

SCHEDULE 1

Regulations 2(1) and 18

TERMS OF SERVICE

Interpretation

1. In this Schedule—

- (a) the expression “the regulations” means the National Health Service (General Ophthalmic Services) (Scotland) Regulations 2006;
- (b) any reference to a numbered regulation is a reference to the regulation bearing that number in the regulations;
- (c) any reference to a numbered paragraph is a reference to the paragraph bearing that number in this Schedule, and any reference in a paragraph to a numbered sub paragraph is a reference to the sub paragraph bearing that number in that paragraph;
- (d) other words and expressions have the same meaning as in the Regulations.

Incorporation of provisions

2. Any provisions of the following affecting the rights and obligations of contractors and ophthalmic medical practitioners and opticians assisting in the provision of general ophthalmic services shall form part of the terms of service—

- (a) the regulations;
- (b) the National Health Service (Tribunal) (Scotland) Regulations 2004 ^{M1};
- (c) so much of [^{F1}the National Health Service (Discipline Committees) (Scotland) Regulations 2006] as relates to—
 - (i) the investigation of questions arising between ophthalmic medical practitioners or opticians and their patients, other investigations to be made by a discipline committee and the action which may be taken by the Board as a result of such investigations, including the withholding of remuneration where there has been a breach of the terms of service;
 - (ii) appeal to the Scottish Ministers from decisions of the Board;
 - (iii) the investigation of the excessive—
 - (aa) undertaking of eye examinations;
 - (bb) issuing of optical vouchers;
 - (cc) prescribing of supplements;
- (d) regulation 9 of the National Health Service (Optical Charges and Payments) (Scotland) Regulations 1998 ^{M2};
- (e) the Statement;
- (f) the General Optical Council's Rules Relating to Injury [^{F2}or Disease] of the Eye; ^{F3}...
- [^{F4}(g) the College of Optometrists' Guidance for Professional Practice;]^{F5}...
- (h) the Patient Rights (Scotland) Act 2011 and any regulations or directions made under that Act, so far as relevant to contractors and ophthalmic medical practitioners and opticians as providers of services under the health service]^{F6}; and
- (i) Scottish Intercollegiate Guidance Network 144: Glaucoma Referral and Safe Discharge.]

Changes to legislation: The National Health Service (General Ophthalmic Services) (Scotland) Regulations 2006, SCHEDULE 1 is up to date with all changes known to be in force on or before 29 March 2024. 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) View outstanding changes

Textual Amendments

- F1** Words in sch. 1 para. 2(c) substituted (1.7.2006) by [The National Health Service \(General Ophthalmic Services\) \(Scotland\) Amendment Regulations 2006 \(S.S.I. 2006/329\)](#), regs. 1, **2(3)**
- F2** Words in sch. 1 para. 2(f) inserted (1.7.2022) by [The National Health Service \(Optical Charges and Payments and General Ophthalmic Services\) \(Scotland\) Amendment Regulations 2022 \(S.S.I. 2022/169\)](#), regs. 1(1), **14(a)**
- F3** Word in sch. 1 para. 2(f) omitted (1.4.2012) by virtue of [The Patient Rights \(Complaints Procedure and Consequential Provisions\) \(Scotland\) Regulations 2012 \(S.S.I. 2012/36\)](#), reg. 1(1), **sch. para. 3(3)(a)**
- F4** Sch. 1 para. 2(g) substituted (1.10.2018) by [The National Health Service \(General Ophthalmic Services\) \(Scotland\) Amendment Regulations 2018 \(S.S.I. 2018/212\)](#), regs. 1(2), **10(2)(a)**
- F5** Word in sch. 1 para. 2(g) omitted (1.10.2018) by virtue of [The National Health Service \(General Ophthalmic Services\) \(Scotland\) Amendment Regulations 2018 \(S.S.I. 2018/212\)](#), regs. 1(2), **10(2)(b)**
- F6** Sch. 1 para. 2(i) and word inserted (1.10.2018) by [The National Health Service \(General Ophthalmic Services\) \(Scotland\) Amendment Regulations 2018 \(S.S.I. 2018/212\)](#), regs. 1(2), **10(2)(c)**

Marginal Citations

- M1** [S.S.I. 2004/38](#) as amended by [S.S.I. 2004/122](#) and 271, 2005/335 and 2006/122.
- M2** [S.I. 1998/642](#). Regulation 9 was amended by [S.I. 1999/748](#).

