

1986 No. 163

HEALTH AND PERSONAL SOCIAL SERVICES

General Ophthalmic Services Regulations (Northern Ireland) 1986

Made 18th June 1986.

Coming into operation 1st July 1986

ARRANGEMENT OF REGULATIONS

1. Citation and commencement
2. Interpretation
3. Constitution of Ophthalmic Committee
4. Delegation of duties
5. Qualifications of ophthalmic medical practitioners
6. Approval of qualifications of ophthalmic medical practitioners
7. Appeals against decisions of Ophthalmic Qualifications Committee
8. Ophthalmic list
9. Application for inclusion in ophthalmic list
10. Withdrawal from ophthalmic list
11. Removal from ophthalmic list
12. The Statement
13. Terms of Service
14. Payment for services
15. Sight tests
16. School children
17. Cases of disability
18. Publication of particulars
19. Service of documents
20. Revocation, saving and transitional provisions

SCHEDULE 1— Terms of Service

SCHEDULE 2— Constitution of Ophthalmic Committee

SCHEDULE 3— Regulations revoked

The Department of Health and Social Services in exercise of the powers conferred on it by Articles 62, 95, 98, 106 and 107(6) of the Health and Personal Social Services (Northern Ireland) Order 1972(a) and Article 18(1) of the Health and Social Security (Northern Ireland) Order 1984(b) and of all other powers enabling it in that behalf, and in conjunction with the Department of Finance and Personnel(c) and after consultation with such organisations as appeared to the Department to be representative of medical practitioners practising as ophthalmic medical practitioners, ophthalmic opticians, and dispensing opticians, as required by Article 62(3) of the said 1972 Order, hereby makes the following regulations:

(a) S.I. 1972/1265 (N.I. 14)

(b) S.I. 1984/1158 (N.I. 8)

(c) Formerly Department of Finance: see S.I. 1982/338 (N.I. 6) Art. 3

Citation and commencement

1. These regulations may be cited as the General Ophthalmic Services Regulations (Northern Ireland) 1986 and shall come into operation on 1st July 1986.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires—

“Board” means a Health and Social Services Board established under Article 16 of the Order for any area;

“Committee” means the Ophthalmic Committee, constituted under regulation 3;

“contractor” means a person who has undertaken to provide general ophthalmic services and whose name is included in the ophthalmic list;

“deputy” means an ophthalmic medical practitioner or optician, whether or not himself a contractor, who provides general ophthalmic services on behalf of a contractor otherwise than as a director or salaried employee of that contractor;

“doctor” means a registered medical practitioner;

“Local Ophthalmic Medical Committee” and “Local Ophthalmic Optical Committee” mean the committees recognised by the Department under Article 55 of the Order as representative of ophthalmic medical practitioners and ophthalmic opticians, respectively;

“Medical Card” means a card issued to a person, in a form approved by the Department for the purposes of enabling that person to obtain or establish a title to receive general medical services, including maternity medical services, general dental services or general ophthalmic services and shall include any card provided for a like purpose under the National Health Insurance (Medical Benefit) Regulations (Northern Ireland) 1938(a);

“ophthalmic hospital” includes an ophthalmic department of a hospital;

“ophthalmic medical practitioner” means a doctor whose qualifications have in accordance with regulation 6 and regulation 7 been approved as being prescribed qualifications;

“Ophthalmic Qualifications Committee” means the Advisory Committee appointed under Article 25 of the Order after consultation with each Board and such organisation as may be recognised by the Department as representing medical practitioners, for the purposes of approving—

(a) ophthalmic hospitals, academic degrees, academic or post graduate courses in ophthalmology and appointments affording special opportunities for acquiring the necessary skill and experience of the kind required for the provision of general ophthalmic services; and

(b) the qualifications of doctors for the purpose of the general ophthalmic services;

“optician” means an ophthalmic optician;

“Order” means the Health and Personal Social Services (Northern Ireland) Order 1972;

“the 1984 Order” means the Health and Social Security (Northern Ireland) Order 1984;

“patient” means a person for whom a contractor has agreed to provide general ophthalmic services;

“qualifications” includes qualifications as to experience;

“sight test” includes such examination of the eyes as may be required;

“sight test form” means a form which, in accordance with the Statement, is to be completed for the purposes of payments in respect of a sight test;

“the Statement” has the meaning assigned to it in regulation 12(1);

“terms of service” means the terms set out in Schedule 1.

