

STATUTORY INSTRUMENTS

1986 No. 965 (S. 82)**NATIONAL HEALTH SERVICE, SCOTLAND****The National Health Service (General Ophthalmic Services)
(Scotland) Regulations 1986**

<i>Made</i> - - - -	<i>5th June 1986</i>
<i>Laid before Parliament</i>	<i>9th June 1986</i>
<i>Coming into Operation</i>	<i>1st July 1986</i>

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The Secretary of State, in exercise of the powers conferred on him by sections 26, 34, 105(7), 106(a) and 108 of, and paragraph 2 of Schedule 11 to, the National Health Service (Scotland) Act 1978(a) and section 28(1) of the Health and Social Security Act 1984(b), and of all other powers enabling him in that behalf, hereby makes the following regulations:-

PART I

GENERAL

Citation and commencement

1. These regulations may be cited as the National Health Service (General Ophthalmic Services) (Scotland) Regulations 1986 and shall come into operation on 1st July 1986.

Interpretation

- 2.—(1) In these regulations, unless the context otherwise requires -
- “the Act” means the National Health Service (Scotland) Act 1978;
- “the 1984 Act” means the Health and Social Security Act 1984;
- “the Order of 1974” means the National Health Service (Joint Ophthalmic Committees) (Scotland) Order 1974(c);
- “area medical committee” means the committee of that name for the area of a Health Board recognised under section 9 of the Act;
- “area optical committee” means the committee of that name for the area of a Health Board recognised under section 9 of the Act;
- “Board” means a Health Board constituted for any area under section 2 of the Act, and “constituent Board” means one of the Health Boards for whose areas a Joint Ophthalmic Committee has been established;
- “Committee” means a Joint Ophthalmic Committee, constituted in accordance with the Order of 1974;
- “contractor” means a person who has undertaken to provide general ophthalmic services and whose name is included in the Ophthalmic List;

(a) 1978 c.29; section 26 was amended by the Health and Social Security Act 1984 (c.48), section 1(5) and Schedule 1, Part II, paragraphs 1 to 4.

(b) 1984 c.48.

(c) S.I. 1974/503.

“deputy” means an ophthalmic medical practitioner or optician, whether or not himself a contractor, who provides general ophthalmic services on behalf of a contractor otherwise than as a director or salaried employee of that contractor;

“doctor” means a registered medical practitioner;

“enactment” includes a provision in a statutory instrument;

“ophthalmic hospital” includes an ophthalmic department of a hospital;

“Ophthalmic List” has the meaning assigned to it by regulation 6;

“ophthalmic medical practitioner” means a doctor whose qualifications have been approved in accordance with Part II of these regulations as being prescribed qualifications;

“Ophthalmic Qualifications Committee” means such committee appointed by organisations representative of the medical profession as may be recognised by the Secretary of State for the purposes of approving -

(a) ophthalmic hospitals, academic degrees, academic or post graduate courses in ophthalmology and appointments affording special opportunities for acquiring the necessary skill and experience of the kind required for the provision of general ophthalmic services; and

(b) the qualifications of doctors for the purpose of the general ophthalmic services;

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

“optician” means an ophthalmic optician;

“patient” means any person for whom a contractor has agreed to provide general ophthalmic services;

“qualifications” includes qualifications as to experience;

“sight test” includes such examination of the eyes as may be required;

“sight test form” means a form which, in accordance with the Statement, is to be completed for the purposes of payments in respect of a sight test;

“the Statement” means the Statement prepared pursuant to the provisions of regulation 10;

“terms of service” means the terms set out in Schedule 1;

“Tribunal” means the Tribunal constituted in accordance with the provisions of section 29 of, and Schedule 8 to, the Act.

(2) Unless the context otherwise requires, any reference in these regulations to a numbered regulation or Schedule is to the regulation in or Schedule to these regulations which bears that number, any reference in a regulation or Schedule to a numbered paragraph is to the paragraph bearing that number in that regulation or Schedule, and any reference in a paragraph of Schedule 1 to a numbered sub-paragraph is to the sub-paragraph bearing that number in that paragraph.