Certificate of training

3.—(1) Except in the case of a body corporate, an ophthalmic medical practitioner or optician providing, or assisting in the provision of, general ophthalmic services shall undertake a course of training in the use of slit lamp biomicroscopy, condensing lens biomicroscopy, [^{F7}contact applanation tonometry using a Goldmann type tonometer] and threshold visual fields from a training provider approved by NHS Education for Scotland and shall provide to the Board a certificate from the provider of that training that that person has completed the training satisfactorily

(2) Except in the case of a body corporate, any application for inclusion in the Ophthalmic List must be accompanied by such a certificate.

(3) Except in the case of a body corporate, in the case of any person to whom regulation 26(6) applies, that person shall provide such a certificate to the Board no later than 30 June 2006, or by such later date as the Board considers appropriate in the circumstances of the case if it thinks it is not reasonably practicable for that person to provide such certificate by 30 June 2006

Textual Amendments

- F7** Words in sch. 1 para. 3(1) substituted (1.10.2018) by [The National Health Service \(General Ophthalmic Services\) \(Scotland\) Amendment Regulations 2018 \(S.S.I. 2018/212\)](#), regs. 1(2), **10(3)**

[^{F8}Mandatory training

3A.—(1) Except in the case of a body corporate, in each relevant period an ophthalmic medical practitioner or optician providing or assisting in the provision of general ophthalmic services must—

- (a) undertake [^{F9}and satisfactorily complete] a course of training provided by NHS Education for Scotland which comprises training on any or all of the following topics:—
- (i) the content and application of these Regulations and other relevant rules and law;
 - (ii) record keeping;
 - (iii) leadership, managing and working within an ophthalmic practice;

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- (iv) clinical skills and governance;
- (v) managing ocular conditions;
- (vi) ethical and professional obligations;
- (vii) best practice guidance; ^{F10} ...

^{F10}(b)

(2) In this paragraph “relevant period” means each of the following periods—

- (a) 1st October 2018 until 31st December 2020;
- (b) 1st January 2021 until 31st December 2021; and
- (c) each successive period of 12 months after the period specified in head (b).

[
^{F11}(3) Where an ophthalmic medical practitioner or optician is first included in the Ophthalmic List of any Board after 31st October in any relevant period, the requirement in paragraph (1) does not apply to that ophthalmic medical practitioner or optician for that relevant period.]]

Textual Amendments

- F8** Sch. 1 para. 3A inserted (1.10.2018) by [The National Health Service \(General Ophthalmic Services\) \(Scotland\) Amendment Regulations 2018 \(S.S.I. 2018/212\)](#), regs. 1(2), **10(4)**
- F9** Words in sch. 1 para. 3A(1) inserted (1.7.2022) by [The National Health Service \(Optical Charges and Payments and General Ophthalmic Services\) \(Scotland\) Amendment Regulations 2022 \(S.S.I. 2022/169\)](#), regs. 1(1), **14(b)(i)(aa)**
- F10** Sch. 1 para. 3A(1)(b) and word omitted (1.7.2022) by virtue of [The National Health Service \(Optical Charges and Payments and General Ophthalmic Services\) \(Scotland\) Amendment Regulations 2022 \(S.S.I. 2022/169\)](#), regs. 1(1), **14(a)(i)(bb)**
- F11** Sch. 1 para. 3A(3) inserted (1.7.2022) by [The National Health Service \(Optical Charges and Payments and General Ophthalmic Services\) \(Scotland\) Amendment Regulations 2022 \(S.S.I. 2022/169\)](#), regs. 1(1), **14(b)(ii)**

Premises at which general ophthalmic services are to be provided

4.—(1) Subject to sub paragraph (2), a contractor shall provide general ophthalmic services or cause such services to be provided by an ophthalmic medical practitioner or optician who assists in the provision of general ophthalmic services [^{F12}at the addresses of all the practice premises which are] included in relation to the contractor in the Ophthalmic List.

