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WELSH STATUTORY INSTRUMENTS

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**2006 No. 181**

The National Health Service (General Ophthalmic Services Supplementary List) and (General Ophthalmic Services) (Amendment and Consequential Amendment) (Wales) Regulations 2006

**PART 2**

Amendments to the Ophthalmic Regulations

**Amendment of regulation 2**

**23.**—(1) Regulation 2 of the Ophthalmic Regulations (interpretation) is amended in accordance with the following provisions of this regulation.

(2) In paragraph (1)—

(a) for the definitions of “deputy”, “equivalent body”, “licensing or regulatory body”, “mobile practice” and “suspended” substitute respectively—

““deputy” (*“dirpwy”*) means an ophthalmic medical practitioner or an optician, who is included in an ophthalmic list or a supplementary list and assists in the provision of general ophthalmic services;”;

““equivalent body” (*“corff cyfatebol”*) means—

- (a) a Primary Care Trust in England;
- (b) a Health Board or NHS Trust in Scotland;
- (c) a Health and Social Services Board in Northern Ireland; or
- (d) in relation to any time prior to 1 April 2003, a Health Authority in Wales; or
- (e) in relation to any time prior to 1 October 2002, a Health Authority in England;”;

““licensing or regulatory body” (*“corff trwyddedu neu reoleiddio”*) means—

- (a) a body that licenses or regulates any profession of which the ophthalmic medical practitioner or optician is or has been a member, including a body regulating or licensing the education, training or qualifications of that profession; and
- (b) includes any body which licenses or regulates any such profession, its education or qualifications, outside the United Kingdom;”;

““mobile practice” (*“practis symudol”*) means a contractor who—

- (a) has made arrangements with the Local Health Board to provide mobile services; and
- (b) does not have premises in the locality;” and

““suspended” (*“atal dros dro”*) means suspended—

- (a) in relation to England and Wales, by a Local Health Board or equivalent body under section 49I or 49J of the Act or under Regulations made under—
  - (i) sections 28DA or 43D of the Act, or
  - (ii) section 8ZA of the National Health Service (Primary Care) Act 1997(1), including these Regulations;
- (b) in relation to Scotland or Northern Ireland, under provision in force corresponding to those in or made under sections 28DA, 43D, 49I or 49J of the Act or under section 8ZA of the National Health Service (Primary Care) Act 1997,

and will be treated as including a case where a person is treated as suspended by a Local Health Board or, prior to 1 April 2003, by a Health Authority, by virtue of regulation 6(2) of the Abolition of the Tribunal (Wales) Regulations, or in England, by a Primary Care Trust, or prior to 1 October 2002, by a Health Authority by virtue of regulation 6(2) of the Abolition of the Tribunal Regulations, and “suspends” and “suspension” will be construed accordingly;”;

- (b) insert the following definitions in the appropriate place in the alphabetical order—

““corporate optician” (“*optegydd corfforaethol*”) means an optician which is a body corporate carrying on business as an optician;”;

““mobile services” (“*gwasanaethau symudol*”) means general ophthalmic services provided at—

- (a) a day centre;
- (b) a residential centre; or
- (c) the patient’s home, where the patient is unable to leave it unaccompanied because of physical or mental illness or disability,

which a contractor has made arrangements with a Local Health Board to provide in its locality;”;

““the NCAA” means the National Clinical Assessment Authority;”;

““the NHS Counter Fraud Security and Management Service” (“*Gwasanaeth Gwrth Dwyll a Rheoli Diogelwch y Gwasanaeth Iechyd Gwladol*”) means the service with responsibility for policy and operational matters relating to the prevention, detection and investigation of fraud or corruption and the management of security in the National Health Service, established by the Counter Fraud and Security Management Service Establishment and Constitution Order 2002;”;

““notice” (“*hysbysiad*”) means a notice in writing (including electronic) and “notify” is to be construed accordingly;”;

““ophthalmic list” (“*rhestr offthalmig*”) means the list prepared by a Local Health Board under regulation 6;”;

““the register” (“*y gofrestr*”), except where the context otherwise requires, means, in relation to an ophthalmic medical practitioner, a register maintained by the General Medical Council, or in relation to an optician, a register or list maintained by the General Optical Council;”;

““supplementary list” (“*rhestr atodol*”) means the list prepared by the Local Health Board under regulation 3 of the Supplementary List Regulations;” and

““Supplementary List Regulations” (“*Rheoliadau Rhestr Atodol*”) means the National Health Service (General Ophthalmic Services Supplementary List) and (General Ophthalmic Services )(Amendment and Consequential Amendment) (Wales) Regulations 2006;”;

(c) omit the definition of “the National Health Service Counter Fraud Service”.

(3) After paragraph (3) insert the following paragraph—

(4) In these Regulations any reference to “he” or “she”, “him” or “her” or “his” or “her”, when referring to an optician includes a reference to a corporate optician.