PART II

QUALIFICATIONS OF OPHTHALMIC MEDICAL
PRACTITIONERS*Qualifications*

3.—(1) The prescribed qualifications which a doctor is to possess for the purposes of section 26 of the Act (general ophthalmic services) are that he has (at the date of consideration of his application under regulation 4) recent experience and either -

- (a)(i) he has held an appointment in the health service, otherwise than under Part II of the Act, with the status of consultant ophthalmologist, or an appointment for a period of not less than two years of equivalent status as ophthalmic surgeon or assistant ophthalmic surgeon on the staff of an approved ophthalmic hospital; and
- (ii) he has had adequate experience; or
- (b)(i) he has held an ophthalmic appointment or an appointment in an approved ophthalmic hospital, for a period totalling not less than two years, including therein tenure for a period of not less than six months of a residential appointment or an appointment with duties comparable with those of a residential appointment (provided that such tenure for six months of a residential or comparable appointment shall not be required in the case of a doctor who has been fully registered for at least seven years and whose experience is such as to make that requirement unnecessary); and
- (ii) he has obtained the Diploma in Ophthalmology awarded conjointly by the Royal College of Physicians of London and the Royal College of Surgeons of England, or any approved higher degree or qualification; and
- (iii) he has had adequate experience;
- (c) he has before 1st November 1951 had adequate experience and before that date either -
 - (i) obtained a Diploma or Certificate in respect of an approved academic or post graduate course in ophthalmology; or
 - (ii) held for a period of not less than two years an appointment as an ophthalmic surgeon or assistant ophthalmic surgeon on the staff of an approved ophthalmic hospital; or
 - (iii) held for a period of not less than two years an approved appointment affording special opportunities for acquiring the necessary skill and experience of the kind required for the provision of general ophthalmic services.

(2) "Approved" for the purposes of this regulation means approved by the Ophthalmic Qualifications Committee.

Approval of qualifications

4.—(1) A doctor who wishes to establish his status as an ophthalmic medical practitioner shall apply to the Ophthalmic Qualifications Committee for

approval of his qualifications and experience, and shall give to that Committee such particulars of his qualifications and experience as it shall require.

(2) The Ophthalmic Qualifications Committee shall consider such application and within one month after the date thereof shall inform the applicant of its determination.

(3) If the Ophthalmic Qualifications Committee is satisfied that the doctor possesses the qualifications prescribed by regulation 3, he shall be an ophthalmic medical practitioner.

(4) Notwithstanding the provisions of regulation 3 and of paragraph (1), a doctor who has the prescribed qualifications for the purposes of providing general ophthalmic services in England and Wales under the National Health Service Act 1977^(a) or in Northern Ireland under the Health and Personal Social Services (Northern Ireland) Order 1972^(b), shall be an ophthalmic medical practitioner.

Appeals against determinations of Ophthalmic Qualifications Committee

5.—(1) Any person aggrieved by a determination of the Ophthalmic Qualifications Committee that he is not qualified to be an ophthalmic medical practitioner may, within one month from the date on which he received notice of that decision or such longer period as the Secretary of State may at any time allow, appeal against the determination by sending to the Secretary of State a notice of appeal stating the facts and contentions on which he relies.

(2) The Secretary of State shall appoint to determine the appeal an appeal committee of five persons of whom at least three shall be appointed after consultation with such bodies or organisations representing doctors as appear to him to be concerned and shall refer the appeal to that appeal committee.

(3) The Secretary of State shall send a copy of the notice of appeal to the Ophthalmic Qualifications Committee and to such other persons as may appear to him to be interested in the appeal and shall inform the appellant, the Ophthalmic Qualifications Committee and any such other persons that the appeal has been referred and of the address to which communications to the appeal committee shall be sent.

(4) The appeal committee may, and if requested so to do by the appellant or the Ophthalmic Qualifications Committee shall, hold a hearing in connection with an appeal at such time and place as it may direct, and notice of such hearing shall, not less than 28 days before the date of the hearing be sent by the recorded delivery service to the appellant, the Ophthalmic Qualifications Committee and any other person to whom the Secretary of State has under paragraph (3) sent notice of the appeal.

(5) Either the appellant or the Ophthalmic Qualifications Committee may within 28 days of being informed that the appeal has been referred to an appeal committee, or of being informed that a hearing of such appeal will be held, give notice that he or it desires to appear before the appeal committee.

(a) 1977 c.49.

(b) S.I. 1972/1265 (N.I. 14).

(6) The Ophthalmic Qualifications Committee shall be entitled to appear by a member or by their clerk or other officer duly appointed for the purpose; the appellant shall be entitled to appear in person, by any member of his family, by any friend, or by an officer or member of any organisation of which he is a member; and any party to an appeal shall be entitled to appear and be heard by counsel or solicitor.