[^{F13}(1A) A contractor described in sub-paragraph (1) may, from time to time, provide general ophthalmic services or cause such services to be provided from the practice premises using remote facilities.]

(2) An ophthalmic medical practitioner or optician on the Ophthalmic List may, where requested to do so by or on behalf of a patient, who is—

- (a) unable to leave home unaccompanied because of physical or mental illness or disability, agree to provide general ophthalmic services or assist in the provision of general ophthalmic services at the place at which the patient normally resides; or
- (b) attending a day centre, agree to provide general ophthalmic services or assist in the provision of general ophthalmic services at that day centre.

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[^{F14}(2A) An ophthalmic medical practitioner or optician described in sub-paragraph (2) may, from time to time, provide general ophthalmic services or assist in the provision of general ophthalmic services using remote facilities.]

Textual Amendments

- F12** Words in sch. 1 para. 4(1) substituted (1.4.2007) by [The National Health Service \(General Ophthalmic Services\) \(Scotland\) Amendment Regulations 2007 \(S.S.I. 2007/193\)](#), regs. 1, **2(15)(a)**
- F13** Sch. 1 para. 4(1A) inserted (1.7.2022) by [The National Health Service \(Optical Charges and Payments and General Ophthalmic Services\) \(Scotland\) Amendment Regulations 2022 \(S.S.I. 2022/169\)](#), regs. 1(1), **14(c)(i)**
- F14** Sch. 1 para. 4(2A) inserted (1.7.2022) by [The National Health Service \(Optical Charges and Payments and General Ophthalmic Services\) \(Scotland\) Amendment Regulations 2022 \(S.S.I. 2022/169\)](#), regs. 1(1), **14(c)(ii)**

Visits

5.—(1) In the case of a mobile practice, a contractor shall give the Board notice in accordance with sub paragraph (2) of any visits which the contractor or an ophthalmic medical practitioner or optician who assists that contractor in the provision of general ophthalmic services intends to make to provide general ophthalmic services to at least three persons at day centres or in residential centres in the Board's area.

(2) The contractor shall notify the Board at least one month in advance of the month in which the contractor or an ophthalmic medical practitioner or optician who assists that contractor in the provision of general ophthalmic services intends to visit any establishment in the Board's area and of the intervals at which the contractor intends that return visits shall be made.

Premises and equipment

6.—^{F15}(1) Subject to sub-paragraph (2), a contractor shall provide proper, sufficient and appropriate premises, equipment and procedures for the provision of general ophthalmic services at [^{F16}or from] the practice premises.

(2) A contractor who provides general ophthalmic services [^{F17}for a patient who is] at a [^{F18}day centre, residential centre or [^{F19}for a patient who is] at a place where the patient normally resides] shall provide proper, sufficient and appropriate ^{F20}... equipment and procedures for the provision of general ophthalmic services.]

(3) Subject to sub paragraph (4), a contractor, on receipt of a written request from the Board, shall admit at all reasonable times for the purposes of inspecting such accommodation or equipment and reviewing procedures an ophthalmic officer or any authorised officer of the Scottish Ministers or the Board or member of the Board.

(4) In the case of a mobile practice, the contractor, on receipt of a written request from the Board to do so, shall arrange for an ophthalmic officer or any authorised officer of the Scottish Ministers or the Board or member of the Board to be allowed to inspect at a reasonable time the facilities and equipment that the contractor or an ophthalmic medical practitioner or opticians who assists the provider in the provision of general ophthalmic services uses.

