
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (Performers Lists) Regulations 2004 (“the Principal Regulations”) so as to provide for lists of persons performing primary ophthalmic care to be kept by Primary Care Trusts in accordance with the provisions of section 28X of the National Health Service Act 1977, which still has force in relation to ophthalmic matters until the coming into force of the relevant provisions of the Health Act 2006 (see section 277(3) and (4) of the National Health Service Act 2006).

Regulation 3 provides some further definitions for the Principal Regulations and regulations 4 to 6 make minor amendments to those Regulations.

Regulation 7 adds a new Part 4 to the Principal Regulations (regulations 34 to 42 of the Principal Regulations) which modifies the general provisions in Part 1 to make provisions specific to ophthalmic practitioners.

Regulation 34 in the new Part 4 provides some definitions for Part 4.

Regulation 35 in the new Part 4 provides, subject to specified exceptions, that no ophthalmic practitioner may perform any primary ophthalmic services unless included in such a list, what information is to be included in the list and that the list shall be published.

Regulations 36 to 38 in the new Part 4 provide for a procedure whereby a doctor can be approved as an ophthalmic medical practitioner.

Regulation 39 in the new Part 4 supplements regulation 4 by providing for certain specific information to be provided by ophthalmic practitioners.

Regulation 40 in the new Part 4 provides further grounds on which the Primary Care Trust may or must refuse to admit an ophthalmic practitioner to its list, and matters to which it must have regard.

Regulation 41 in the new Part 4 provides additional grounds for the mandatory removal from its list by a Primary Care Trust of an ophthalmic practitioner, and modifies certain provisions for removal from a list in regulation 10.

Regulation 42 in the new Part 4 provides an additional ground of appeal for an ophthalmic practitioner to those in regulation 15.

Regulation 9 gives effect to the Schedule.

The Schedule makes transitional provisions.

An Impact Assessment has not been produced for this Instrument as it has no impact on the cost of business, charities or voluntary bodies.