Constitution of Ophthalmic Committee

3. The provisions set out in Schedule 2 shall apply to the Committee which shall be constituted by the Agency for the purpose of advising and assisting the Agency in the duties assigned to it by these regulations.

Delegation of duties

4. The Committee may delegate to an officer of the Agency such of its duties with respect to general ophthalmic services as it thinks fit.

Qualifications of ophthalmic medical practitioners

5.—(1) The prescribed qualifications which a doctor is to possess for the purposes of Article 62 of the Order (arrangements for General Ophthalmic Services) are that he has (at the date of consideration of his application under regulation 6) recent experience and that—

(a) he has had adequate experience and has held—

(i) an appointment in the health service, otherwise than under Part VI of the Order, with the status of consultant ophthalmologist; or

(ii) an appointment for a period of not less than two years of equivalent status as an ophthalmic surgeon or assistant ophthalmic surgeon on the staff of an approved ophthalmic hospital; or

(b) (i) he has held one or more ophthalmic appointments in an approved ophthalmic hospital for a period totalling not less than two years,

(ii) unless he has been fully registered as a doctor for at least seven years and his experience is such as to make this requirement unnecessary that period included tenure for at least six months of a residential appointment or an appointment with duties comparable with those of a residential appointment,

(iii) he has obtained the Diploma in Ophthalmology awarded con-jointly by the Royal College of Physicians of London and the Royal College of Surgeons of England, or any approved higher degree or qualification, and

(iv) he has had adequate experience; or

(c) he has before 1st October 1951 had adequate experience and before that date—

(i) obtained a Diploma or Certificate in respect of an approved academic or post graduate course in ophthalmology, or

(ii) held for a period of two years an appointment as an ophthalmic surgeon or assistant ophthalmic surgeon on the staff of an approved ophthalmic hospital, or

(iii) held for a period of two years an approved appointment affording special opportunities for acquiring the necessary skill and experience of the kind required for the provision of supplementary ophthalmic services.

(2) In this regulation “approved” means approved by the Ophthalmic Qualifications Committee.

Approval of qualifications of ophthalmic medical practitioners

6.—(1) A doctor who wishes to establish his status as an ophthalmic medical practitioner shall apply to the Department for approval of his qualifications and shall give such particulars of his qualifications as the Ophthalmic Qualifications Committee shall require.

(2) The Ophthalmic Qualifications Committee shall consider the doctor's application and within two months after the date of the application shall inform the Department of their decision.

(3) If the Ophthalmic Qualifications Committee is satisfied that the doctor possesses the qualifications prescribed by regulation 5, he shall be an ophthalmic medical practitioner.

(4) Notwithstanding the provisions of regulation 5 and of paragraph (1) a doctor who has the prescribed qualifications for the purposes of providing general ophthalmic services in England and Wales under the National Health Service Act 1977(a) or in Scotland under the National Health Service (Scotland) Act 1978(b), shall be an ophthalmic medical practitioner.

Appeals against decisions of Ophthalmic Qualifications Committee

7.—(1) Any person dissatisfied with a decision of the Ophthalmic Qualifications Committee that he is not qualified to be an ophthalmic medical practitioner may within one month from the date on which he received notice of that decision, or such longer period as the Department may at any time allow, appeal against the decision by sending to the Department a notice of appeal stating the facts and contentions on which he relies.