Textual Amendments

- F15** Sch. 1 para. 6(1)(2) substituted (1.4.2010) by [The National Health Service \(General Ophthalmic Services\) \(Scotland\) Amendment Regulations 2010 \(S.S.I. 2010/86\)](#), regs. 1, **3(9)(a)**

Changes to legislation: The National Health Service (General Ophthalmic Services) (Scotland) Regulations 2006, SCHEDULE 1 is up to date with all changes known to be in force on or before 29 March 2024. 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) View outstanding changes

- F16** Words in sch. 1 para. 6(1) inserted (1.7.2022) by The National Health Service (Optical Charges and Payments and General Ophthalmic Services) (Scotland) Amendment Regulations 2022 (S.S.I. 2022/169), regs. 1(1), **14(d)(i)**
- F17** Words in sch. 1 para. 6(2) inserted (1.7.2022) by The National Health Service (Optical Charges and Payments and General Ophthalmic Services) (Scotland) Amendment Regulations 2022 (S.S.I. 2022/169), regs. 1(1), **14(d)(ii)(aa)**
- F18** Words in sch. 1 para. 6(2) substituted (3.2.2014) by The National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 2013 (S.S.I. 2013/355), regs. 1, **8(1)(a)**
- F19** Words in sch. 1 para. 6(2) inserted (1.7.2022) by The National Health Service (Optical Charges and Payments and General Ophthalmic Services) (Scotland) Amendment Regulations 2022 (S.S.I. 2022/169), regs. 1(1), **14(d)(ii)(bb)**
- F20** Words in sch. 1 para. 6(2) omitted (3.2.2014) by virtue of The National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 2013 (S.S.I. 2013/355), regs. 1, **8(1)(b)**

Notices

7. A contractor shall secure that at each place at which the contractor provides general ophthalmic services or an ophthalmic medical practitioner or optician assists the contractor in the provision of general ophthalmic services there is prominently displayed [^{F21}notices and leaflets] supplied or approved by the Board [^{F22}or the Agency], indicating the services available under general ophthalmic services and indicating to which descriptions of the contractor's patients a payment may be made under the National Health Service (Optical Charges and Payments) (Scotland) Regulations 1998.

Textual Amendments

- F21** Words in sch. 1 para. 7 substituted (1.4.2010) by The National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/86), regs. 1, **3(9)(b)(i)**
- F22** Words in sch. 1 para. 7 inserted (1.4.2010) by The National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/86), regs. 1, **3(9)(b)(ii)**

Records

8.—(1) A contractor or ophthalmic medical practitioner or optician who assists the contractor in the provision of general ophthalmic services shall keep proper, complete, accurate and up-to-date records in respect of each patient to whom general ophthalmic services are provided, giving appropriate details of eye examinations carried out.

(2) A contractor or ophthalmic medical practitioner or optician who assists the contractor in the provision of general ophthalmic services may keep the records referred to in sub paragraph (1) in computerised form.

(3) A contractor shall retain all such records for a period of 7 years.

(4) A contractor shall, when requested to do so by any authorised officer of the Scottish Ministers, the Agency or the Board during the period in which the contractor is required to retain such records—

- (a) produce them to such authorised officer of the Scottish Ministers, the Agency or the Board; or
- (b) send them to such authorised officer of the Scottish Ministers, the Agency or the Board within such period as may be specified by the authorised officer not being less than 14 days from the date of request.

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Deputies

9.—(1) [^{F23}An ophthalmic medical practitioner or optician may arrange for eye examinations to be carried out on his or her behalf by another ophthalmic medical practitioner or optician], provided that such other ophthalmic medical practitioner or optician is included in the Ophthalmic List of the Board for the area in which such eye examinations are to be carried out.

(2) Any contractor who makes an arrangement for the regular provision of services by a deputy in terms of [^{F24}sub-paragraph] (1) shall notify the Board of the arrangements.

