

SCHEDULE 1

Regulation 18

MINOR AND CONSEQUENTIAL AMENDMENTS

Sight Testing (Examination and Prescription) (No. 2) Regulations 1989

1. In regulation 3(3) of the Sight Testing (Examination and Prescription) (No. 2) Regulations 1989(1) for the words after “ophthalmic hospital” to the end of the paragraph substitute “in accordance with regulation 13(3) of the General Ophthalmic Contracts Regulations 2008(2).”.

The National Health Service Trusts (Membership and Procedure) Regulations 1990

2. In regulation 11(1)(f) (disqualification for appointment of chairman and non-executive directors) of National Health Service Trusts (Membership and Procedure) Regulations 1990(3), for paragraphs (ii) and (iii) substitute—

- “(ii) performs or provides primary dental services, primary medical services or primary ophthalmic services under the National Health Service Act 2006,
- (iii) is a partner in a partnership that, or a legal and beneficial owner of shares in a company that, or a director of a body corporate that provides primary dental services, primary medical services or primary ophthalmic services,”.

The National Health Service (Service Committees and Tribunal) Regulations 1992

3.—(1) Subject to regulations 10 to 16, the National Health Service (Service Committees and Tribunal) Regulations 1992(4) are amended as follows.

(2) In regulation 2 (interpretation)—

- (a) omit the definitions of “ophthalmic discipline committee”, “ophthalmic list”, “ophthalmic medical practitioner”, “Ophthalmic Regulations” and “optician”;
- (b) for the definition of ““Local Optical Committee” and “Local Pharmaceutical Committee”” substitute ““Local Pharmaceutical Committee” means the committee of that name recognised by the Primary Care Trust in relation to its locality under section 167 of the 2006 Act, and “Local Representative Committee” also means that committee”;
- (c) in the definition of—
 - (i) “Part II service”, omit “general ophthalmic services or”,
 - (ii) “practitioner”, for “an, ophthalmic medical practitioner, optician or” substitute “a”,
 - (iii) “relevant local representative committee”, omit paragraph (c), and
 - (iv) “terms of service”, omit paragraph (c); and

(d) in paragraph (4), omit sub-paragraph (d).

(3) In regulation 3 (establishment of committees), omit paragraph (1)(c).

(4) In regulation 4 (provisions relating to the start of disciplinary proceedings) in paragraph (5) (a), omit “ophthalmic or,”.

(5) In regulation 5 (referral to investigating discipline committee), omit paragraph (3)(c).

(6) In regulation 6(3)(a) (time limits), omit “ophthalmic medical practitioner, optician or”.

(7) In regulation 10 (procedure on appeal), omit paragraphs (7)(c) and (d).

(1) S.I. 1989/1230; paragraph (3) was inserted by S.I. 2005/480 and amended by S.I. 2005/848.

(2) S.I. 2008/1185.

(3) S.I. 1990/2024; relevant amendments are S.I. 2004/865 and S.I. 2006/562.

(4) S.I. 1992/664; relevant amendments are S.I. 1996/703, 2002/2469, 2004/865, 2005/641 and 2006/562.

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(8) In regulation 20 (power of Local Representative Committees to consider complaints), omit paragraph (3).

(9) In Schedule 2 (constitution of discipline committees)—

- (a) omit paragraphs 2(1)(v);
- (b) in paragraph 2(2) for “(iv) to (v)” substitute “(v)”; and
- (c) in paragraph 8, omit sub-paragraph (c)(iv).

(10) In paragraph 9 of Schedule 4 (procedure for investigation by discipline committees) omit sub-paragraph (b)(iii).

The Health Authorities (Membership and Procedure) Regulations 1996

4.—(1) The Health Authorities (Membership and Procedure) Regulations 1996(5) are amended as follows.

(2) In regulation 1 (citation, commencement and interpretation)—

- (a) in the definition of “discipline committee” for “an, ophthalmic or” substitute “a”;
- (b) in the definition of “Part II services” omit “general ophthalmic services or”; and
- (c) in the definition of “service committee” for “an, ophthalmic or” substitute “a”.

(3) In regulation 10 (disqualification for appointment), for paragraph (5)(b) substitute “(b) he is a person providing pharmaceutical services or local pharmaceutical services or providing or performing primary dental services, primary medical services or primary ophthalmic services under the National Health Service Act 2006.”

