
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (General Ophthalmic Services) (Scotland) Regulations 1986 (“the 1986 Regulations”), which make arrangements under which ophthalmic medical practitioners and ophthalmic opticians provide general ophthalmic services under the National Health Service (Scotland) Act 1978 (c. 29) (“the Act”).

These Regulations make amendments to regulation 6 (ophthalmic list) and regulation 8 (withdrawal from ophthalmic list) of, and Schedule 1 (terms of service) to, the 1986 Regulations. These amendments are consequential upon the National Health Service (Tribunal) (Scotland) Regulations 2004 (“the 2004 Regulations”) and amendments made to the Act by the Health Act 1999 (c. 8) (“the 1999 Act”), relating to the NHS Tribunal and the disqualification of practitioners providing services under Part II of the Act.

In particular, these Regulations—

- (a) clarify that a Health Board or primary care NHS trust shall not include in the Ophthalmic List persons who may not be added to that list, by virtue of the provisions of regulation 26 of the 2004 Regulations, because they are subject to an inquiry in a fraud case, until proceedings in that case are finally concluded; and
- (b) replace references to provisions of the Act, with references to provisions of the Act as amended by the 1999 Act.