
STATUTORY INSTRUMENTS

1999 No. 725 (S. 50)

NATIONAL HEALTH SERVICE, SCOTLAND

The National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 1999

<i>Made</i>	- - - -	<i>8th March 1999</i>
<i>Laid before Parliament</i>		<i>11th March 1999</i>
<i>Coming into force</i>	- -	<i>1st April 1999</i>

The Secretary of State, in exercise of powers conferred on him by sections 26, 105(7) and 108(1) of the National Health Service (Scotland) Act 1978(1) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the National Health Service (General Ophthalmic Services) Amendment Regulations 1999 and shall come into force on 1st April 1999.

(2) In these Regulations, “the principal Regulations” means the National Health Service (General Ophthalmic Services) (Scotland) Regulations 1986(2).

Amendment of regulation 2 of the principal Regulations

2. In regulation 2 of the principal Regulations (interpretation)–

(a) In paragraph (1)–

(i) after the definition of “the 1984 Act” there is inserted–

““the Agency” means the Common Services Agency for the Scottish Health Service constituted under section 10 of the Act;”;

(1) 1978 c. 29; section 26 was amended by the Health and Social Security Act 1984 (c. 48), section 1(5) and (7), Schedule 1, Part II, paragraphs 1 to 4 and Schedule 8 and by the Health and Medicines Act 1988 (c. 49), section 13(4); section 105(7), which contains provisions relevant to the making of Regulations, was amended by the Health Services Act 1980 (c. 53), Schedule 6, paragraph 5 and Schedule 7 and by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), Schedule 9, paragraph 24; section 108(1) contains definitions of “prescribed” and “regulations” relevant to the exercise of the statutory powers under which these Regulations are made.

(2) S.I. 1986/965; amending instruments are 1988/543, 1989/387 and 1177, 1990/1048, 1991/534, 1992/531, 1995/704 and 1996/843 and 2353.

- (ii) in the definition of “capital limit” for “section 22(6) of the Social Security Act 1986” there is substituted section 134(1) of the Social Security Contributions and Benefits Act 1992(3);
- (iii) in the definition of “family credit” for “Part II of the Social Security Act 1986” there is substituted “Part VII of the Social Security Contributions and Benefits Act 1992”;
- (iv) for the definition of “income support” there is substituted the following definition:–
““income support” means income support under Part VII of the Social Security Contributions and Benefits Act 1992.”;
- (v) after the definition of “ophthalmic medical practitioner” there is inserted–
““Ophthalmic officer” means an ophthalmic medical practitioner, ophthalmic optician or ophthalmologist in the service of the Agency;”;
- (b) after paragraph (1) there is inserted the following new paragraph:–
“(1A)A) reference to “the Agency” in these Regulations includes a reference to the Agency acting on behalf of a Board.”.

Amendment of regulation 3 of the principal Regulations

- 3. In regulation 3 of the principal Regulations (qualifications)–
 - (a) in paragraph (1)(b)(ii), for “the Diploma in Ophthalmology awarded conjointly by the Royal College of Physicians of London and the Royal College of Surgeons of England,” there is substituted “the Membership of the Royal College of Ophthalmologists,”; and
 - (b) paragraph (1)(c) is omitted.

Amendment of regulation 6 of the principal Regulations

- 4. In regulation 6 of the principal Regulations (ophthalmic list)(4) for paragraph (4) there is substituted–
“(4) The Board shall–
 - (a) send to the Secretary of State, the Agency, the area medical committee and the area optical committee, as appropriate, a copy of its ophthalmic list; and
 - (b) notify the Agency within 7 days and the Secretary of State, area medical committee and area optical committee within 14 days of any alterations to its ophthalmic list.”.

Amendment of regulation 13 of the principal Regulations

- 5. In regulation 13 of the principal Regulations (payment for services)(5)–
 - (a) in paragraph (2) for “a Board” there is substituted “the Agency”;
 - (b) in paragraph (3) for “a Board” there is substituted “the Agency” and in sub-paragraph (b) for “regulation 8(1)” there is substituted “regulation 4(1)” and for “regulation 12” there is substituted “regulation 8”;
 - (c) in paragraph (5) for “Board” in both places where it occurs there is substituted “Agency”.

(3) 1992 c. 4.

(4) Regulation 6 was substituted by S.I. 1988/543 and was amended by S.I. 1996/843.

(5) Regulation 13 was substituted by S.I. 1996/843.

Amendment of regulation 13A of the principal Regulations

6. In regulation 13A of the principal Regulations (payments to contractors suspended by direction of the Tribunal)(6) in paragraph (1) after “shall” there is inserted “authorise the Agency to”.

Amendment of regulation 14 of the principal Regulations

7. In regulation 14 of the principal Regulations (sight tests – eligibility)(7)–

(a) after paragraph (1)(b) there is inserted–

“(bb) a person who is aged 60 years or more;” and

(b) at the end of paragraph (1)(f) there is inserted “, or has been advised by an ophthalmologist that he is predisposed to the development of glaucoma”;

(c) after paragraph (2) there is inserted–

“(2A) In paragraph (1)(f) “ophthalmologist” means a doctor whose name is included in the register of specialists kept by the General Medical Council under article 8 of the European Specialist Medical Qualifications Order 1995(8) and in respect of whom that register indicates his specialty to be ophthalmology.”.