(2) The Department shall—

(a) appoint to determine the appeal an appeal committee of five persons of whom at least three shall be appointed after consultation with such bodies or organisations representing doctors as appear to it to be concerned;

(b) refer the appeal to that appeal committee;

(c) send a copy of the notice of appeal to the Ophthalmic Qualifications Committee and to such other persons as may appear to it to be interested in the appeal; and

(d) inform the appellant, the Agency and any such other persons that the appeal has been referred to an appeal committee and of the address to which communications to the appeal committee shall be sent.

(3) The appeal committee may, and if requested to do so by the appellant or the Ophthalmic Qualifications Committee shall, hold a hearing in connection with an appeal at such time and place as they may direct; notice of the hearing shall, not less than fourteen days before the date of the hearing, be sent by the recorded delivery service to the appellant, the Ophthalmic Qualifications Committee, and any other person to whom the Department has under paragraph (2) sent notice of the appeal.

(4) Either the appellant or the Ophthalmic Qualifications Committee may within one month of being informed that the appeal has been referred to an appeal committee, or of being informed that a hearing of such appeal will be held, give notice of a wish to appear before the appeal committee.

(5) The Ophthalmic Qualifications Committee shall be entitled to appear by a member or by their clerk or other officer duly appointed for the purpose; the appellant shall be entitled to appear in person, by any member of his family, by any friend, or by any officer or member of any organisation of which he is a member; and any party to an appeal shall be entitled to appear and be heard by counsel or solicitor.

(a) 1977 c. 49

(b) 1978 c. 29

(6) Subject to the preceding provisions of this regulation, the procedure of the appeal committee in determining the appeal shall be such as it thinks proper.

(7) An appeal committee shall have all the powers of the Ophthalmic Qualifications Committee, including in particular the power of approval, and if satisfied that an appellant possesses the qualifications prescribed by regulation 5 it shall so decide and accordingly he shall be an ophthalmic medical practitioner.

(8) The appeal committee shall as soon as practicable notify its determination to the appellant, the Ophthalmic Qualifications Committee, the Department and any other person to whom the Department has under paragraph (2) sent notice of the appeal.

Ophthalmic list

8.—(1) The Agency shall from information obtained from the Boards keep a list called “the ophthalmic list” of those persons who pursuant to the provisions of regulation 9 have undertaken to provide general ophthalmic services.

(2) The ophthalmic list shall be divided into two parts, of which the first part shall relate to ophthalmic medical practitioners and the second part to opticians.

(3) Each part shall contain—

- (a) the names of persons who are entitled to be included in it;
- (b) the address and telephone numbers of any places at which they have undertaken to provide general ophthalmic services;
- (c) particulars of the days on which and hours between which general ophthalmic services will normally be available at those addresses;
- (d) the names of every other ophthalmic medical practitioner or optician who is regularly engaged as a deputy, director or employee in the provision of general ophthalmic services at any of those addresses.

(4) The Agency shall send a copy of the ophthalmic list to the Department, each Board, the Local Ophthalmic Medical Committee and the Local Ophthalmic Optical Committee, and at intervals of not more than three months shall notify each of them of any alteration made in that list.

(5) Copies of the ophthalmic list shall be made available for inspection at the offices of each Board, at the Agency and at such other places as appear to the Agency to be convenient for informing all persons interested.

Application for inclusion in ophthalmic list

9.—(1) An ophthalmic medical practitioner or optician who wishes to be included in the ophthalmic list shall make an application to the Board in whose area he proposes to practise, on a form approved by the Department and available from the Board and the application shall include:

- (a) an undertaking to provide general ophthalmic services and to comply with the terms of service; and
- (b) the information specified in regulation 8(3).

(2) A contractor shall within fourteen days of any change or addition affecting the entries which the ophthalmic list is required to contain in relation to him notify the Board accordingly.

Withdrawal from ophthalmic list

10.—(1) Subject to paragraphs (2) and (3), where a contractor gives notice in writing to the Board that he wishes to withdraw from the ophthalmic list, his name shall be removed from that list at the expiration of three months from the date of that notice or of such shorter period as the Board may agree.

