

SCHEDULE 2

Regulation 7 and 26(1)

PART A

INFORMATION, CERTIFICATES, CONSENTS, DECLARATIONS AND UNDERTAKINGS TO BE INCLUDED IN AN APPLICATION FOR INCLUSION IN THE FIRST PART OF THE OPHTHALMIC LIST

1. An application shall contain the following information:–
 - (a) the applicant's full name, sex, date of birth and private address and telephone number;
 - (b) a full description of the applicant's qualifications including the institution which awarded them;
 - (c) the applicant's professional registration number and date of first registration;
 - (d) whether the applicant is an ophthalmic medical practitioner, a registered optometrist or a body corporate;
 - (e) address of proposed premises and, in the case of any mobile practice, the address to which correspondence may be sent and the addresses of any day centres and residential centres to be visited more than once;
 - (f) whether the premises may be reached without use of stairs;
 - (g) whether the premises have wheelchair access;
 - (h) proposed days and hours of attendance at these premises and, in the case of any mobile practice, the month in which visits are intended to take place and the planned interval between such visits;
 - (i) the name of each ophthalmic medical practitioner or optician who is regularly engaged as a deputy, director or employee in the provision of general ophthalmic services;
 - (j) chronological details of the applicant's professional experience (including the starting and finishing dates of each appointment together with explanation of any gaps between appointments) with any additional supporting particulars, and an explanation of why the applicant was dismissed from any post;
 - (k) details of any list or equivalent list from which the applicant has ever been disqualified, conditionally disqualified, removed, suspended, contingently removed or suspended or to which admission was refused or conditionally granted together with reasons for such disqualification, conditional disqualification, removal, suspension or refusal;
 - (l) name and addresses of two referees who are willing to provide clinical references relating to two recent posts as an ophthalmic medical practitioner or optometrist each of which lasted at least 3 months without a significant break and which may include a current post, or, where this is not possible a full explanation and name and address of an alternative referee or referees;
 - (m) if the applicant is a national of an EEA state, evidence that the applicant has a knowledge of English which, in the interests of the applicant and of patients who may receive general ophthalmic services from the applicant, is necessary for providing general ophthalmic services;
 - (n) if the applicant is the director or one of the persons with control of a corporate body, the name and registered office of that body;
 - (o) if the applicant is, or has been where the outcome was adverse, the subject of any investigation by the Agency in relation to fraud;

Status: This is the original version (as it was originally made).

- (p) whether the applicant has—
 - (i) had sequestration of the applicant’s estate awarded, or been adjudged bankrupt;
 - (ii) been made the subject of a bankruptcy restrictions order or an interim bankruptcy restrictions order under Schedule 4A to the Insolvency Act 1986⁽¹⁾;
 - (iii) made a composition or arrangement with, or granted a trust deed for, the applicant’s creditors;
 - (q) where the applicant is a body corporate, whether—
 - (i) an administrator, administrative receiver or receiver has been appointed in respect of it; or
 - (ii) an administration order has been made in respect of it under Schedule B1 to the Insolvency Act 1986; or
 - (iii) it has been wound up under Part IV of the Insolvency Act 1986; or
 - (r) whether the applicant is subject to a disqualification order under the Company Directors Disqualification Act 1986⁽²⁾, the Companies (Northern Ireland) Order 1986⁽³⁾ or to an order made under section 429(2)(b) of the Insolvency Act 1986⁽⁴⁾ (failure to pay under county court administration order).
2. An application shall contain the following declarations as to whether or not the applicant:—
- (a) has been convicted of a criminal offence in the British Islands or has been convicted elsewhere of an offence which would constitute a criminal offence if committed in the British Islands;
 - (b) is currently the subject of any proceedings anywhere in the world which might lead to a conviction specified in sub-paragraph (a);
 - (c) has in summary proceedings in respect of an offence, been the subject of an order discharging the applicant absolutely (without proceeding to conviction);
 - (d) has accepted and agreed to pay either a procurator fiscal fine under section 302 of the Criminal Procedure (Scotland) Act 1995⁽⁵⁾ or a penalty under section 115A of the Social Security Administration Act 1992⁽⁶⁾;
 - (e) has accepted a police caution in the British Islands;
 - (f) has been bound over following a criminal conviction in the British Islands;
 - (g) has been subject to any investigation into the applicant’s professional conduct by any licensing, regulatory or other body anywhere in the world where the outcome was adverse;
 - (h) is currently subject to any investigation into the applicant’s professional conduct by any licensing, regulatory or other body anywhere in the world;
 - (i) is the subject of any investigation or proceedings by another Health Board or equivalent body which might result in the applicant being disqualified, conditionally disqualified, refused entry, granted entry subject to conditions, removed, contingently removed or suspended from a list, or equivalent list;
 - (j) is, or has been, where the outcome was adverse, the subject of any investigation into the applicant’s professional conduct in respect of any previous or current employment;