Amendment of regulation 14B of the principal Regulations

8. In regulation 14B of the principal Regulations (sight test treated as a test under general ophthalmic services)(9)–

(a) in paragraph (2) for “the National Health Service (Optical Charges and Payments) (Scotland) Regulations 1989” there is substituted “the National Health Service (Optical Charges and Payments) (Scotland) Regulations 1998(10)”; and

(b) in paragraphs (3) and (4) for “Board” there is substituted “Agency”.

Amendment of regulation 15 of the principal Regulations

9. In regulation 15 of the principal Regulations (application on behalf of children or incapable persons)(11)–

(a) in paragraph (1) for “may” in both places where it occurs there is substituted “shall”;

(b) for sub-paragraph (1)(c)(i) there is substituted–

“(i) who is looked after by a local authority within the meaning of section 17(6) of the Children (Scotland) Act 1995(12), by a person duly authorised by that authority;”.

Amendment of Schedule 1 to the principal Regulations

10.—(1) Schedule 1 to the principal Regulations (terms of service)(13) is amended as follows.

(2) In paragraph 4 (premises and equipment) for sub-paragraph (2) there is substituted–

“(2) Subject to paragraph 8(5A), a contractor, on receipt of a written request, shall admit at all reasonable times for the purposes of inspecting such accommodation or equipment

(6) Regulation 13A was inserted by S.I. 1996/843.

(7) Regulation 14 was substituted by S.I. 1989/387 and was amended by S.I. 1995/704 and 1996/2353.

(8) S.I. 1995/3208, to which there are amendments not relevant to these Regulations.

(9) Regulation 14B was inserted by S.I. 1989/387.

(10) S.I. 1998/642.

(11) Regulation 15 was amended by S.I. 1989/387.

(12) 1995 c. 36.

(13) Schedule 1 was amended by S.I. 1988/543, 1989/387 and 1177, 1990/1048 and 1996/843.

an ophthalmic officer or any authorised officer of the Secretary of State or the Board or member of the Board.”

(3) In paragraph 5 (notices) for “the National Health Service (Optical Charges and Payments) (Scotland) Regulation 1989” there is substituted “the National Health Service (Optical Charges and Payments) (Scotland) Regulations 1998”.

(4) In paragraph 6 (records) for sub-paragraph (2) there is substituted–

“(2) A contractor shall retain all such records for a period of 3 years.

(3) The contractor shall, during the period in which he is required to retain such records, produce them to any authorised officer of the Secretary of State, the Agency or the Board within such period, being not less than 14 days, as such authorised officer of the Secretary of State, the Agency or the Board may specify.”

(5) In paragraph 8 (employees) in sub-paragraph (2)(b) for “section 20(3) of the Opticians Act 1958” there is substituted “section 24(3) of the Opticians Act 1989(14)”.

(6) In paragraph 8A (complaints)(15) in sub-paragraph (5)(a)(ii) for “under Part II of the Social Work (Scotland) Act 1968” there is substituted “within the meaning of section 17(6) of the Children (Scotland) Act 1995”.

(7) In paragraph 9 (payments)–

(a) in sub-paragraph (1) for “Board in whose area the services were provided” there is substituted “Agency”;

(b) in sub-paragraph (6) for “Board” in both places where it occurs there is substituted “Agency”.

(8) In paragraph 10(1) (testing of sight)(16) for “Section 20B of the Opticians Act 1958” there is substituted “section 26 of the Opticians Act 1989”.

(9) In paragraph 11 (use of disqualified name) for “Opticians Act 1958” there is substituted “Opticians Act 1989”.

St Andrew’s House,
Edinburgh
8th March 1999

Sam Galbraith
Minister for Health, Scottish Office

(14) 1989 c. 44.

(15) Paragraph 8A was inserted by S.I. 1996/843.

(16) Paragraph 10(1) was substituted by S.I. 1989/1177.

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

These Regulations amend the 1986 Regulations to replace references, where appropriate, to Health Boards where they relate to payment functions by references to the Common Services Agency to which payment functions will transfer on 1st April 1999.

Regulation 2(a) inserts a definition of “the Agency” and “Ophthalmic Officer”.

Regulation 3 amends regulation 3 of the 1986 Regulations to take account of changes in the qualifications required by ophthalmic medical practitioners.

Regulation 7 extends the categories of eligibility for general ophthalmic services to include persons aged 60 or over. It also extends the exemption category relating to glaucoma to include those who are advised by an ophthalmologist that they are predisposed to developing glaucoma.

Regulation 10(2) and (4) permits the inspection of premises, equipment and records by an authorised officer of the Common Services Agency.

The Regulations also make other minor updating amendments.