(2) If representations are made to the Tribunal that the continued inclusion of a contractor in the ophthalmic list would be prejudicial to the efficiency of the general ophthalmic services, he shall not, except with the consent of the Department and subject to such conditions, if any, as the Department may impose, be entitled to have his name removed from the ophthalmic list pending the determination of the proceedings on those representations.

(3) The Board shall not agree to a contractor's withdrawal from the ophthalmic list unless and until it is satisfied that satisfactory arrangements have been made for the completion of any general ophthalmic services which he has undertaken to provide.

Removal from ophthalmic list

11.—(1) Where a Board has determined that a contractor—

- (a) has died, or
- (b) has otherwise ceased from being an ophthalmic medical practitioner or optician,

it shall remove his name from the ophthalmic list.

(2) Where a Board determines in accordance with the following provisions of this regulation that a contractor whose name has been included for the preceding six months in the ophthalmic list has not during that period provided general ophthalmic services for persons in the area it shall remove his name from the ophthalmic list.

(3) Before making a determination under paragraph (2) relating to a contractor a Board shall—

- (a) give him twenty-eight days' notice of its intention to do so;
- (b) afford him an opportunity to make representations to the Board in writing or, if he so wishes, orally to a sub-committee which shall be appointed by the Board for the purpose and at least one third of the members of which shall be from a panel nominated in the case of an ophthalmic medical practitioner by the Local Ophthalmic Medical Committee and in the case of an optician by the Local Ophthalmic Optical Committee;
- (c) consult whichever of those Local Committees may be appropriate.

(4) Nothing in this regulation shall prejudice the right of a person to have his name included again in the ophthalmic list.

(5) No determination under this regulation shall be made in respect of any contractor who is called into—

- (a) whole-time service in the Armed Forces of the Crown in a national emergency as a volunteer or otherwise; or
- (b) compulsory whole-time service in those forces, including service resulting from any reserve liability or any equivalent service by a person liable for whole-time service in those forces,

until six months after the completion of that service.

(6) Any document which is required or authorised to be given to a contractor under this regulation may be given by delivering it to him or by sending it by recorded delivery service to his usual or last known place of business as recorded in the ophthalmic list.

The Statement

12.—(1) The Department shall, after consultation with such organisations as appear to it to be representative of contractors providing general ophthalmic services, cause to be prepared a Statement as to the fees to be paid by the Agency for the testing of sight by ophthalmic medical practitioners and opticians.

(2) The Statement may be amended by the Department in whole or in part, after consultation with those organisations referred to in paragraph (1).

Terms of service

13. The arrangements for the provision of general ophthalmic services which under Article 62 of the Order, a Board is required to make, shall incorporate the terms of service and the Statement.

Payment for services

14.—(1) The Agency shall make payments to contractors in accordance with the Statement.

(2) Where the Agency considers that it has made a payment to a contractor owing to an error or in circumstances where it was not due, it shall, except to the extent that the Department on the application of the Agency directs otherwise, draw the overpayment to the attention of the contractor and—

- (a) where he admits the overpayment; or
- (b) where he does not admit the overpayment but the matter having been referred under regulation 4(2) of the Health and Personal Social Services (Services Committee) Regulations (Northern Ireland) 1973(a) for investigation, the Agency, or the Department on appeal, decides that there has been an overpayment,

the amount overpaid shall be recoverable by a deduction from the contractor's remuneration or in some other manner.

(3) Recovery of an overpayment under the provisions of this regulation shall be without prejudice to the investigation of an alleged breach of the terms of service.

(4) A contractor who is unable to complete for a patient the general ophthalmic services which he has undertaken to provide shall inform the Agency accordingly in writing, and if the Agency is satisfied that the inability is due to a reasonable cause it shall make payments in accordance with the Statement to the contractor for such part of those services as he shall have provided.

Sight tests

15.—(1) A person who wishes to have his sight tested under the general ophthalmic services may make application for a sight test to any contractor.