(4) In regulation 14(3) (appointment of committees and sub-committees), for “, Part II services or provide or perform primary medical services or primary dental services under Part 1 of the 1977 Act” substitute “pharmaceutical services or local pharmaceutical services or provide or perform primary dental services, primary medical services or primary ophthalmic services under the National Health Service Act 2006”.

(5) In regulation 16(6)(b) (disability of chairman and members in proceedings on account of pecuniary interest), for “Part II services or providing or performing primary medical services or primary dental services under Part 1 of the 1977 Act” substitute “pharmaceutical services or local pharmaceutical services or providing or performing primary dental services, primary medical services or primary ophthalmic services under the National Health Service Act 2006”.

The Primary Care Trusts (Consultation on Establishment, Dissolution and Transfer of Staff) Regulations 1999

5.—(1) The Primary Care Trusts (Consultation on Establishment, Dissolution and Transfer of Staff) Regulations 1999(6) are amended as follows.

(2) In the definition of “Part II services” in regulation 1(2) (citation, commencement and interpretation), omit “, general ophthalmic services or”.

(3) In regulation 2(2)(d)(i) (consultation requirements for PCT orders), after “primary dental services,” insert “primary ophthalmic services,”.

(4) In regulation 3(4)(d)(i) (consultation on amendment of a PCT order or dissolution), after “primary dental services,” insert “primary ophthalmic services,”.

(5) S.I. 1996/707. These Regulations (but not the title) were amended, for England, to relate to Strategic Health Authorities by S.I. 2002/2469. Other relevant amending instruments are S.I. 1997/2991, 1998/646 and 2621, 1999/1901, 2000/696 and 2002/556, 2004/865 and 2006/562.

(6) S.I. 1999/2337; relevant amending instruments are S.I. 2002/2469, 2004/865 and 2006/562.

The Primary Care Trusts (Membership, Procedure and Administration Arrangements) Regulations 2000

6.—(1) The Primary Care Trusts (Membership, Procedure and Administration Arrangements) Regulations 2000(7) are amended as follows.

- (2) In regulation 1 (citation, commencement and interpretation), in paragraph (2)—
- (a) in the definition of “Part II services”, omit “, general ophthalmic services or”; and
 - (b) in the definition of primary care list”, at the end of paragraph (c) omit “or” and add, after paragraph (d) —
“or
 - (e) a list under sections 91 (persons performing primary medical services), 106 (persons performing primary dental services) or 123 (persons performing primary ophthalmic services) of the National Health Service Act 2006;”.
- (3) In regulation 5(1)(g)(i) (disqualification for appointment: chairman and non-officer members), after “primary dental services,” insert “primary ophthalmic services,”.

The National Health Service (Charges for Drugs and Appliances) Regulations 2000

7. In the National Health Service (Charges for Drugs and Appliances) Regulations 2000(8), in regulation 2(1) (interpretation), in the definition of “terms of service” omit “general ophthalmic services and”.

The Family Health Services Appeal Authority (Procedure) Rules 2001

8. In rule 2 (interpretation) of the Family Health Services Appeal Authority (Procedure) Rules 2001(9), in the definition of “FHS Regulations”—

- (a) for paragraph (c) substitute—
“(c) section 119 (exclusion of contractors) or 181 (payments in respect of optical appliances) of the National Health Service Act 2006;”; and
- (b) in paragraph (g), omit “, general ophthalmic services and”.

The National Health Service (Functions of Strategic Health Authorities and Primary Care Trusts and Administration Arrangements) (England) Regulations 2002

9. In Part 1 of Schedule 1 (Secretary of State Functions Exercisable by Strategic Health Authorities and by Primary Care Trusts) to the National Health Service (Functions of Strategic Health Authorities and Primary Care Trusts and Administration Arrangements) (England) Regulations 2002(10), for the entry in column 2 relating to section 26(2) of the 1977 Act, substitute “Supplying prescribed goods, materials or other facilities to persons providing pharmaceutical services or providing services under a general medical services contract, a general ophthalmic services contract or a general dental services contract or in accordance with section 28C arrangements or providing local pharmaceutical services”.

(7) [S.I. 2000/89](#); relevant amending instruments are [S.I. 2002/2469](#) and [2861](#), [2003/1616](#), [2004/696](#), [865](#) and [1771](#), [2005/1622](#) and [2006/1162](#).