(7) Subject to the foregoing provisions of this regulation the procedure of the appeal committee in determining the appeal shall be such as the appeal committee thinks proper.

(8) An appeal committee shall have all the powers of the Ophthalmic Qualifications Committee including in particular the power of approval and, if satisfied that an appellant possesses the qualifications prescribed by regulation 3, it shall so determine and accordingly he shall be an ophthalmic medical practitioner.

(9) The appeal committee shall as soon as practicable notify its determination to the appellant, the Ophthalmic Qualifications Committee, the Secretary of State and any other person to whom the Secretary of State has under paragraph (3) sent notice of the appeal.

PART III

OPHTHALMIC LIST

Ophthalmic List

6.—(1) The Committee shall keep a list called “the Ophthalmic List” of those persons who, pursuant to the provisions of regulation 7, have undertaken to provide general ophthalmic services.

(2) The Ophthalmic List shall be divided into two parts, of which the first part shall relate to ophthalmic medical practitioners, and the second part to opticians.

(3) Each part shall contain -

- (a) the names of persons who are entitled to be included therein;
- (b) the addresses of any places in the Committee’s area at which they have undertaken to provide general ophthalmic services;
- (c) particulars of the days on which and hours between which general ophthalmic services will normally be available at such addresses; and
- (d) 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 at any of these addresses.

(4) The Committee shall send a copy of the Ophthalmic List to the Secretary of State, to the constituent Boards, to the area medical committees as appropriate, and to the area optical committees for the constituent Boards, and shall within fourteen days inform each of them of any change made therein.

Application for inclusion in Ophthalmic List and notification of changes

7.—(1) An ophthalmic medical practitioner or optician who wishes to be included in the Ophthalmic List of a Committee shall send to that Committee

an application to that effect, which shall indicate whether the applicant is an ophthalmic medical practitioner, a registered ophthalmic optician or a body corporate carrying on business as ophthalmic opticians and shall include -

- (a) an undertaking to provide general ophthalmic services and to comply with the terms of service; and
- (b) the information, as respect the matters mentioned in regulation 6(3), which it is proposed shall be contained in the Ophthalmic List.

(2) A contractor shall within 14 days of any change or addition affecting the entries which that list is required to contain in relation to him notify the Committee accordingly.

Withdrawal from Ophthalmic List

8. Where a contractor gives notice in writing to the Committee that he desires to withdraw from the Ophthalmic List, his name shall with the agreement of the Committee be removed therefrom at the expiration of three months from the date of such notice or of such shorter period as the Committee may agree:

Provided that -

- (a) if representations are made to the Tribunal in terms of section 29 of the Act that the continued inclusion of a contractor in the Ophthalmic List would be prejudicial to the efficiency of the general ophthalmic services, he shall not, except with the consent of the Secretary of State and subject to such conditions, if any, as the Secretary of State may impose, be entitled to have his name removed from the Ophthalmic List pending the determination of the proceedings on those representations;
- (b) the Committee shall not agree to a contractor's withdrawal from the Ophthalmic List unless and until it is satisfied that satisfactory arrangements have been made for the completion of any general ophthalmic services which such contractor has undertaken to provide.

Removal from Ophthalmic List

9.—(1) Where a Committee has determined that a contractor whose name has been included in the Ophthalmic List -

- (a) has died, or
- (b) has ceased to be an ophthalmic medical practitioner or optician,

it shall remove that contractor's name from the Ophthalmic List.

(2) Where a Committee determines, in accordance with the provisions of this regulation, and after consultation with any appropriate area medical committee in the case of an ophthalmic medical practitioner, or with any appropriate area optical committee in the case of an optician, that a contractor whose name has been included for the preceding six months in the Ophthalmic List of that Committee has not during that period provided general ophthalmic services for persons in the Committee's area, the Committee shall remove the name of that contractor from the Ophthalmic List.

(3) Before making any determination under paragraph (2) the Committee shall give the contractor 28 days' notice of its intention so to do and shall afford

him an opportunity of making representations to the Committee orally or in writing, if he so wishes.

(4) Nothing in this regulation shall prejudice the right of a person to have his name included again in the Ophthalmic List.

(5) No determination under this regulation shall be made in respect of any contractor who is called into whole-time service in the armed forces of the Crown in a national emergency as a volunteer or otherwise, or compulsory whole-time service in those forces, including service resulting from any reserve liability or any equivalent service by a person liable for whole-time service in those forces, until six months after the completion of that service.