(2) A contractor to whom an application for a sight test is made shall, before making any test of the patient's sight,—

- (a) secure that particulars of the patient and the approximate date of his last sight test, if any, are inserted in the appropriate form by the patient or on his behalf; and
- (b) satisfy himself that a sight test is necessary.

School children

16.—(1) Without prejudice to their right to obtain general ophthalmic services under and in accordance with the foregoing regulations, the provisions of this part of these regulations shall have effect in relation to persons for whom medical inspection or treatment is provided under or by virtue of the provisions of Article 9 of the Order.

(2) In this part of the regulations the expression "appointed ophthalmic medical practitioner" means an ophthalmic medical practitioner whose name is on the ophthalmic list and who has been appointed by a Board to undertake sight testing for school children as may be required by this regulation. The expression "medical officer" means a medical practitioner, whose name is not included in the ophthalmic list, who has been appointed by a Board to undertake the medical inspection or medical supervision of school children under Article 9 of the Order.

(a) S.R. & O. (N.I.) 1973 No. 416

(3) Where on examination of the eyes of a pupil, a medical officer is of the opinion that the pupil needs to have his sight tested, he shall notify his opinion to the parent, guardian or other person having charge of the pupil. The notification shall indicate that the parent, guardian or other person in charge of the pupil may arrange to have the sight test carried out—

- (a) by any ophthalmic medical practitioner or any ophthalmic optician on the ophthalmic list, or
- (b) where the services of an appointed ophthalmic medical practitioner are available, by such appointed ophthalmic medical practitioner.

Cases of disability

17.—(1) Subject to paragraph (2), an application for general ophthalmic services required by these regulations may be made and a signature required by these regulations may be given—

- (a) on behalf of any person under 16 years of age by either parent, or in the absence of both parents, the guardian or other adult person who has the care of the child;
- (b) on behalf of any other person who is incapable of making the application, or giving the signature, by a relative or any other adult who has the care of that person; or
- (c) on behalf of any person under 18 years of age—
 - (i) in the care of an authority to whose care he has been committed under the provisions of the Children and Young Persons Act (Northern Ireland) 1968(a) by a person duly authorised by that authority;
 - (ii) in the care of a voluntary organisation, by that organisation or a person duly authorised by them.

(2) A signature on an application may not be given by the contractor to whom the application is made.

Publication of particulars

18. The Agency shall publish in such manner as appears to it best calculated to inform all persons interested of the arrangements made by Boards for the provision of general ophthalmic services and shall make available for inspection at its office and at such other places as appear to it to be convenient for informing any person interested, copies of these regulations, the ophthalmic list, the terms of service and the Statement, but the Agency need not make available copies of all those documents at every place at which it makes available copies of any of them.

Service of documents

19. Subject to regulations 7(3) and 11(6), any document which is required or authorised under these regulations (including the terms of service) to be given to a contractor may be given by delivering it to him or by sending it addressed to him at any address notified by him to the Board for inclusion in the ophthalmic list as a place at which he has undertaken to provide general ophthalmic services.

Revocation, saving and transitional provisions

20.—(1) Subject to paragraphs (2) and (3), the regulations specified in column 1 of Schedule 3 are revoked to the extent specified in column 3 of that Schedule.

(2) An optical appliance supplied before 1st July 1986 as part of general ophthalmic services may be repaired before 1st July 1987 and part of such an appliance may be replaced before that date, as though the revoked regulations

remained in force and as though the amendments to Article 62 of the Order effected by Article 3(1) and (2) of, and paragraph (1) of Schedule 1 to, the 1984 Order had not been made.

(3) In respect of any supply, replacement or repair of an optical appliance under general ophthalmic services for which arrangements were made before 1st July 1986 or any replacement or repair under paragraph (2), payments and charges shall be made as though the revoked regulations and any determination made under them and in force on 30th June 1986 were in force and as though the repeal in Article 62(e) of the Order effected by Article 17 of, and Schedule 6 to, the 1984 Order had not been made.