(1) 1986 c. 45.

(2) 1986 c. 46 as amended by the Insolvency Act 2000 (2000 c. 39).

(3) S.I.1986/1032 (N.I.6).

(4) 1986 c. 45.

(5) 1995 c. 46.

(6) 1992 c. 5; section 115A was inserted by section 15 of the Social Security Administration (Fraud) Act 1997 (c. 47).

- (k) is, or has in the preceding 6 months been, or was at the time of the events that gave rise to conviction, proceedings or investigation, a director or one of the body of persons with control of a body corporate, or a member of a partnership (including a limited liability partnership) which—
 - (i) has been convicted of a criminal offence in the British Islands;
 - (ii) has been convicted elsewhere of an offence which would constitute a criminal offence if committed in the British Islands;
 - (iii) is currently the subject of any proceeding anywhere in the world which might lead to such a conviction;
 - (iv) has been subject to any investigation into its provision of professional services by any licensing, regulatory or other body anywhere in the world; or
 - (v) is, to the applicant's knowledge, or has been, where the outcome was adverse, the subject of any investigation by the Agency in relation to fraud;
 - (l) has had sequestration of the applicant's estate awarded or been adjudged bankrupt;
 - (m) has been made the subject of a bankruptcy restrictions order or an interim bankruptcy restrictions order under Schedule 4A to the Insolvency Act 1986;
 - (n) has made a composition or arrangement with, or granted a trust deed for, the applicant's creditors;
 - (o) if a body corporate—
 - (aa) has had an administrator, administrative receiver or receiver appointed in respect of it; or
 - (bb) has had an administration order made in respect of it under Schedule B1 to the Insolvency Act 1986;
 - (cc) has been wound up under Part IV of the Insolvency Act 1986;
 - (p) is subject to a disqualification order under the Company Directors Disqualification Act 1986, the Companies (Northern Ireland) Order 1986 or to an order made under section 429(2)(b) of the Insolvency Act 1986 (failure to pay under county court administration order).
- 3. An applicant must include:**
- (a) an enhanced criminal record certificate in relation to himself or herself or, where the applicant is a body corporate carrying on business as an optometrist, in relation to each director or person controlling that body corporate, dated not earlier than 28 days before the date of the application, and
 - (b) except in the case of a body corporate carrying on business as an optometrist, a certificate from a provider of training approved by NHS Education for Scotland that the applicant has satisfactorily completed a course of training in the use of slit lamp biomicroscopy, condensing lens biomicroscopy, applanation tonometry and threshold visual fields.
- 4. An application shall include the following undertakings:—**
- (a) the applicant will participate in appropriate and relevant NHS audit procedures;
 - (b) that applicant will be bound by the terms of service;
 - (c) that the applicant will notify the Board in writing within 7 days of its occurrence if the applicant—
 - (i) is charged in the British Islands with a criminal offence, the sentence for which could be a term of imprisonment or is charged elsewhere with an offence which, if committed in the British Islands would constitute such a criminal offence;

Status: This is the original version (as it was originally made).

