
SCOTTISH STATUTORY INSTRUMENTS

2004 No. 36

The National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 2004

Amendment of the National Health Service (General Ophthalmic Services) (Scotland) Regulations 1986

2.—(1) The National Health Service (General Ophthalmic Services) (Scotland) Regulations 1986(1) are amended as follows.

- (2) In regulation 6(1) (ophthalmic list)(2)—
- (a) for “30(1), 31” substitute “29B(2), 30(2) or (5), 31(1)(b)(3)”; and
 - (b) after “Act” insert “or who may not be added by virtue of the provisions of regulation 26(1) (practitioner subject to an inquiry in a fraud case) of the National Health Service (Tribunal) (Scotland) Regulations 2004(4)”.
- (3) In regulation 8(a) (withdrawal from ophthalmic list)—
- (a) for “that the continued inclusion of a contractor in the Ophthalmic List would be prejudicial to the efficiency of the general ophthalmic services” substitute “(the NHS Tribunal), or a request for review has been made to the Tribunal or a review is to be made by the Tribunal under section 30 of the Act (review etc. of disqualification)”; and
 - (b) after “representations” in the second place where it occurs insert “, request for review or review”.
- (4) In Schedule 1 (terms of service)—
- (a) in paragraph 7(1)(a) (deputies)(5) and in paragraph 8(3)(a) (employees)(6)—
 - (i) for “29(3)(b)” substitute “29B(2)(b) or 30(2) or (5)”; and
 - (ii) for “29(3)(c)” substitute “29B(3) or 30(6)”; and
 - (b) in paragraph 11(1) (use of disqualified name)(7)—
 - (i) omit “under section 29 of the Act”; and
 - (ii) for “30(1), 31” substitute “29B(2), 30(2) or (5), 31(1)(b)”.

(1) S.I.1986/965. Relevant amending instruments are S.I. 1988/543, 1996/843, 1999/725 and S.S.I. 1999/55 and 2001/62.
(2) Regulation 6(1) was substituted by S.I. 1988/543 and amended by S.I. 1996/843 and S.S.I. 1999/55.
(3) Section 29B was inserted by the Health Act 1999 (c. 8) (“the 1999 Act”), Section 58(1) and amended by the [Community Care and Health \(Scotland\) Act 2002 asp 5](#) (“the 2002 Act”), schedule 2, paragraph 2(6). Section 30 was inserted by the 1999 Act, section 58(2) and amended by the 2002 Act, schedule 2, paragraph 2(7). Section 31 was renumbered section 31(1) by the 1999 Act, Schedule 4, paragraph 49.
(4) S.S.I. 2004/38.
(5) Paragraph 7(1)(a) was inserted by S.I. 1996/843 and amended by S.S.I. 1999/55.
(6) Paragraph 8(3)(a) was inserted by S.I. 1996/843 and amended by S.S.I. 1999/55.
(7) Paragraph 11(1) was amended by S.I. 1996/843.