Sealed with the Official Seal of the Department of Health and Social Services on
18th June 1986.

(L.S.)

R. W. McQuiston

Assistant Secretary

Sealed with the Official Seal of the Department of Finance and Personnel on 18th
June 1986.

(L.S.)

R. G. Smartt

Assistant Secretary

SCHEDULE 1

Regulation 2(1)

Terms of Service*Interpretation*

1. In this Schedule—

- (a) “the regulations” means the General Ophthalmic Services Regulations (Northern Ireland) 1986;
- (b) other words and expressions have the same meaning as in the regulations.

Incorporation of provisions

2. Any provisions of the following affecting the rights and obligations of contractors shall be deemed to form part of the terms of service:

- (a) the regulations;
- (b) so much of the Health and Personal Social Services (Services Committee) Regulations (Northern Ireland) 1973(a) as relates to—
 - (i) the investigation of questions arising between contractors and their patients, other investigations to be made by the ophthalmic services committee, and the action which may be taken by the Board as a result of such investigations, including the withholding of remuneration from a contractor where there has been a breach of the terms of service;
 - (ii) appeals to the Department from decisions of the Board;
 - (iii) the investigation of excessive prescribing of optical appliances;
- (c) regulation 3(2) to (5) and (7) of the Payments for Optical Appliances Regulations (Northern Ireland) 1986(b);
- (d) the Statement.

Arrangements for the provision of services

3. A contractor shall make all necessary arrangements for the provision of general ophthalmic services to his patients.

Premises and equipment

4.—(1) A contractor shall provide, proper and sufficient consulting and waiting room accommodation and suitable equipment for the provision of the general ophthalmic services which he has undertaken to provide.

(2) A contractor, on receipt of a written request from the Agency to do so, shall admit at all reasonable times for the purposes of inspecting his accommodation or equipment an authorised officer of the Department or the Agency or authorised member of the Committee.

Notices

5. A contractor shall take all reasonable steps to secure that at each place at which he provides general ophthalmic services there is prominently displayed a notice supplied by, or in a form approved by, the Committee, indicating the services available under general ophthalmic services and indicating for which descriptions of his patients a payment may be made under the Payments for Optical Appliances Regulations (Northern Ireland) 1986.

Records

6.—(1) A contractor shall keep a proper record in respect of each patient to whom he provides general ophthalmic services, giving appropriate details of sight testing.

(2) A contractor shall retain all such records for a period of seven years, and shall during that period produce them, within such period, not being less than fourteen days, as the Department or the Agency or the Committee may specify, to any authorised officer of the Department or the Agency or to any authorised member of the Committee.

(a) S.R. & O. (N.I.) 1973 No. 416 (II, p. 2418).

(b) S.R. 1986 No. 164

Deputies

7.—(1) An ophthalmic medical practitioner may arrange for sight to be tested on his behalf by another ophthalmic medical practitioner. An optician may arrange for sight to be tested on his behalf by another optician, but no such arrangement shall be made with any person disqualified by the Tribunal from inclusion in the ophthalmic list.

(2) Any contractor who makes an arrangement for the regular provision of services by a deputy shall—

- (a) notify the Board of the arrangement; and
- (b) if the deputy is not already a contractor, secure that he applies for inclusion in the ophthalmic list.

(3) A contractor shall be responsible for all acts and omissions of any person acting as his deputy and of any employee of that person; and a deputy who is himself a contractor shall be jointly responsible.

Employees

8.—(1) An ophthalmic medical practitioner who employs a person for the sight testing shall employ only another ophthalmic medical practitioner.

(2) An optician who employs a person for sight testing shall employ only—

- (a) another optician; or
- (b) a person acting under his continuous personal supervision who is authorised to test sight by rules made under section 20(3) of the Opticians Act 1958(a).

(3) A contractor shall not employ in the provision of general ophthalmic services any person disqualified by the Tribunal from inclusion in the ophthalmic list, except with the consent of the Department.