(8) [S.I. 2000/620](#); relevant amending instruments are [S.I. 2004/865](#) and [2006/520](#).

(9) [S.I. 2001/3750](#); relevant amendments are [S.I. 2004/865](#) and [2006/520](#).

(10) [S.I. 2002/2375](#); relevant amendments are [S.I. 2004/865](#) and [2006/520](#).

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The National Health Service (Travel Expenses and Remission of Charges) Regulations 2003

10. In regulation 3(1A) (NHS travel expenses) of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003(11)—

- (a) in paragraphs (a) and (c), after “primary medical services”, insert “, primary ophthalmic services”; and
- (b) in paragraphs (b) and (c), after “medical practitioner”, insert “, ophthalmic practitioner”.

The National Health Service (Complaints) Regulations 2004

11. In regulation 2 (interpretation) of the Complaints Regulations(12)—

- (a) in paragraph (1), insert the following definition in the appropriate alphabetical place—
 - ““general ophthalmic services contractor” means a person who has entered into a general ophthalmic services contract with a Primary Care Trust in accordance with section 117 of the National Health Service Act 2006(13);”; and
- (b) in paragraph (2), for sub-paragraph (f) substitute—
 - “(f) a general ophthalmic services contractor;”.

The National Health Service (General Medical Services Contracts) Regulations 2004

12. In regulation 2(1) (interpretation) of the National Health Service (General Medical Services Contracts) Regulations 2004(14), in paragraph (a) of the definition of “primary care list” for “primary medical or dental services” substitute “primary medical services, primary dental services or primary ophthalmic services”.

The National Health Service (Personal Medical Services Agreements) Regulations 2004

13. In paragraph (a) of the definition of “primary care list” in regulation 2(1) (interpretation) of the National Health Service (Personal Medical Services Agreements) Regulations 2004(15), after “primary medical” insert “services, primary ophthalmic services”.

The National Health Service (Performers Lists) Regulations 2004

14. In paragraph (a) of the definition of “register” in regulation 34(1) (interpretation) of the National Health Service (Performers Lists) Regulations 2004(16), after “section 7(a)” insert “or 8B(1)(a)(17)”.

The National Health Service (General Dental Services Contracts) Regulations 2005

15. In paragraph (a) of the definition of “primary care list” in regulation 2(1) (interpretation) of the National Health Service (General Dental Services Contracts) Regulations 2005(18), after “primary medical” insert “services, primary ophthalmic services”.

(11) S.I. 2003/2382; regulation 3(1A) was inserted by S.I. 2008/571.

(12) S.I. 2004/1768; relevant amendment is S.I. 2006/562.

(13) 2006 c.41.

(14) S.I. 2004/291.

(15) S.I. 2004/627.

(16) S.I. 2004/585; regulation 34 was added by S.I. 2008/1187.

(17) Section 8B of the Opticians Act 1989 (c. 44) was inserted by S.I. 2007/3101.

(18) S.I. 2005/3361.

The National Health Service (Local Pharmaceutical Services etc) Regulations 2006

16. In paragraph (a) of the definition of “primary care list” in regulation 2(1) (interpretation) of the National Health Service (Local Pharmaceutical Services etc) Regulations 2006⁽¹⁹⁾, for “primary medical or dental services” substitute “primary medical services, primary dental services or primary ophthalmic services”.

The Primary Ophthalmic Services Regulations 2008

17. In regulation 2(1) (interpretation)⁽²⁰⁾ of the Primary Ophthalmic Services Regulations 2008, after the definition of “mobile services” insert the following definition—

““notice of entitlement” means a notice issued under regulation 8 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003⁽²¹⁾ for the purposes of remission of charges under the Act;”.

The General Ophthalmic Services Contracts Regulations 2008

18. In regulation 2(1) (interpretation) of the General Ophthalmic Services Contracts Regulations 2008⁽²²⁾, in paragraph (a) of the definition of “register”, after “section 7(a)” insert “or 8B(1)(a)⁽²³⁾”.

⁽¹⁹⁾ S.I. 2006/552.

⁽²⁰⁾ S.I. 2008/1186.

⁽²¹⁾ S.I. 2003/2382; regulation 8 was amended by S.I. 2005/578.

⁽²²⁾ S.I. 2008/1185.

⁽²³⁾ Section 8B of the Opticians Act 1989 (c. 44) was inserted by S.I. 2007/3101.