

1988 No. 486

**NATIONAL HEALTH SERVICE,
ENGLAND AND WALES**

**The National Health Service (General Ophthalmic
Services) Amendment Regulations 1988**

<i>Made</i> - - - -	<i>11th March 1988</i>
<i>Laid before Parliament</i>	<i>21st March 1988</i>
<i>Coming into force</i>	<i>11th April 1988</i>

The Secretary of State for Social Services, in exercise of powers conferred on him by sections 38 and 39 of the National Health Service Act 1977(a) 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) Amendment Regulations 1988 and shall come into force on 11th April 1988.

Amendment of terms of service

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

(2) In paragraph 4(1) and (2) (premises and equipment) and paragraph 6(2) (records), in each case, for the words "A contractor" there shall be substituted the words "Subject to paragraph 8(5), a contractor".

(3) In paragraph 7(3) (deputies) there shall be added, at the end, the following words "to the same extent as the contractor for whom he is deputising".

(4) In paragraph 8(5) (employees) there shall be added, at the end, the following words —

"but only, in the case of paragraphs 4(1) and (2) and 6(2), to the extent that he has not taken all reasonable steps to secure that the requirements of those provisions are met."

(a) 1977 c.49; see section 128(1) for the definition of "regulations". Section 38 was amended by section 1(3) of the Health and Social Security Act 1984 (c.48) and section 39 was amended by section 1(4) of, and paragraph 1 of Schedule 1 to, that Act and by paragraph 52 of Schedule 1 to the Health Services Act 1980 (c.53). Sections 38 and 39 were each modified by S.I. 1985/39, Article 7. (b) S.I. 1986/975.

(4) In paragraph 10 (testing of sight) after sub-paragraph (3) there shall be inserted the following sub-paragraph -

“(3A) Where a contractor issues to a patient a prescription for glasses, he shall, immediately thereafter, require the patient to acknowledge its receipt on a sight test form.”.

Signed by authority of the Secretary of State for Social Services

11th March 1988

Tony Newton
Minister of State,
Department of Health and Social Security

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

Regulation 2 of these Regulations provides that a contractor who is an employee is jointly liable with his employer, to provide suitable accommodation and equipment, to allow inspection of his accommodation and to retain records only where he has not taken reasonable steps to ensure that those obligations are met. Similarly, the liability of a contractor who is acting as a deputy only extends to that of the contractor for whom he is deputising. Regulation 2 further requires a contractor who issues to a patient a prescription for glasses to require the patient to acknowledge its receipt.

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