Textual Amendments
F23 Words in sch. 1 para. 9(1) substituted (1.4.2007) by [The National Health Service \(General Ophthalmic Services\) \(Scotland\) Amendment Regulations 2007 \(S.S.I. 2007/193\)](#), regs. 1, **2(15)(c)(i)**
F24 Word in sch. 1 para. 9(2) substituted (1.4.2007) by [The National Health Service \(General Ophthalmic Services\) \(Scotland\) Amendment Regulations 2007 \(S.S.I. 2007/193\)](#), regs. 1, **2(15)(c)(ii)**

Employees

10.—^{F25}(1)

(2) An optician [^{F26}or ophthalmic medical practitioner] who employs a person to carry out eye examinations shall employ only—

- (a) another optician [^{F27}or ophthalmic medical practitioner] on the Ophthalmic List of the Board for the area in which such eye examinations are to be carried out; or
- (b) a person acting under his [^{F28}or her] continuous personal supervision who is authorised to carry out eye examinations by rules made under section 24(3) of the Opticians Act 1989.

(3) Any contractor who makes an arrangement for the regular provision of services by an employee in terms of [^{F29}sub-paragraphs] (1) or (2) shall notify the Board of the arrangement.

(4) In this paragraph “employee” includes, in the case of a body corporate, a director and “employ” is to be interpreted accordingly.

Textual Amendments
F25 Sch. 1 para. 10(1) omitted (1.4.2007) by virtue of [The National Health Service \(General Ophthalmic Services\) \(Scotland\) Amendment Regulations 2007 \(S.S.I. 2007/193\)](#), regs. 1, **2(15)(d)(i)**
F26 Words in sch. 1 para. 10(2) inserted (1.4.2007) by [The National Health Service \(General Ophthalmic Services\) \(Scotland\) Amendment Regulations 2007 \(S.S.I. 2007/193\)](#), regs. 1, **2(15)(d)(ii)**
F27 Words in sch. 1 para. 10(2)(a) inserted (1.4.2007) by [The National Health Service \(General Ophthalmic Services\) \(Scotland\) Amendment Regulations 2007 \(S.S.I. 2007/193\)](#), regs. 1, **2(15)(d)(iii)**
F28 Words in sch. 1 para. 10(2)(b) inserted (1.4.2007) by [The National Health Service \(General Ophthalmic Services\) \(Scotland\) Amendment Regulations 2007 \(S.S.I. 2007/193\)](#), regs. 1, **2(15)(d)(iv)**
F29 Word in sch. 1 para. 10(3) substituted (1.4.2007) by [The National Health Service \(General Ophthalmic Services\) \(Scotland\) Amendment Regulations 2007 \(S.S.I. 2007/193\)](#), regs. 1, **2(15)(d)(v)**

[^{F30}Complaints, concerns, comments, feedback

11. A contractor must have arrangements in place which operate in accordance with section 15 of the Patient Rights (Scotland) Act 2011, and any regulations or directions made under that Act.]

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Textual Amendments
F30 Sch. 1 para. 11 substituted (1.4.2012) by [The Patient Rights \(Complaints Procedure and Consequential Provisions\) \(Scotland\) Regulations 2012 \(S.S.I. 2012/36\)](#), reg. 1(1), **sch. para. 3(4)**

Co-operation with investigations

12.—(1) A contractor or an ophthalmic medical practitioner or optician who assists the contractor in the provision of general ophthalmic services shall cooperate with any investigation of a complaint by the Board in accordance with the procedures which it operates in accordance with ^{F31}section 15 of the Patient Rights (Scotland) Act 2011], whether the investigation follows one under the contractor's complaints procedure or not.

- (2) The co operation required by sub paragraph (1) includes—
 - (a) answering questions reasonably put to the contractor by the Board;
 - (b) providing any information relating to the complaint reasonably required by the Board; and
 - (c) attending any meeting to consider the complaint (if held at a reasonably accessible place and at a reasonable hour, and due notice has been given), if the contractor's presence or the presence of an ophthalmic medical practitioner or optician who assists that contractor in the provision of general ophthalmic services at the meeting is reasonably required by the Board.

Textual Amendments
F31 Words in sch. 1 para. 12 substituted (1.4.2012) by [The Patient Rights \(Complaints Procedure and Consequential Provisions\) \(Scotland\) Regulations 2012 \(S.S.I. 2012/36\)](#), reg. 1(1), **sch. para. 3(5)**

Payments

13.—(1) Any claim by a contractor for fees in respect of the provision of general ophthalmic services shall be made by completing or securing the completion of an eye examination form and sending it to the Agency within 6 months after the date of completion of such provision of the services.