- (ii) is convicted of a criminal offence in the British Islands or is convicted elsewhere of an offence which would constitute a criminal offence if committed in the British Islands;
- (iii) has, in summary proceedings, in respect of an offence, been the subject of an order discharging him or her absolutely (without proceeding to conviction);
- (iv) has accepted and agreed to pay either a procurator fiscal fine under section 302 of the Criminal Procedure (Scotland) Act 1995 or a penalty under section 115A of the Social Security Administration Act 1992;
- (v) has accepted a police caution in the British Islands;
- (vi) is bound over following a criminal conviction in the British Islands;
- (vii) becomes the subject of any investigation into the applicant's professional conduct by any licensing, regulatory or other body anywhere in the world;
- (viii) is informed by any licensing, regulatory or other body anywhere in the world of the outcome of any investigation into the applicant's professional conduct, and there is a finding against the applicant;
- (ix) becomes, to the applicant's knowledge, the subject of any investigation by the Agency in relation to fraud, or is informed of the outcome of any such investigation, where it is adverse;
- (x) becomes the subject of any investigation or proceedings by another Health Board or equivalent body, which might result in the applicant being disqualified, conditionally disqualified, refused entry, allowed entry subject to conditions, removed, contingently removed or suspended from a list, or equivalent list;
- (xi) is disqualified, conditionally disqualified, refused entry, allowed entry subject to conditions, removed or suspended from or refused admission or contingently removed from to any list or equivalent list;
- (xii) is, was in the preceding 6 months, or was at the time of the events that gave rise to the charge, conviction or investigation, a director or one of the persons with control of a body corporate and that body corporate—
 - (aa) is charged in the British Islands with a criminal offence, or is charged elsewhere with an offence which, if committed in the British Islands would constitute a criminal offence;
 - (bb) is convicted of a criminal offence in the British Islands;
 - (cc) is convicted elsewhere of an offence which, if committed in the British Islands would constitute a criminal offence;
 - (dd) becomes the subject of any investigation into its provision of professional services by any licensing, regulatory or other body anywhere in the world;
 - (ee) is informed by any licensing, regulatory or other body anywhere in the world of the outcome of any investigation into its provision of professional services, and there is a finding against it; or
 - (ff) becomes, to his or her knowledge, the subject of any investigation by the Agency in relation to fraud, or is informed of the outcome of any such investigation, if adverse,together with details of the occurrence, including approximate dates, and where any investigation or proceedings were or are to be brought, the nature of that investigation or proceedings, and any outcome;
- (xiii) has sequestration of the applicant's estate awarded or is adjudged bankrupt;

- (xiv) is made the subject of a bankruptcy restrictions order or an interim bankruptcy restrictions order under Schedule 4A to the Insolvency Act 1986;
- (xv) makes a composition or arrangement with, or grants a trust deed for, the applicant's creditors;
- (xvi) if a body corporate—
 - (aa) has an administrator, administrative receiver or receiver appointed in respect of it; or
 - (bb) has an administration order made in respect of it under Schedule B1 to the Insolvency Act 1986;
 - (cc) is wound up under Part IV of the Insolvency Act 1986;
- (xvii) is made subject to a disqualification order under the Company Directors Disqualification Act 1986, the Companies (Northern Ireland) Order 1986 or to an order made under section 429(2)(b) of the Insolvency Act 1986 (failure to pay under county court administration order);
- (d) that the applicant consents to a request being made by the Board to the Agency, any employer or former employer of the applicant, licensing, regulatory or other body in the United Kingdom or elsewhere, for information relating to a current investigation, or an investigation where the outcome was adverse, into the applicant or a body corporate referred to in this paragraph and, for the purposes of this sub paragraph, "employer" includes any partnership of which the applicant is or was a member;
- (e) that the applicant consents to disclosure of information in terms of regulation 14; and
- (f) that the fixed or mobile premises from which the applicant will provide general ophthalmic services contains the required equipment.

