

## 1978 No. 21

**HEALTH AND PERSONAL SOCIAL SERVICES****General Ophthalmic Services**

Made . . . . . 20th January 1978

Coming into operation . . . . . 1st March 1978

The Department of Health and Social Services(a) in exercise of the powers conferred on it by Article 62, 98, 106 and 107 of, and Schedule 15 to, the Health and Personal Social Services (Northern Ireland) Order 1972(b) and paragraph 2(1) and 2(2) of Schedule 1 to the Northern Ireland Act 1974(c) and of all other powers enabling it in that behalf and after consultation as required by Article 62(3) of the said Order, and in conjunction with the Department of Finance(a) hereby makes the following regulations:—

*Citation and commencement*

1. These regulations may be cited as the Health and Personal Social Services (General Ophthalmic Services) (Amendment) Regulations (Northern Ireland) 1978, and shall come into operation on 1st March 1978.

*Amendment of regulations*

2. The Health and Personal Social Services (General Ophthalmic Services) Regulations (Northern Ireland) 1975(d) as amended(e) shall be further amended as follows:—

(1) After paragraph (b) of regulation 12 there shall be inserted the following paragraph:—

“(bb) the class of persons to whom any specified type of such optical appliances for which provision is made in paragraph (b) may be supplied;”

(2) For regulation 19 there shall be substituted the following regulation:—

*“Charges for replacement or repair*

19.—(1) Subject to the provisions of paragraph (2), a patient, other than any of the persons mentioned in paragraph (3), shall be liable to pay, for the replacement or repair under the General Ophthalmic Services of the whole or part of an optical appliance, the charges specified in respect thereof in the Statement.

(2) Where a patient submits a claim to the Agency that such replacement or repair was not necessitated by an act or omission of his and that he should not be held liable to pay the charges referred to in paragraph (1), the Agency shall consider such claim and any further particulars which the patient may, at the Agency's request, give orally or in writing, and shall notify in writing to the patient and to the optician its decision on such claim.

(a) Formerly Ministry: see 1973 c.36, s.40 and Sch. 5 para 8

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

(c) 1974 c.28

(d) S.R. 1975 No. 372 (II, p. 1808)

(e) S.R. 1977 No. 80

(3) The persons referred to in paragraph (1) are persons who, at the date of the application for replacement or repair—

(a) were receiving full-time school education, or

(b) were under 16 years of age,

and in respect of whom evidence to that effect is produced to the Agency.”

(3) In Regulation 23(10) after “Regulations 18” there shall be inserted “, 19”.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 20th January 1978.

*W. Young*

(L.S.)

Assistant Secretary

Sealed with the Official Seal of the Department of Finance for Northern Ireland on 20th January 1978.

(L.S.)

*A. J. Green*

Assistant Secretary

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#### EXPLANATORY NOTE

*(This note is not part of the regulations but is intended to indicate their general purport.)*

These regulations further amend the Health and Personal Social Services (General Ophthalmic Services) Regulations (Northern Ireland) 1975. They enable classes of persons to whom specified optical appliances can be supplied to be published in the Statement made under regulation 12. They also extend the categories of persons who are excepted from the liability to pay certain charges for the replacement or repair of optical appliances so as to include pupils attending any school within the meaning of the Education and Libraries (Northern Ireland) Order 1972 or in a corresponding establishment elsewhere, and all other children under age 16.