^{F32}(1A) Any such claim shall be submitted in accordance with ^{F33}... sub-paragraphs (3A) and (3B)].

^{F34}(2)

^{F34}(3)

^{F35}(3A) The claim shall be submitted by electronic communication and—

- (a) if the service was provided on behalf of a contractor by a deputy or employee who is also a contractor, the claim shall contain the PIN allocated to that deputy or employee;
- (b) if the service was provided on behalf of a contractor by a person whose name is included in the second part of the Ophthalmic List, the claim shall contain the PIN allocated to that person; and
- (c) in all other cases, the claim shall contain the PIN allocated to the contractor providing the service.

(3B) When submitting a claim ^{F36}... under sub-paragraph (3A) [^{F37}or (4A)] a person shall make use only of such computer programme as the Agency has approved as suitable for that purpose.

Changes to legislation: The National Health Service (General Ophthalmic Services) (Scotland) Regulations 2006, SCHEDULE 1 is up to date with all changes known to be in force on or before 29 March 2024. 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) View outstanding changes

(3C) In this paragraph, “PIN” means the personal identification number allocated by the Agency.]

(4) Where an eye examination is undertaken by an ophthalmic medical practitioner or optician who assists the contractor in the provision of general ophthalmic services that ophthalmic medical practitioner or optician shall complete a claim for remuneration in respect of that eye examination which—

- (a) is separate from any claim form in respect of eye examinations given by the contractor personally; and
- (b) identifies the ophthalmic medical practitioner or optician who undertook the eye examination and his or her status as an ophthalmic medical practitioner or optician who assists the contractor in the provision of general ophthalmic services.

[^{F38}(4A) The claim referred to in sub-paragraph (4) must be submitted to the Agency by electronic communication and must contain the PIN allocated to the ophthalmic medical practitioner or optician who assists the contractor in the provision of general ophthalmic services.]

(5) Except as provided in the regulations, in the Statement, or in the National Health Service (Charges for Overseas Visitors) (Scotland) Regulations 1989 ^{M3}, ^{F39} ... a contractor shall not demand or accept or cause to be demanded or accepted from any patient or from other persons the payment of any fee or other remuneration in respect of the provision of general ophthalmic services.

^{F40}(6)

^{F40}(7)

Textual Amendments	
F32	Sch. 1 para. 13(1A) inserted (1.7.2015) by The National Health Service (Optical Charges and Payments and General Ophthalmic Services) (Scotland) Amendment Regulations 2015 (S.S.I. 2015/219) , regs. 1, 3(5)(a)
F33	Words in sch. 1 para. 13(1A) omitted (1.4.2019) by virtue of The National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 2018 (S.S.I. 2018/212) , regs. 1(3), 10(5)(a)
F34	Sch. 1 para. 13(2)(3) omitted (1.4.2019) by virtue of The National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 2018 (S.S.I. 2018/212) , regs. 1(3), 10(5)(b)
F35	Sch. 1 para. 13(3A)-(3C) inserted (1.7.2015) by The National Health Service (Optical Charges and Payments and General Ophthalmic Services) (Scotland) Amendment Regulations 2015 (S.S.I. 2015/219) , regs. 1, 3(5)(c)
F36	Words in sch. 1 para. 13(3B) omitted (1.4.2019) by virtue of The National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 2018 (S.S.I. 2018/212) , regs. 1(3), 10(5)(c)(i)
F37	Words in sch. 1 para. 13(3B) inserted (1.4.2019) by The National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 2018 (S.S.I. 2018/212) , regs. 1(3), 10(5)(c)(ii)
F38	Sch. 1 para. 13(4A) inserted (1.4.2019) by The National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 2018 (S.S.I. 2018/212) , regs. 1(3), 10(5)(d)
F39	Words in sch. 1 para. 13(5) omitted (3.2.2014) by virtue of The National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 2013 (S.S.I. 2013/355) , regs. 1, 8(2)(a)
F40	Sch. 1 para. 13(6)(7) omitted (3.2.2014) by virtue of The National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 2013 (S.S.I. 2013/355) , regs. 1, 8(2)(b)
Marginal Citations	
M3	S.I. 1989/364 , amended by S.I. 1992/411 , 1994/1770 , 1998/251 , S.S.I. 2004/369 , and S.S.I. 2006/141 with effect from 1st April 2006.