(6) Any document which is required or authorised to be given to a contractor under this regulation may be given by delivering it to him or by sending it by recorded delivery service to his usual or last known place of business as recorded in the Ophthalmic List.

PART IV

GENERAL ARRANGEMENTS

The Statement

10.—(1) The Secretary of State shall, after consultation with such organisations as appear to him to be representative of contractors providing general ophthalmic services, make provision in a determination (in these regulations referred to as “the Statement”) as to the fees to be paid by a Board for the testing of sight by ophthalmic medical practitioners and opticians.

(2) Any such determination -

(a) shall be published;

(b) may be amended, in whole or in part, after consultation with those organisations referred to in paragraph (1).

Terms of service

11. The arrangements for the provision of general ophthalmic services under section 26 of the Act which by virtue of the Order of 1974(a), it is the duty of the Committee to make shall incorporate the terms of service in Schedule 1 and the Statement.

Arrangements for particular districts

12. Where it appears to a Committee that provision is required to meet the needs of the residents of any particular district in the Committee’s area, the Committee may, after consultation with the area optical committee and with the approval of the Secretary of State, make arrangements with an optician or an ophthalmic medical practitioner whereby the optician or the ophthalmic medical practitioner undertakes to provide general ophthalmic services at suitable centres in that district on such terms as may be specified in the arrangements.

(a) S.I. 1974/503.

Payment for services

13. Each Board shall make or cause to be made to contractors within their area payments in accordance with the Statement, and any payments which may become due to contractors by virtue of arrangements made under regulation 12.

PART V

METHOD OF OBTAINING GENERAL OPHTHALMIC SERVICES

Sight tests

14.—(1) A person who wishes to have his sight tested under the general ophthalmic services may make application for a sight test to any contractor.

(2) A contractor to whom an application for a sight test is made shall before making any examination of the patient's eyes -

- (a) secure that particulars of the patient and the approximate date of his last sight test, if any, are inserted in a sight test form by the patient or on his behalf; and
- (b) satisfy himself that a sight test is necessary.

Application on behalf of children or incapable persons

15.—(1) Subject to paragraph (2), an application for general ophthalmic services required by these regulations may be made and a signature required by these regulations may be given -

- (a) on behalf of any person under 16 years of age by either parent, or in the absence of both parents, the guardian or other adult person who has the care of the child;
- (b) on behalf of any other person who is incapable of making such an application or signature by an adult relative or any other adult who has the care of that person; and
- (c) on behalf of any person under the age of 18
 - (i) in the care of a local authority under Part II of the Social Work (Scotland) Act 1968(a) or under the relevant provisions of the said Part II as applied by section 44(5) of the said Act, by a person duly authorised by that authority;
 - (ii) in the care of a voluntary organisation, by that organisation or by a person authorised by it.

(2) A signature on an application may not be given by the contractor to whom the application is made.

Publication of particulars

16. Copies of the Ophthalmic List, these regulations, the terms of service and the Statement shall be made available for inspection at the offices of the constituent Boards and at the offices of the Committee if any, and at such other places in the Committee's area as appear to be convenient for informing any

(a) 1968 c.49.

person interested, and shall be kept revised and up to date, but copies of these documents need not be made available at every place at which any of them is made available.

Service of documents on contractors

17. Subject to regulation 9(6), any document which is required or authorised under these regulations or under the terms of service to be given to a contractor may be given by delivering it to such contractor or by sending it addressed to him at any address notified by him to the Committee for inclusion in the Ophthalmic List as a place at which he has undertaken to provide general ophthalmic services.

Revocation, savings and transitional provisions

18.—(1) Subject to paragraphs (2) and (3), the regulations specified in Schedule 2 (“the revoked regulations”) are hereby revoked.

(2) An optical appliance supplied before 1st July 1986 as part of general ophthalmic services may be repaired before 1st July 1987, and part of such an appliance may be replaced before that date, as though the revoked regulations remained in force and as though the amendments to section 26 of the Act effected by section 1(5) of, and paragraphs 1 to 4 of Part II of Schedule 1 to, the 1984 Act had not been made.

(3) In respect of any supply, replacement or repair of an optical appliance under general ophthalmic services for which arrangements were made before 1st July 1986 or any replacement or repair to which paragraph (2) applies, payments and charges shall be made as though the revoked regulations and any determination made under them and in force on 30th June 1986 were in force and as though the repeal in section 74(b) of the Act effected by section 24 of, and Schedule 8 to, the 1984 Act had not been made.

