

SCHEDULES

SCHEDULE 4

Terms of Service

Employees

18.—(1) A contractor may employ—

- (a) to assist in the provision of primary ophthalmic services, an ophthalmic medical practitioner or optometrist included in a combined list;
- (b) to assist in the provision of primary ophthalmic services to the extent they are qualified to do so, and under the supervision of an ophthalmic medical practitioner or optometrist whose name is included in a combined list, a student optometrist whose name is included in a supplementary list;
- (c) to test sight, a person who—
 - (i) is authorised to test sight by rules made under section 24(3) of the Opticians Act 1989⁽¹⁾ (testing of sight), under the supervision of an ophthalmic medical practitioner or optometrist whose name is included in a combined list, but
 - (ii) is not a student optometrist;
- (d) to assist in the provision of eye examination services to the extent they are accredited to do so, an accredited dispensing optician.

(2) A contractor who regularly employs an ophthalmic medical practitioner, optometrist, student optometrist or accredited dispensing optician must notify the Local Health Board accordingly.

(3) A contractor is responsible for all acts and omissions of its employees.

(4) An employee of the contractor who is also a contractor is jointly responsible but only, in the case of paragraphs 5(1) and (7) and 9(2), to the extent that the employee has not taken all reasonable steps to secure that the requirements of those provisions are met.

(5) In this paragraph—

“accredited dispensing optician” (“*optegydd cyflenwi achrededig*”) means a person who—

- (a) is registered as a dispensing optician in the register maintained under section 7 of the Opticians Act 1989 (register of opticians) with a contact lens specialty entry,
- (b) has been accredited by Health Education and Improvement Wales to undertake elements of the eye examination service, and
- (c) has provided evidence of (b) to the contractor;

“employee” (“*cyflogai*”) includes, in the case of a body corporate, a director and “employ” (“*cyflogi*”) must be interpreted accordingly.

(1) Section 24 was amended by [S.I. 2005/848](#).