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Eye examinations

14.—(1) An ophthalmic medical practitioner or optician who accepts in accordance with these regulations—

- (a) an application from a patient for a primary eye examination; or
- (b) an application from a patient for a supplementary eye examination ^{F41}...^{F42};

shall carry out an eye examination.

^{F43}(1A) An eye examination carried out by an ophthalmic medical practitioner or optician in accordance with these Regulations shall consist of every test or procedure appropriate to the ^{F44}presenting signs, symptoms and] needs of the patient for the purpose of that examination unless—

- (a) the ophthalmic medical practitioner or optician considers that the patient has a physical or mental condition which would make the carrying out of any such test or procedure clinically inappropriate; ^{F45}...

^{F46}(aa) in the judgement of the ophthalmic medical practitioner or optician, the test or procedure is clinically inappropriate for any other reason; or]

- (b) the patient has refused to undertake any such test or procedure.]

^{F47}(2)

(3) Where an ophthalmic medical practitioner or optician carries out a sight test, he or she shall fulfil any duty imposed on him or her by, or in regulations made under, the Opticians Act 1989.

(4) Where an ophthalmic medical practitioner or optician is of the opinion that a patient whose eyes he or she has examined in accordance with sub paragraph (1)—

- (a) shows signs of injury, disease or abnormality in the eye or elsewhere which may require medical treatment; or
- (b) is not likely to attain a satisfactory standard of vision notwithstanding the application of corrective lenses,

he or she shall, if appropriate, and with the consent of the patient—

^{F48}(i) refer the patient ^{F49}to any of an optometrist independent prescriber, another ophthalmic medical practitioner,] his or her doctor or to an ophthalmic hospital;]

(ii) ^{F50}in the case of a referral to an ophthalmic hospital,] inform the patient's doctor or GP practice that he or she has done so; and

(iii) give the patient a written statement that he or she has done so, with details of the referral.

^{F51}(5)

(6) A prescription for glasses issued following an eye examination which includes a sight test shall be completed by the method recommended in Appendix A to British Standard ^{F52}2738-3:2004] (Glossary of Terms relating to Ophthalmic Lenses and Spectacle Frames) published by the British Standards Institution, as effective on the date of its publication, and shall comply with any requirements as to its form specified in the Statement for the purposes of payment in respect of the eye examination.

(7) An ophthalmic medical practitioner or optician shall carry out a maximum of 20 eye examinations in any working day.

(8) Following a primary eye examination or a supplementary eye examination the ophthalmic medical practitioner or optician who carried out the examination shall give a statement of the outcome of the examination to the patient.

Changes to legislation: The National Health Service (General Ophthalmic Services) (Scotland) Regulations 2006, SCHEDULE 1 is up to date with all changes known to be in force on or before 29 March 2024. 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) View outstanding changes

