STATUTORY INSTRUMENTS

1972 No. 1265

**Health and Personal Social Services
(Northern Ireland) Order 1972**

PART VI

GENERAL HEALTH SERVICES

[^{F1} Ophthalmic services]

F1 Art. 62 cross-heading inserted (26.3.2008) by [Health \(Miscellaneous Provisions\) Act \(Northern Ireland\) 2008 \(c. 2\), ss. 8\(1\), 18\(1\)\(a\)](#)

Arrangements for general ophthalmic services

62.—(1) Every Health and Social Services Board shall, in accordance with regulations, make arrangements in respect of its area with medical practitioners having the prescribed qualifications,^[F2] and ophthalmic opticians for securing the testing^[F3] by them of the sight—

- ^[F4](a) of a child;
- (b) of a person whose resources fall to be treated under the regulations as being less than his requirements or as being equal to his requirements; or
- (c) of a person of such other description as may be prescribed.]

and the services provided in accordance with such arrangements are in this Order referred to as “general ophthalmic services”.

(2) Subject to paragraph (3), regulations may make provision as to the arrangements to be made under this Article, and shall include provision—

- (a) ^{F5}.....
- (b) ^{F5}.....
- (c) ^{F5}.....
- (d) for conferring on any person a right to choose, in accordance with the prescribed procedure, the medical practitioner or ophthalmic optician by whom his sight is to be tested or from whom any prescription for the supply of optical appliances is to be obtained^{F6} . . . ;

Sub-para. (e) rep. by 1984 NI 8

^{F7}(f) for [^{F8} the determination of] the remuneration of persons providing or participating in the provision of general ophthalmic services.

(3) Before making any regulations under this Article, the Ministry shall consult such organisations as appear to the Minister to be representative of medical practitioners practising as ophthalmic medical practitioners,^[F9] and ophthalmic] opticians.

^[F10](4) In this Article—

Status: Point in time view as at 26/03/2008.

Changes to legislation: Health and Personal Social Services (Northern Ireland) Order 1972, Ophthalmic services is up to date with all changes known to be in force on or before 29 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

“child” means—

- (a) a person who is under the age of 16 years; or
- (b) a person who is under the age of 19 years and receiving qualifying full-time education; and

“qualifying full-time education” means full-time instruction—

- (a) at an educational establishment recognised by the Department as being, or as comparable to, a school, college or university; or
- (b) by other means accepted as comparable by the Department,

and for the purposes of this definition regulations may prescribe the circumstances in which a person is or is not to be treated as receiving full-time instruction.

(5) Regulations under this Article may direct how a person's resources and requirements are to be calculated and, without prejudice to the generality of this paragraph, may direct that they shall be calculated—

- (a) by a method set out in the regulations;
- (b) by a method described by reference to a method of calculating or estimating income or capital specified in a transferred provision other than this Article or by reference to such a method but subject to prescribed modifications;
- (c) by reference to an amount applicable for the purposes of a payment under a transferred provision; or
- (d) by reference to the person's being or having been entitled to payment under a transferred provision.

(6) Descriptions of persons may be prescribed for the purposes of paragraph (1) by reference to any criterion and, without prejudice to the generality of this paragraph, by reference to any of the following criteria—

- (a) their age;
- (b) the fact that a prescribed person or a prescribed body accepts them as suffering from a prescribed medical condition;
- (c) the fact that a prescribed person or a prescribed body accepts that a prescribed medical condition from which they suffer arose in prescribed circumstances;
- (d) their receipt of benefit in money or in kind under any transferred provision or their entitlement to receive any such benefit; and
- (e) the receipt of any such benefit by other persons satisfying prescribed conditions or the entitlement of other persons satisfying prescribed conditions to receive such benefits.

(7) Regulations which refer to a transferred provision may direct that the reference is to be construed as a reference to that provision—

- (a) as it has effect at the time when the regulations are made; or
- (b) both as it has effect at that time and as amended subsequently.

(8) Regulations may provide that a person—

- (a) whose sight is tested by a person who provides general ophthalmic services; and
- (b) who is shown during the testing or within a prescribed time after it to fall within paragraph (1),

shall be taken for the purposes of the testing to have so fallen immediately before his sight was tested; and the testing shall be treated—

- (i) for the purposes of any arrangements under this Article;

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(ii) for the purposes of remuneration in respect of the testing; and
(iii) for any such other purpose as may be prescribed,
as a testing of sight under this Order.

(9) Regulations shall define the services for the provision of which arrangements under this Article are to be made and the services so defined are in this Order referred to as “general ophthalmic services”.]

F2	1984 NI 8
F3	1988 NI 24
F4	1988 NI 24
F5	Art. 62(2)(a)-(c) repealed (26.3.2008) by Health (Miscellaneous Provisions) Act (Northern Ireland) 2008 (c. 2) , ss. 8(2), 18(1)(a)(c), Sch. 2 Pt. 1
F6	1984 NI 8
F7	prosp. rep. by 1984 NI 8
F8	1978 NI 26
F9	1984 NI 8
F10	1988 NI 24

[^{F11} **Persons providing general ophthalmic services**

62A.—(1) Regulations may provide that a health care professional of a prescribed description may not provide any general ophthalmic services for which a Health and Social Services Board is responsible unless that professional is included in a list maintained under the regulations by a Health and Social Services Board.

(2) For the purposes of this Article—

- (a) “health care professional” has the same meaning as in Article 15C;
- (b) a Health and Social Services Board is responsible for general ophthalmic services if it secures provision of the services under or by virtue of Article 62.

(3) Paragraphs (3), (3A), (3B) and (4) of Article 57G shall apply for the purposes of regulations made under this Article in the same manner as those paragraphs apply for the purposes of regulations made under paragraph (1) of that Article.]

F11	Art. 62A inserted (26.3.2008) by Health (Miscellaneous Provisions) Act (Northern Ireland) 2008 (c. 2) , ss. 8(3) , 18(1)(a)
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