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STATUTORY INSTRUMENTS

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**1989 No. 1177 (S.107)**

**NATIONAL HEALTH SERVICE, SCOTLAND**

**The National Health Service (General Ophthalmic Services) (Scotland) Amendment (No.2) Regulations 1989**

<i>Made</i>	- - - -	<i>7th July 1989</i>
<i>Laid before Parliament</i>		<i>10th July 1989</i>
<i>Coming into force</i>	- -	<i>31st July 1989</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((1)) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the National Health Service (General Ophthalmic Services) (Scotland) Amendment (No.2) Regulations 1989 and shall come into force on 31st July 1989.

**Amendment of terms of service**

2.—(1) Schedule 1 to the National Health Service (General Ophthalmic Services) (Scotland) Regulations 1986((2)) (terms of service) is amended according to the following provisions of this regulation.

(2) In paragraph 10 (testing of sight)—

(a) for sub-paragraphs (1) to (3) there are substituted the following sub-paragraphs—

“(1) A contractor shall, having accepted in accordance with the Regulations an application for the testing of sight, test the sight of a patient to determine whether the patient needs to wear or use an optical appliance, and on so doing shall fulfil any duty imposed on him by, or in Regulations made under, Section 20B of the Opticians Act 1958((3)).

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(1) 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 and by the Health and Medicines Act 1988 (c. 49), section 13(4); section 105(7), which contains provisions relevant to the making of Regulations, was amended by the Health Services Act 1980 (c. 53), Schedule 6, paragraph 5; section 108(1) contains definitions of “prescribed” and “regulations” relevant to the exercise of the statutory powers under which these Regulations are made.

(2) S.I.1986/965, amended by S.I. 1988/543 and 1989/387.

(3) 1958 c. 32; section 20B was inserted by the Health and Medicines Act 1988, section 14; see S.I. 1989/1230.

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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- (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, 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 shall so inform the patient's doctor.
- (3) Where a contractor tests the sight of a patient diagnosed as suffering from diabetes or glaucoma he shall inform the patient's doctor of the results of the test.”
- (b) in sub-paragraph (4) for “issued pursuant to sub-paragraph (3)” there is substituted “for glasses issued following a testing of sight under general ophthalmic services”.

St. Andrew's House,  
Edinburgh  
7th July 1989

*M. B. Forsyth*  
Parliamentary Under Secretary of State, Scottish  
Office

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

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

Regulation 2 amends the contractors' terms of service. The amendment requires a contractor to test a patient's sight to determine whether or not he needs an optical appliance and to comply with the statutory requirements imposed by and under section 20B of the Opticians Act 1958 (which provides for duties to be performed on sight testing). It also imposes a new requirement on a contractor who tests the sight of a patient diagnosed as suffering from diabetes or glaucoma to inform the patient's doctor of the results of the test.