John J. MacKay,
Parliamentary Under Secretary of State,
Scottish Office.

New St. Andrew's House,
Edinburgh.
5th June 1986.

SCHEDULE 1

Regulations 2(1) and 11

TERMS OF SERVICE

Interpretation

1. In this Schedule, unless the context otherwise requires -

- (a) the expression “the regulations” means the National Health Service (General Ophthalmic Services) (Scotland) Regulations 1986;
- (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 shall form part of the terms of service -

- (a) the regulations;
- (b) so much of Part III of the National Health Service (Service Committees and Tribunal) (Scotland) Regulations 1974(a) as relates to -
 - (i) the investigation of questions arising between contractors and their patients, other investigations to be made by the ophthalmic service committee and the action which may be taken by the Committee as a result of such investigations, including the withholding of remuneration from a contractor where there has been a breach of the terms of service;
 - (ii) appeals to the Secretary of State from decisions of the Committee;
 - (iii) the investigation of excessive prescribing of optical appliances;
- (c) regulation 4(2) to (4) of the National Health Service (Payments for Optical Appliances) (Scotland) Regulations 1986(b);
- (d) the Statement.

Arrangements for the provision of services

3. A contractor shall make all necessary arrangements for the provision of general ophthalmic services to his patients.

Premises and equipment

4.—(1) A contractor shall provide, as may be requisite, proper and sufficient consulting and waiting room accommodation and suitable equipment for the general ophthalmic services which he has undertaken to provide.

(2) A contractor, on receipt of a written request from the Committee to do so, shall admit at all reasonable times for the purposes of inspecting such accommodation or equipment an authorised officer of the Secretary of State or any authorised officer or member of the Committee.

(a) S.I. 1974/504.

(b) S.I. 1986/966.

Notices

5. A contractor shall take all reasonable steps to secure that at each place at which he provides general ophthalmic services there is prominently displayed a notice in a form supplied or approved by the Committee, indicating the services available as part of general ophthalmic services and indicating for which descriptions of his patients a payment may be made under the National Health Service (Payments for Optical Appliances) (Scotland) Regulations 1986.

Records

6.—(1) A contractor shall keep a proper record in respect of each patient to whom he provides general ophthalmic services giving such details of the testing of sight as may be appropriate.

(2) A contractor shall retain all such records for a period of 3 years, and shall during that period produce them when required to do so by the Committee -

- (a) to such officer authorised by the Secretary of State as the Committee may specify,
- (b) within such period, being not less than 14 days, as the Committee may specify.

Deputies

7.—(1) An ophthalmic medical practitioner may arrange for sight to be tested on his behalf by another ophthalmic medical practitioner, and an optician may arrange for sight to be tested on his behalf by another optician, but no such arrangement shall be made with any person disqualified under section 29 of the Act from inclusion in the Ophthalmic List of any Board.

(2) Any contractor who makes an arrangement for the regular provision of services by a deputy shall -

- (a) notify the Committee of the arrangements; and
- (b) if the deputy is not already a contractor, secure that he applies for inclusion in the Ophthalmic List.

(3) A contractor shall be responsible for all acts and omissions of any person acting as his deputy and of any employee of that person; and a deputy who is himself a contractor shall be jointly responsible.

Employees

8.—(1) An ophthalmic medical practitioner who employs a person for sight testing shall employ only another ophthalmic medical practitioner.

(2) An optician who employs a person for the testing of sight shall employ only -

- (a) another optician; or
- (b) a person acting under his continuous personal supervision who is authorised to test sight by rules made under section 20(3) of the Opticians Act 1958(a).

(3) A contractor shall not employ in the provision of general ophthalmic services any person who is disqualified under section 29 of the Act from inclusion in the Ophthalmic List, except with the consent of the Secretary of State.

(4) A contractor who regularly employs an ophthalmic medical practitioner or an optician shall -

- (a) notify the Committee accordingly; and

(a) 1958 c.32.

(b) if the employee is not already a contractor, secure that he applies for inclusion in the Ophthalmic List.

(5) A contractor shall be responsible for all acts and omissions of any employee; and an employee who is himself a contractor shall be jointly responsible.

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

Payments

9.—(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 a sight test form and sending it to the Board in whose area the services were provided within six months after the date of completion of such provision of the services.

