

## SCHEDULES

### SCHEDULE 2

Regulation 9

#### Recognition of ophthalmic medical practitioners

##### **Qualifications of ophthalmic medical practitioners**

1.—(1) The prescribed qualifications which a medical practitioner must possess for the purposes of section 71 of the Act (arrangements for general ophthalmic services) are that the medical practitioner has (at the date of consideration of this application under paragraph 2) recent and adequate experience and either—

(a) has held—

- (i) an appointment in the health service, otherwise than under Part 4 of the National Health Service Act 1946<sup>(1)</sup>, Part 2 of the National Health Service Act 1977<sup>(2)</sup>, or Part 6 of the Act, with the status of consultant ophthalmologist, or
- (ii) an appointment for a period of 2 years or more of equivalent status as ophthalmic surgeon or assistant ophthalmic surgeon on the staff of an approved ophthalmic hospital, or

(b) has—

- (i) obtained the Membership of the Royal College of Ophthalmologists, or any approved higher degree or qualification, and
- (ii) held one or more ophthalmic appointments in an approved ophthalmic hospital for a period totalling 2 years or more, which must include tenure for at least 6 months of a residential appointment or an appointment with duties comparable with those of a residential appointment.

(2) The tenure for 6 months of a residential or comparable appointment referred to in subparagraph (1)(b)(ii) is not required in the case of a medical practitioner who has been fully registered for at least 7 years and whose experience is such as to make that requirement unnecessary.

(3) In this paragraph, “approved” means approved by the Ophthalmic Qualifications Committee or by an appeal committee under paragraph 3.

##### **Approval of qualifications of ophthalmic medical practitioners**

2.—(1) A medical practitioner who wishes to be recognised as an ophthalmic medical practitioner must apply to the Ophthalmic Qualifications Committee for its approval of that person’s qualifications and must give to the Ophthalmic Qualifications Committee such particulars of those qualifications as the Committee may require.

(2) The Ophthalmic Qualifications Committee must consider and determine that applicant’s application and within 2 months beginning with the date of the application must inform that applicant of its determination.

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(1) 1946 c. 81.

(2) 1977 c. 49.

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

(3) If the Ophthalmic Qualifications Committee is satisfied that the applicant possesses the qualifications prescribed by paragraph 1, the applicant must be considered an ophthalmic medical practitioner.

(4) Despite paragraph 1 and sub-paragraph (1), a medical practitioner who has the prescribed qualifications for the purposes of providing general ophthalmic services in Northern Ireland under the Health and Personal Social Services (Northern Ireland) Order 1972, in Scotland under the National Health Service (Scotland) Act 1978, or in England under the National Health Service Act 2006, must be considered an ophthalmic medical practitioner.

(5) For the purposes of sub-paragraph (2), the date of the application is the later of—

- (a) the date on which a completed application with all necessary supporting information is received by the Ophthalmic Qualifications Committee, or
- (b) if the Ophthalmic Qualifications Committee requires any further supporting particulars from the applicant, the date on which the Committee receives all the particulars that it requires.

### **Appeals from Ophthalmic Qualifications Committee**

3.—(1) Any person (“an appellant”) dissatisfied with a determination of the Ophthalmic Qualifications Committee that the appellant is not qualified to be an ophthalmic medical practitioner may, within 1 month beginning with the date on which the appellant received notice of that determination, or such longer period as the Welsh Ministers may at any time allow, appeal against the determination by sending to the Welsh Ministers a notice of appeal stating the facts and contentions on which the appellant relies.

(2) The Welsh Ministers must—

- (a) appoint to determine the appeal an appeal committee of 5 persons of whom at least 3 must be appointed after consultation with such bodies or organisations representing medical practitioners as appear to the Welsh Ministers to be concerned with the issues relating to qualification as an ophthalmic medical practitioner,
- (b) refer the appeal to that appeal committee,
- (c) send a copy of the notice of appeal to the Ophthalmic Qualifications Committee and to such other persons as appear to the Welsh Ministers to be interested in the appeal, and
- (d) inform the appellant, the Ophthalmic Qualifications Committee and any such other persons that the appeal has been referred to an appeal committee and of the address to which communications to the appeal committee must be sent.

(3) The appeal committee may, and if requested to do so by the appellant or the Ophthalmic Qualifications Committee must, hold a hearing in connection with an appeal at such time and place as it may direct.

(4) Notice of the hearing must, at least 14 clear days before the date of the hearing, be sent by recorded delivery service to the appellant, the Ophthalmic Qualifications Committee and any other person to whom the Welsh Ministers have under sub-paragraph (2) sent notice of the appeal.

(5) Either the appellant or the Ophthalmic Qualifications Committee may within 1 month of being informed that the appeal has been referred to an appeal committee, or of being informed that a hearing of the appeal will be held, give notice that they wish to appear before the appeal committee.

(6) Any party to an appeal is entitled to appear and be heard by counsel or a solicitor and—

- (a) the Ophthalmic Qualifications Committee is entitled to appear by a member or by their clerk or other officer duly appointed for the purpose;

(b) the appellant is entitled to appear in person, by any member of the appellant's family, by any friend, or by any officer or member of any organisation of which the appellant is a member.

(7) An appeal committee is to 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 and experience prescribed by paragraph 1, it must give that approval.

(8) The appeal committee must as soon as practicable notify its determination to the appellant, the Ophthalmic Qualifications Committee, the Welsh Ministers and any other person to whom the Welsh Ministers have sent notice of the appeal under paragraph (2).

(9) Subject to the other provisions in this paragraph, the appeal committee may set the procedure of the appeal as it considers proper.

### **Interpretation**

4. In this Schedule—

“the health service” (“*y gwasanaeth iechyd*”) has the meaning given in section 206 of the Act;  
“qualifications” (“*cymwysterau*”) includes qualifications as to experience.