PART B

INFORMATION, CONSENTS, DECLARATIONS, CERTIFICATES AND UNDERTAKINGS TO BE INCLUDED IN AN APPLICATION FOR INCLUSION IN THE SECOND PART OF THE OPHTHALMIC LIST

1. An application shall contain the following information:—
 - (a) the applicant's full name, sex, date of birth and private address and telephone number;
 - (b) a full description of the applicant's qualifications including the institution which awarded them;
 - (c) the applicant's professional registration number and date of first registration;
 - (d) an indication of whether the applicant is an ophthalmic medical practitioner, a registered optometrist or a body corporate;
 - (e) chronological details of the applicant's professional experience (including the starting and finishing dates of each appointment together with explanation of any gaps between appointments) with any additional supporting particulars, and an explanation of why the applicant was dismissed from any post;
 - (f) details of any list or equivalent list from which the applicant has ever been disqualified, conditionally disqualified, removed, suspended, contingently removed or suspended or to which admission was refused or granted subject to conditions together with reasons for such disqualification, conditional disqualification, removal, suspension or refusal or imposition of conditions;

Status: This is the original version (as it was originally made).

- (g) name and addresses of two referees who are willing to provide clinical references relating to two recent posts as an ophthalmic medical practitioner or optometrist which lasted at least 3 months without a significant break and which may include a current post, or, where this is not possible a full explanation and name and address of an alternative referee or referees;
 - (h) if the applicant is a national of an EEA state, evidence that the applicant has a knowledge of English which, in the interests of the applicant and of patients who may receive general ophthalmic services from the applicant, is necessary for providing general ophthalmic services;
 - (i) if the applicant is the director or one of the persons with control of a corporate body, the name and registered office of that body;
 - (j) if the applicant is, or has been where the outcome was adverse, the subject of any investigation by the Agency in relation to fraud.
2. An application shall contain the following declarations as to whether or not the applicant:–
- (a) has been convicted of a criminal offence in the British Islands or has been convicted elsewhere of an offence which would constitute a criminal offence if committed in Scotland;
 - (b) is currently the subject of any proceedings anywhere in the world which might lead to a conviction specified in sub-paragraph (a);
 - (c) has in summary proceedings in respect of an offence, been the subject of an order discharging the applicant absolutely (without proceeding to conviction);
 - (d) has accepted and agreed to pay either a procurator fiscal fine under section 302 of the Criminal Procedure (Scotland) Act 1995 or a penalty under section 115A of the Social Security Administration Act 1992;
 - (e) has accepted a police caution in the British Islands;
 - (f) has been bound over following a criminal conviction in the British Islands;
 - (g) has been subject to any investigation into the applicant's professional conduct by any licensing, regulatory or other body anywhere in the world where the outcome was adverse;
 - (h) is currently subject to any investigation into the applicant's professional conduct by any licensing, regulatory or other body anywhere in the world;
 - (i) is the subject of any investigation or proceedings by another Board or equivalent body which might result in the applicant being disqualified, conditionally disqualified, refused entry, granted entry subject to conditions, removed, contingently removed or suspended from a list, or equivalent list;
 - (j) is, or has been, where the outcome was adverse, the subject of any investigation into applicant's professional conduct in respect of any previous or current employment;
 - (k) is, or has in the preceding 6 months been, or was at the time of the events that gave rise to conviction, proceedings or investigation, a director or one of the body of persons with control of a body corporate, which–
 - (i) has been convicted of a criminal offence in the British Islands;
 - (ii) has been convicted elsewhere of an offence which would constitute a criminal offence if committed in the British Islands;
 - (iii) is currently the subject of any proceeding anywhere in the world which might lead to such a conviction;
 - (iv) has been subject to any investigation into its provision of professional services by any licensing, regulatory or other body anywhere in the world; or