(2) Any such claim shall be signed -

(a) if the contractor is body corporate, by any of its directors who is a contractor who takes part in the provision of general ophthalmic services at the address at which the relevant service was provided or by any of its employees who is such a contractor;

(b) if the contractor is not a body corporate -

(i) if the service was provided on his behalf by a deputy or employee who is also a contractor, by the deputy or employee who shall give the name of the contractor on whose behalf the service was provided,

(ii) in other cases by the contractor himself.

(3) A signatory shall sign any such claim in ink with his initials or forename and with his surname in his own handwriting and not by means of a stamp.

(4) Except as provided in the regulations, in the Statement, or in sub-paragraph (5), a contractor shall not demand or accept from any patient or from other persons the payment of any fee or other remuneration in respect of the provision of general ophthalmic services.

(5) A contractor shall be entitled to demand and recover from a patient or person having charge of a patient a sum in respect of -

(a) loss of remunerative time resulting from a failure by that patient to keep an appointment; or

(b) a journey made to that patient's residence, at that patient's, or person's request.

(6) A contractor shall not demand or accept from the Board the payment of any fee or other remuneration in respect of any item of service -

(a) which has not been provided under the general ophthalmic services; or

(b) for which a claim has already been submitted to the Board.

Testing of sight

10.—(1) A contractor shall, having accepted in accordance with the regulations an application for the testing of sight, make such examination of the patient's eyes as may be required and in so doing shall exercise proper care and attention.

(2) Where a contractor is of the opinion that a patient whose sight he has tested in accordance with sub-paragraph (1)-

(a) shows on examination signs of injury or disease in an eye or its immediate vicinity or any other abnormality of the eye or the rest of the visual system which may require medical treatment; or

(b) is not likely to attain a satisfactory standard of vision notwithstanding the application of corrective lenses;

he shall so inform the patient's doctor.

(3) Where a contractor is of the opinion that a patient whose sight he has tested in accordance with sub-paragraph (1) requires glasses (whether or not the patient already has the required glasses), he shall, immediately after completing the test and after consulting his records, if any, relating to that patient -

(a) in every case, issue to that patient a prescription for glasses, indicating the power of the lenses required;

(b) where the particulars of that prescription are the same as those relating to the patient's existing glasses, so inform the patient.

(4) A prescription issued pursuant to sub-paragraph (3) shall be completed by the method recommended in Appendix A to British Standard 3521: 1962 (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 sight test.

Use of disqualified name

11.—(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 under section 29 of the Act from inclusion in any Ophthalmic List.

(2) Nothing in sub-paragraph (1) shall prevent a contractor other than a body corporate from using his 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 1958.

SCHEDULE 2

Regulation 18

REGULATIONS REVOKED

The National Health Service (General Ophthalmic Services) (Scotland) Regulations 1974	S.I. 1974/507
The National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 1975	S.I. 1975/789
The National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 1976	S.I. 1976/1825
The National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 1980	S.I. 1980/107
The National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 1981	S.I. 1981/360
The National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 1985	S.I. 1985/355

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations provide for arrangements for general ophthalmic services under the National Health Service. They supersede and revoke previous regulations providing for those arrangements.

The main change of substance effected by these regulations concerns the removal from general ophthalmic services of the supply of optical appliances, so that the services consist only of the testing of sight. That removal is effected from 1st July 1986 by provisions of the Health and Social Security Act 1984 and accordingly these regulations make no provision for the supply of optical appliances, other than transitional provision (regulation 18). Other changes are the removal of a requirement for an ophthalmic medical practitioner or optician to notify a patient's doctor if a further eye examination is needed within six months of the previous one and the addition of a requirement (paragraph 5 of Schedule 1) regarding the display of a notice about the services available to the patient. There are also various minor changes mainly of a drafting nature.

The principal matters covered by these regulations are the qualifications of ophthalmic medical practitioners (regulations 3 to 5), the list of those providing general ophthalmic services (regulations 6 to 9), the determination of fees payable for those providing the services (regulation 10), the terms on which they provide them (regulation 11 and Schedule 1), arrangements for provision of the services for particular districts (regulation 12), payments for services (regulation 13), and provision for sight testing (regulation 14).

British Standard 3521:1962, referred to in paragraph 10(4) of Schedule 1 to these regulations, may be obtained from any of the sales outlets operated by the British Standards Institution or direct by post from the Institution at Linford Wood, Milton Keynes, MK14 6LE.

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