(4) A contractor who regularly employs an ophthalmic medical practitioner or an optician shall—

- (a) notify the Board accordingly; and
- (b) if the employee is not already a contractor, secure that he applies for inclusion in the ophthalmic list.

(5) A contractor shall be responsible for all acts and omissions of any employee; and an employee who is himself a contractor shall be jointly responsible.

(6) In this paragraph “employee” includes, in the case of a body corporate, a director and “employ” is to be interpreted accordingly.

Payments

9.—(1) Any claim by a contractor for fees in respect of the provision of general ophthalmic services shall be made by completing or securing the completion of a sight test form and sending it to the Agency within six months after the date of completion of the provision of the services.

(2) Any such claim shall be signed—

- (a) if the contractor is a body corporate, by any of its directors who is a contractor, who takes part in the provision of general ophthalmic services at the address at which the relevant service was provided or by any of its employees who is such a contractor;
- (b) if the contractor is not a body corporate—
 - (i) if the Service was provided on his behalf by a deputy or employee who is also a contractor, by the deputy or employee who shall give the name of the contractor on whose behalf the service was provided;
 - (ii) in other cases by the contractor himself.

(3) A signatory shall sign any such claim in ink with his initials or forename and with his surname in his own handwriting and not by means of a stamp.

(4) Except as may be provided in the regulations, in the Statement or in sub-paragraph (5), a contractor shall not demand or accept from any patient or from other persons the payment of any fee or other remuneration in respect of the provision of general ophthalmic services.

(5) A contractor shall be entitled to demand and recover from a patient or person having charge of a patient, a sum in respect of—

- (a) loss of remunerative time resulting from that patient's failure to keep an appointment; or
- (b) loss of remunerative time and travelling expenses resulting from a journey made to that patient's residence at that patient's or person's request.

(6) A contractor shall not demand or accept from the Agency the payment of any fee or remuneration in respect of any item of service—

- (a) which has not been provided under general ophthalmic services; or
- (b) for which another claim has already been submitted to the Agency.

Testing of Sight

10.—(1) A contractor shall, having accepted pursuant to the regulations an application for the testing of sight, make such examination of the patient's eyes as may be required and in doing so shall exercise proper care and attention.

(2) Where a contractor is of the opinion that a patient whose sight he has tested pursuant to sub-paragraph (1)—

- (a) shows on examination signs of injury or disease in an eye or its immediate vicinity or any other abnormality of the eye or the rest of the visual system which may require medical treatment; or
- (b) is not likely to attain a satisfactory standard of vision notwithstanding the application of corrective lenses;

he shall so inform the patient's doctor.

(3) Where a contractor is of the opinion that a patient whose sight he has tested pursuant to sub-paragraph (1) requires glasses (whether or not the patient already has the required glasses), he shall, immediately after completing the test and after consulting his records, if any, relating to that patient—

- (a) in every case, issue to that patient a prescription for glasses, indicating the power of the lenses required;
- (b) where the particulars of that prescription are the same as those relating to the patient's existing glasses, so inform the patient.

(4) A prescription issued pursuant to sub-paragraph (3) shall be completed by the method recommended in Appendix A to British Standard 3521: 1962 (Glossary of Terms relating to Ophthalmic Lenses and Spectacle Frames) published by the British Standards Institution, as effective on the date of its publication, and shall comply with any requirements as to its form specified in the Statement for the purposes of payment in respect of the sight test.

Use of disqualified name

11.—(1) Subject to sub-paragraph (2), a contractor shall not use in any manner whatsoever the name or part of the name, either alone or in combination with any other words or letters of, or used by, any person so long as that person is disqualified by the Tribunal from inclusion in any ophthalmic list.

(2) Nothing in sub-paragraph (1) shall prevent a contractor other than a body corporate from using his own name, or being a body corporate from using the name by which it is enrolled in the register maintained pursuant to the provisions of the Opticians Act 1958.

