

1988 No. 543 (S.60)

NATIONAL HEALTH SERVICE, SCOTLAND

The National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 1988

<i>Made</i> - - - -	<i>18th March 1988</i>
<i>Laid before Parliament</i>	<i>21st March 1988</i>
<i>Coming into force</i>	
<i>for the purposes of</i> <i>regulation 7</i>	<i>11th April 1988</i>
<i>for all other purposes</i>	<i>1st June 1988</i>

The Secretary of State, in exercise of the powers conferred on him by sections 26, 105(7) and 108(1) of the National Health Service (Scotland) Act 1978(a), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 1988, and shall come into force for the purposes of regulation 7 on 11th April 1988, and for all other purposes on 1st June 1988.

(2) In these Regulations, “the principal Regulations” means the National Health Service (General Ophthalmic Services) (Scotland) Regulations 1986(b).

(3) In these Regulations, except where the context otherwise requires, a reference to a numbered regulation is a reference to the regulation bearing that number in the principal Regulations.

Amendments to the principal Regulations

2. In regulation 2 (interpretation)—

- (a) the definitions of “the Order of 1974” and of “Committee” shall be revoked;
- (b) the definitions of “Board” and of “constituent Board” shall be revoked and the following substituted:—
 ““Board” means a Health Board constituted for any area under section 2 of the Act;”.

3. Regulation 6 (ophthalmic list) shall be revoked and the following substituted:—

“Ophthalmic List

6.—(1) The Board 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.

(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; section 105(7) was amended by the Health Services Act 1980 (c. 53), Schedule 6, paragraph 5; see section 108(1) for definitions of “prescribed” and “regulations”.
(b) S.I. 1986/965.

(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 Board'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 Board shall send a copy of the Ophthalmic List to the Secretary of State, to the area medical committee and to the area optical committee, as appropriate, and shall within fourteen days inform each of them of any change made therein.”

4. In each of regulations 7 (application for inclusion in Ophthalmic List and notification of changes), 8 (withdrawal from Ophthalmic List), 9 (removal from Ophthalmic List), 11 (terms of service), 12 (arrangements for particular districts) and 17 (service of documents on contractors) the words “Committee” and “Committee’s” wherever they appear shall be revoked, and the words “Board” and “Board’s” inserted in their respective places.

5. Regulation 16 (publication of particulars) shall be revoked and the following substituted:—

“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 Board and at such other places in the Board's area as appear to be convenient for informing any 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.”

6. In Schedule 1 to the principal Regulations (terms of service), in each of paragraphs 2(b)(i) and (ii), 4(2), 5, 6(2), 7(2)(a) and 8(4)(a) the word “Committee” shall be revoked and the word “Board” inserted in its place.

7. In Schedule 1 to the principal Regulations (terms of service):—

(a) in each of paragraphs 4(1) (premises and equipment), 4(2) and 6(2) (records) the words “A contractor” shall be revoked and the words “Subject to paragraph 8(5A), a contractor” inserted in their place;

(b) in paragraph 7(3) (deputies) the following shall be added at the end:—
“to the same extent as the contractor for whom he is deputising.”;

(c) paragraph 8(5) (employees) shall be revoked and the following substituted:—

“(5) A contractor shall be responsible for all acts and omissions of any employee.

(5A) An employee who is himself a contractor shall, with his contractor employer, be jointly responsible for all his own acts and omissions, but with respect to the obligations in paragraphs 4(1) and (2), and 6(2), only to the extent that he has not taken all reasonable steps to secure that these obligations are met.”;

(d) in paragraph 10 (testing of sight) sub-paragraph (3)(a) shall be revoked and the following substituted:—

“(a) in every case, issue to that patient a prescription for glasses, indicating the power of the lenses required, and immediately thereafter require the patient to acknowledge its receipt on the sight test form for that patient;”.

New St. Andrew's House, Edinburgh
18th March 1988

Michael B. Forsyth
Parliamentary Under Secretary of State,
Scottish Office

EXPLANATORY NOTE

(This note does not form part of the Regulations)

These Regulations amend the National Health Service (General Ophthalmic Services) (Scotland) Regulations 1986 ("the 1986 Regulations") which provide for the arrangements under which ophthalmic medical practitioners and ophthalmic opticians ("contractors") provide general ophthalmic services (ie. sight testing services).

Regulations 2 to 6 remove references to a Joint Ophthalmic Committee from the 1986 Regulations since these Committees will be abolished by the National Health Service (Joint Ophthalmic Committees) (Scotland) Revocation Order 1988 with effect from 1st June 1988. Such references are replaced by references to the Health Board to which the functions of the Committee will revert on that date. Regulation 2 also makes other minor drafting changes.

Regulation 7 provides that a contractor who is an employee is jointly liable with his employer to provide suitable accommodation and equipment, to allow inspection of his accommodation and to retain records, only where he has not taken reasonable steps to ensure that those obligations are met. Similarly the liability of a contractor who is acting as a deputy extends only as far as that of the contractor for whom he is deputising. Regulation 7 also requires a contractor who issues a prescription for glasses to a patient to obtain on the sight test form for that patient written acknowledgement of its receipt.

For the purposes of regulation 7 these Regulations come into force on 11th April 1988, but for the purposes of all the other Regulations, they come into force on 1st June 1988.