- (v) is, to the applicant's knowledge, or has been, where the outcome was adverse, the subject of any investigation by the Agency in relation to fraud;
3. An applicant must include with the application—
- (a) an enhanced criminal record certificate in relation to himself or herself dated not earlier than 28 days before the date of the application, and
 - (b) a certificate from a provider of training approved by NHS Education for Scotland that the applicant has satisfactorily completed a course of training in the use of slit lamp biomicroscopy, condensing lens biomicroscopy, applanation tonometry and threshold visual fields
4. An application shall include the following consent and undertakings:—
- (a) that the applicant will participate in appropriate and relevant NHS audit procedures;
 - (b) that the applicant will be bound by the terms of service;
 - (c) that the applicant will notify the Health Board in writing within 7 days of its occurrence if he or she—
 - (i) is charged in the British Islands with a criminal offence, the sentence for which could be a term of imprisonment or is charged elsewhere with an offence which, if committed in Scotland, would constitute such a criminal offence;
 - (ii) is convicted of a criminal offence in the British Islands or is convicted elsewhere of an offence which would constitute a criminal offence if committed in Scotland;
 - (iii) has, in summary proceedings, in respect of an offence, been the subject of an order discharging him or her absolutely (without proceeding to conviction);
 - (iv) has accepted and agreed to pay either a procurator fiscal fine under section 302 of the Criminal Procedure (Scotland) Act 1995 or a penalty under section 115A of the Social Security Administration Act 1992;
 - (v) has accepted a police caution in the British Islands;
 - (vi) is bound over following a criminal conviction in the British Islands;
 - (vii) becomes the subject of any investigation into the applicant's professional conduct by any licensing, regulatory or other body anywhere in the world;
 - (viii) is informed by any licensing, regulatory or other body anywhere in the world of the outcome of any investigation into his or her professional conduct, and there is a finding against the applicant;
 - (ix) becomes, to the applicant's knowledge, the subject of any investigation by the Agency in relation to fraud, or is informed of the outcome of any such investigation, where it is adverse;
 - (x) becomes the subject of any investigation or proceedings by another Board or equivalent body, which might result in the applicant being disqualified, conditionally disqualified, refused entry, allowed entry subject to conditions, removed, contingently removed or suspended from a list, or equivalent list;
 - (xi) is disqualified, conditionally disqualified, refused entry, allowed entry subject to conditions, removed or contingently removed or suspended from or refused admission to any list or equivalent list;
 - (xii) is, was in the preceding 6 months, or was at the time of the events that gave rise to the charge, conviction or investigation, a director or one of the persons with control of a body corporate and that body corporate—

Status: This is the original version (as it was originally made).

- (aa) is charged in the British Islands with a criminal offence, or is charged elsewhere with an offence which, if committed in the British Islands, would constitute a criminal offence;
- (bb) is convicted of a criminal offence in the British Islands;
- (cc) is convicted elsewhere of an offence which, if committed in the British Islands, would constitute a criminal offence;
- (dd) becomes the subject of any investigation into its provision of professional services by any licensing, regulatory or other body anywhere in the world;
- (ee) is informed by any licensing, regulatory or other body anywhere in the world of the outcome of any investigation into its provision of professional services, and there is a finding against it; or
- (ff) becomes, to his or her knowledge, the subject of any investigation by the Agency in relation to fraud, or is informed of the outcome of any such investigation, if adverse,

together with details of the occurrence, including approximate dates, and where any investigation or proceedings were or are to be brought, the nature of that investigation or proceedings, and any outcome;

- (d) that the applicant shall consent to a request being made by the Health Board to the Agency, any employer or former employer, licensing, regulatory or other body in the United Kingdom or elsewhere, for information relating to a current investigation, or an investigation where the outcome was adverse, into the applicant or a body corporate referred to in this paragraph and, for the purposes of this sub-paragraph, “employer” includes any partnership of which the applicant is or was a member;
- (e) that the applicant consents to disclosure of information in terms of regulation 14; and
- (f) that the fixed or mobile premises from which the applicant will assist in the provision of general ophthalmic services contains the required equipment.