Textual Amendments

- F41** Words in sch. 1 para. 14(1)(b) omitted (1.4.2010) by virtue of [The National Health Service \(General Ophthalmic Services\) \(Scotland\) Amendment Regulations 2010 \(S.S.I. 2010/86\)](#), regs. 1, **3(9)(c)(i)**
- F42** Words in sch. 1 para. 14(1)(b) inserted (1.4.2007) by [The National Health Service \(General Ophthalmic Services\) \(Scotland\) Amendment Regulations 2007 \(S.S.I. 2007/193\)](#), regs. 1, **2(15)(g)(i)**
- F43** Sch. 1 para. 14(1A) substituted (3.2.2014) by [The National Health Service \(General Ophthalmic Services\) \(Scotland\) Amendment Regulations 2013 \(S.S.I. 2013/355\)](#), regs. 1, **8(3)**
- F44** Words in sch. 1 para. 14(1A) inserted (1.10.2018) by [The National Health Service \(General Ophthalmic Services\) \(Scotland\) Amendment Regulations 2018 \(S.S.I. 2018/212\)](#), regs. 1(2), **10(6)(a)**
- F45** Word in sch. 1 para. 14(1A)(a) omitted (1.10.2018) by virtue of [The National Health Service \(General Ophthalmic Services\) \(Scotland\) Amendment Regulations 2018 \(S.S.I. 2018/212\)](#), regs. 1(2), **10(6)(b)**
- F46** Sch. 1 para. 14(1A)(aa) inserted (1.10.2018) by [The National Health Service \(General Ophthalmic Services\) \(Scotland\) Amendment Regulations 2018 \(S.S.I. 2018/212\)](#), regs. 1(2), **10(6)(c)**
- F47** Sch. 1 para. 14(2) omitted (1.4.2010) by virtue of [The National Health Service \(General Ophthalmic Services\) \(Scotland\) Amendment Regulations 2010 \(S.S.I. 2010/86\)](#), regs. 1, **3(9)(c)(iii)**
- F48** Sch. 1 para. 14(4)(i) substituted (1.4.2010) by [The National Health Service \(General Ophthalmic Services\) \(Scotland\) Amendment Regulations 2010 \(S.S.I. 2010/86\)](#), regs. 1, **3(9)(aa)(c)(iv)**
- F49** Words in sch. 1 para. 14(4)(i) substituted (1.7.2022) by [The National Health Service \(Optical Charges and Payments and General Ophthalmic Services\) \(Scotland\) Amendment Regulations 2022 \(S.S.I. 2022/169\)](#), regs. 1(1), **14(e)**
- F50** Words in sch. 1 para. 14(4)(ii) inserted (1.4.2010) by [The National Health Service \(General Ophthalmic Services\) \(Scotland\) Amendment Regulations 2010 \(S.S.I. 2010/86\)](#), regs. 1, **3(9)(bb)(c)(iv)**
- F51** Sch. 1 para. 14(5) omitted (1.4.2010) by virtue of [The National Health Service \(General Ophthalmic Services\) \(Scotland\) Amendment Regulations 2010 \(S.S.I. 2010/86\)](#), regs. 1, **3(9)(c)(v)**
- F52** Word in sch. 1 para. 14(6) substituted (1.4.2007) by [The National Health Service \(General Ophthalmic Services\) \(Scotland\) Amendment Regulations 2007 \(S.S.I. 2007/193\)](#), regs. 1, **2(15)(g)(ii)**

Use of disqualified name

15.—(1) Subject to sub paragraph (2), a contractor shall not use in any manner whatsoever the name or part of the name, either alone or in combination with any other words or letters, of or used by, any person so long as that person is disqualified from inclusion in any Ophthalmic List.

(2) Nothing in sub paragraph (1) shall prevent a contractor other than a body corporate from using his [^{F53}or her] own name or being a body corporate, from using the name by which it is enrolled in the register maintained pursuant to the provisions of the Opticians Act 1989.

Textual Amendments

- F53** Words in sch. 1 para. 15 inserted (1.4.2007) by [The National Health Service \(General Ophthalmic Services\) \(Scotland\) Amendment Regulations 2007 \(S.S.I. 2007/193\)](#), regs. 1, **2(15)(h)**

Changes to legislation:

The National Health Service (General Ophthalmic Services) (Scotland) Regulations 2006, SCHEDULE 1 is up to date with all changes known to be in force on or before 29 March 2024. 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.

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Changes and effects yet to be applied to :

- Sch. 1 para. 5 omitted by [S.S.I. 2024/38 reg. 12\(a\)](#)
- Sch. 1 para. 13(1) word substituted by [S.S.I. 2024/38 reg. 12\(b\)](#)