



Health and Social Security Act 1984

1984 CHAPTER 48

PART I

HEALTH

Optical appliances

1 Supply etc. of optical appliances

(1) In section 21 of the Opticians Act 1958 (restriction on sale and supply of optical appliances)—

- (a) at the end of subsection (3) (exemptions) there shall be added " or (f) in accordance with an order under subsection (3A) below.";
- (b) the following subsections shall be inserted after that subsection—

“(3A) An order under this subsection is an order made by the Privy Council and specifying—

- (a) optical appliances to which it applies ; and
- (b) conditions subject to which their sale is ex-empted from the requirements of subsection (1) above.

(3B) Any such order relating to optical appliances consisting of or including one or more lenses shall specify as a condition subject to which the sale of any such appliance is so exempted the condition that the appliance must be in accordance with a written prescription which—

- (a) has been given by a registered medical practitioner or registered ophthalmic optician following a testing of sight by him ; and
- (b) bears a date not more than such time as is specified in the order before the prescription is presented to the proposed seller of the appliance.

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- (3C) An order under subsection (3A) above may not specify as appliances to which it applies—
- (a) contact lenses ; or
 - (b) any optical appliance for a person under 16 years of age.
- (3D) An order under subsection (3 A) above shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.”.
- (2) The following subsections shall be substituted for subsection (5) of section 25 of that Act (rules)—
- “(5) Rules under this section shall not come into force until approved by order of the Privy Council.
- (6) The Privy Council—
- (a) may approve rules under subsection (1)(a) above either as submitted to them or subject to such modifications as appear to them requisite ; and
 - (b) after consulting the General Optical Council, may by order vary or revoke any rules made under that paragraph and previously approved by them (whether the approval was before or after the commencement of this subsection).
- (7) Where the Privy Council propose to approve any such rules subject to modifications, they shall notify to the General Optical Council the modifications they propose to make and consider any observations of the General Optical Council thereon.
- (8) The power to make an order under this section shall be exercisable by statutory instrument which, subject to the following provisions of this section, shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (9) No order to which this subsection applies shall be made unless a draft of the order has been laid before and approved by resolution of each House of Parliament.
- (10) Subsection (9) above applies to an order—
- (a) which is made by virtue of paragraph (a) of sub- section (6) above and approves rules subject to modifications; or
 - (b) which is made by virtue of paragraph (b) of that subsection, unless it is contained in a statutory instrument that states that the General Optical Council have indicated their consent to the terms of the order either in the course of consultations under subsection (6)(b) above or in observations under subsection (7) above.”.

(3) In section 38 of the National Health Service Act 1977 (arrangements for general ophthalmic services) for the words from " ophthalmic ", in the first place where it occurs, to the end of the first paragraph there shall be substituted the words " and ophthalmic opticians for securing the testing of sight by them. " .

- (4) In paragraph (c) of section 39 of that Act (regulations as to arrangements for general ophthalmic services) the words " and the ophthalmic or dispensing optician who is to supply the appliances " shall cease to have effect.
- (5) The following provisions of section 26 of the National Health Service (Scotland) Act 1978 (arrangements for provision of general ophthalmic services) shall cease to have effect—
 - (a) subsection (1)(b); and
 - (b) in subsection (2)(c), the words " and the ophthalmic or dispensing optician who is to supply the appliances ".
- (6) The amendments of the National Health Service Act 1977 contained in Part I of Schedule 1 to this Act shall have effect in consequence of subsections (3) and (4) above.
- (7) The amendments of the National Health Service (Scotland) Act 1978 contained in Part II of that Schedule shall have effect in consequence of subsection (5) above.

2 Fitting etc. of contact lenses

- (1) The following section shall be inserted after section 20 of the Opticians Act 1958—

“20A Restrictions on fitting of contact lenses.

- (1) Subject to the following provisions of this section, a person who is not a registered medical practitioner or registered optician shall not fit contact lenses.
- (2) The foregoing subsection shall not apply to the fitting of contact lenses by a person recognised by a medical authority as a medical student, if carried out as part of a course of instruction approved by that authority for medical students or as part of an examination so approved.
- (3) The General Optical Council may by rules exempt from subsection (1) of this section the fitting of contact lenses by persons training as opticians, or any prescribed class thereof, in such cases and subject to compliance with such conditions as may be prescribed by the rules.
- (4) Rules under the last foregoing subsection shall not come into force until approved by order of the Privy Council, and the power to make any such order shall be exercisable by statutory instrument.
- (5) Any person who contravenes subsection (1) of this section shall be liable on summary conviction to a fine of an amount not exceeding level 4 on the standard scale, as defined in section 75 of the Criminal Justice Act 1982.”.

- (2) The following subsections shall be inserted after section 25(3) of that Act—

“(3A) The General Optical Council may make rules specifying requirements which registered opticians, enrolled bodies corporate or employees of registered opticians or enrolled bodies corporate must meet if they are to prescribe, fit or supply contact lenses.

- (3B) The power conferred by subsection (3A) above is a power—

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- (a) in relation to registered opticians or employees of registered opticians or of enrolled bodies corporate, to specify qualifications which they must have ; and
- (b) in relation to enrolled bodies corporate, to specify conditions which they must satisfy.”.