PART C

DECLARATIONS TO BE PROVIDED IN TERMS OF REGULATION 26(6)

1. A declaration as to whether or not the person who is included in the Ophthalmic List in terms of regulation 26(3)–

- (a) has been convicted of a criminal offence in the British Islands or has been convicted elsewhere of an offence which would constitute a criminal offence if committed in the British Islands;
- (b) is currently the subject of any proceedings anywhere in the world which might lead to a conviction specified in sub-paragraph (a);
- (c) has in summary proceedings in respect of an offence, been the subject of an order discharging the applicant absolutely (without proceeding to conviction);
- (d) has accepted and agreed to pay either a procurator fiscal fine under section 302 of the Criminal Procedure (Scotland) Act 1995 or a penalty under section 115A of the Social Security Administration Act 1992;
- (e) has accepted a police caution in the British Islands;
- (f) has been bound over following a criminal conviction in the British Islands;
- (g) has been subject to any investigation into that person’s professional conduct by any licensing, regulatory or other body anywhere in the world where the outcome was adverse;

- (h) is currently subject to any investigation into that person's professional conduct by any licensing, regulatory or other body anywhere in the world;
- (i) is the subject of any investigation or proceedings by another Health Board or equivalent body which might result in that person being disqualified, conditionally disqualified, refused entry, granted entry subject to conditions, removed, contingently removed or suspended from a list, or equivalent list;
- (j) is, or has been, where the outcome was adverse, the subject of any investigation into that person's professional conduct in respect of any previous or current employment;
- (k) is, or has in the preceding 6 months been, or was at the time of the events that gave rise to conviction, proceedings or investigation, a director or one of the body of persons with control of a body corporate, or a member of a partnership (including a limited liability partnership) which—
 - (i) has been convicted of a criminal offence in the British Islands;
 - (ii) has been convicted elsewhere of an offence which would constitute a criminal offence if committed in the British Islands;
 - (iii) is currently the subject of any proceeding anywhere in the world which might lead to such a conviction;
 - (iv) has been subject to any investigation into its provision of professional services by any licensing, regulatory or other body anywhere in the world; or
 - (v) is, to that person's knowledge, or has been, where the outcome was adverse, the subject of any investigation by the Agency in relation to fraud.

2. A declaration that—

- (a) that person consents to a request being made by the Health Board to the Agency, any employer or former employer, licensing, regulatory or other body in the United Kingdom or elsewhere, for information relating to a current investigation, or an investigation where the outcome was adverse, into that person or a body corporate referred to in this paragraph and, for the purposes of this sub paragraph, "employer" includes any partnership of which that person is or was a member;
- (b) the fixed or mobile premises from which that person will provide general ophthalmic services contains the required equipment to provide general ophthalmic services;
- (c) —
 - (i) no sequestration of the person's estate has been awarded and that the person has not been adjudged bankrupt, unless (in either case) the person has been discharged or the bankruptcy order has been annulled;
 - (ii) the person has not been made the subject of a bankruptcy restrictions order or an interim bankruptcy restrictions order under Schedule 4A to the Insolvency Act 1986, unless that order has ceased to have effect or has been annulled;
 - (iii) the person has not made a composition or arrangement with, or granted a trust deed for, the person's creditors unless the person has been discharged in respect of it;
 - (iv) where the person is a body corporate—
 - (aa) an administrator, administrative receiver or receiver has not been appointed in respect of it;
 - (bb) an administration order has not been made in respect of it under Schedule B1 to the Insolvency Act 1986;
 - (cc) it has been not been wound up under Part IV of the Insolvency Act 1986;

Status: This is the original version (as it was originally made).

- (d) the person is not subject to a disqualification order under the Company Directors Disqualification Act 1986, the Companies (Northern Ireland) Order 1986 or to an order made under section 429(2)(b) of the Insolvency Act 1986 (failure to pay under county court administration order); and
- (e) the person undertakes to notify the Health Board in writing within 7 days of the occurrence of any event specified in paragraph 1, or sub paragraphs (c) and (d) of this paragraph.