SCHEDULE 2

OPHTHALMIC COMMITTEE

1. The Ophthalmic Committee constituted by the Agency, after consultation with the Boards, such organisations as appear to it to represent ophthalmic medical practitioners and ophthalmic opticians and such other bodies as appear to it to be concerned, shall consist of a chairman and such number of other members as the Agency thinks fit.

2. The Chairman shall be the optician member of the Agency.

3. The term of office of members of the Committee shall be determined by the Agency.

4. Where the place of a member becomes vacant before the expiration of his term of office whether by death, resignation or otherwise, the vacancy shall be filled by the Agency, and any person so appointed shall hold office for the remainder of the term of office of the former member.

5. A member of the Committee may resign his membership by giving to the Agency notice in writing signed by him.

6. Where any member of the Committee—

(i) is absent from the meetings of the Committee for more than six months consecutively (except for a reason approved by the Agency); or

(ii) has become bankrupt or has made a composition with his creditors; or

(iii) is convicted of an indictable offence;

the Agency shall forthwith by resolution, declare the office to be vacant and shall notify that fact in such manner as it thinks fit and thereupon the office shall become vacant.

7. Where a person who provides any ophthalmic or other professional services under the Order is a member of the Committee he may vote upon any matter which touches the interests of members of his profession (himself included) but shall not vote upon any matter touching only his individual professional interests.

8. The proceedings of the Committee shall not be invalidated by any vacancy in the membership of the Committee or by any defect in the appointment of any of its members.

9. A member of the Committee who is appointed on the nomination of a Board, shall if he is a member of that Board, cease to be a member of the Committee if he ceases to be a member of that Board.

SCHEDULE 3

Regulation 20(1)

REGULATIONS REVOKED

Column 1 <i>Regulations Revoked</i>	Column 2 <i>References</i>	Column 3 <i>Extent of Revocation</i>
The Health and Personal Social Services (General Ophthalmic Services) Regulations (Northern Ireland) 1975	S.R. 1975 No. 372	(a) Regulations 1 to 17 and 23 to 28 (b) Schedules 1 and 2
The Health and Personal Social Services (General Ophthalmic Services) (Amendment) Regulations (Northern Ireland) 1978	S.R. 1978 No. 21	Regulation 2(1) and (3)
General Ophthalmic Services (Amendment) Regulations (Northern Ireland) 1981	S.R. 1981 No. 60	Regulation 2(1)
General Ophthalmic Services (Amendment) Regulations (Northern Ireland) 1985	S.R. 1985 No. 57	Regulation 2(1), (2), (3) and (8)

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations provide for arrangements for general ophthalmic services under the Health Service. They supersede and revoke previous regulations providing for those arrangements.

The main change of substance effected by these regulations concerns the removal from general ophthalmic services of the supply of optical appliances, so that the services consist only of the testing of sight. That removal is effected from 1st July 1986 by provisions of the Health and Social Security (Northern Ireland) Order 1984 and accordingly these regulations make no provision for the supply of optical appliances, other than transitional provision (regulation 20). Other changes are the removal of a requirement for an ophthalmic medical practitioner or optician to notify a patient's doctor if a further eye examination is needed within six months of the previous one and the addition of a requirement (paragraph 5 of Schedule 1) regarding the display of a notice about the services available to the patient. There are also various minor changes mainly of a drafting nature.

The principal matters covered by these regulations are the qualifications of ophthalmic medical practitioners (regulations 5 to 7), the list of those providing general ophthalmic services (regulations 8 to 11), the determination of fees payable for those providing the services (regulation 12), the terms on which they provide them (regulation 13 and Schedule 1), payments to them (regulation 14), and provision for sight testing (regulation 15).

British Standard 3521: 1962, referred to in paragraph 10(4) of Schedule 1 to these regulations, may be obtained from any of the sales outlets operated by the British Standards Institution or direct by post from the Institution at Linford Wood, Milton Keynes MK14 6LE.