
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 135

The National Health Service (General Ophthalmic Services) (Scotland) Regulations 2006

PART III

OPHTHALMIC LIST

Ophthalmic List

6.—(1) Each Board shall prepare and maintain in accordance with these Regulations a list called “the Ophthalmic List” of those persons—

- (a) who, pursuant to the provisions of regulation 7, have undertaken to provide, or who are approved by the Board to assist in the provision of, general ophthalmic services in its area, and
 - (b) who are not disqualified from inclusion in the Ophthalmic List by virtue of the provisions of sections 29B(2) ^{M1}, 30(2) ^{M2}, (5) ^{M3}, 32A(3) ^{M4} or 32B(1) ^{M5} of the Act or by a corresponding decision or who may not be added to the Ophthalmic List by virtue of the provisions of regulation 26 (practitioner subject to an inquiry) of the National Health Service (Tribunal) (Scotland) Regulations 2004 ^{M6}.
- (2) The Ophthalmic List shall be divided into two parts—
- (a) the first part of which shall be of ophthalmic medical practitioners and opticians who have undertaken to provide general ophthalmic services under arrangements with the Board in terms of these Regulations, and
 - (b) the second part of which shall be of ophthalmic medical practitioners and opticians who are approved by the Board to assist in the provision of such services.
- (3) The first part of the Ophthalmic List shall contain the following information:—
- (a) the names of persons who are included therein;
 - (b) the addresses of any [^{F1}practice premises] in the Board's area at which they have undertaken to provide general ophthalmic services, or in the case of a mobile practice, the address to which correspondence in connection with such provision may be sent and the addresses of any day centre or residential centre to be visited more than once;
 - (c) particulars of the days on which and hours between which general ophthalmic services will normally be available at such addresses, or in the case of visits to day centres or residential centres by a mobile practice, the months in which visits are intended to take place and the planned interval between such visits;
 - (d) the name of each 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 these addresses;
 - (e) whether the contractor has undertaken ^{F2}...to provide general ophthalmic services [^{F3}at a place where the patient normally resides (in accordance with paragraph 4(2)(a) of

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- Schedule 1),] in addition to providing general ophthalmic services at the addresses specified in sub paragraph (b) above;
- (f) whether the contractor has undertaken ^{F4}... to provide general ophthalmic services [^{F5}only at a place where the patient normally resides (in accordance with paragraph 4(2)(a) of Schedule 1)];
 - (g) whether there is wheelchair access to the premises the addresses of which are specified under sub paragraph (b) above;
 - (h) whether the premises the addresses of which are specified under sub paragraph (b) are accessible without the use of stairs.
 - (i) each such person's professional registration number;
 - (j) the date of that person's first registration [^{F6}, and any subsequent registration,] as an optician by the General Optical Council, or as a medical practitioner by the General Medical Council; and
 - (k) the date on which that person's name was included in the first part of the Ophthalmic List.
- (4) The second part of the Ophthalmic List shall contain the following information:–
- (a) the names of persons who are included therein;
 - (b) the professional registration number of each such person;
 - (c) the date of that person's first registration [^{F7}, and any subsequent registration,] as an optician by the General Optical Council, or as a medical practitioner by the General Medical Council; and
 - (d) the date on which that person's name was included in the second part of the Ophthalmic List.
- (5) Subject to regulation 26(8)–
- (a) an ophthalmic medical practitioner or optician may not provide general ophthalmic services in the area of a Board unless that person's name is included in the first part of the Ophthalmic List of that Board; and
 - (b) an ophthalmic medical practitioner or optician may not assist in the provision of general ophthalmic services in the area of a Board unless that person's name is included in the first or second part of the Ophthalmic List of that Board.
- (6) The Board shall–
- (a) send to the Scottish Ministers, the Agency, the area medical committee and the area optical committee, as appropriate, a copy of its Ophthalmic List as soon as possible after its preparation; and
 - (b) notify the Agency within 7 days and the Scottish Ministers, area medical committee and area optical committee within 14 days, of any alterations to its Ophthalmic List.
- (7) The Board shall, if necessary, prepare an updated Ophthalmic List each year and send a copy to the Scottish Ministers.

Textual Amendments

- F1** Words in reg. 6(3)(b) substituted (1.4.2007) by [The National Health Service \(General Ophthalmic Services\) \(Scotland\) Amendment Regulations 2007 \(S.S.I. 2007/193\)](#), regs. 1, **2(3)(a)**
- F2** Words in reg. 6(3)(e) omitted (3.2.2014) by virtue of [The National Health Service \(General Ophthalmic Services\) \(Scotland\) Amendment Regulations 2013 \(S.S.I. 2013/355\)](#), regs. 1, **4(a)(i)**
- F3** Words in reg. 6(3)(e) inserted (3.2.2014) by [The National Health Service \(General Ophthalmic Services\) \(Scotland\) Amendment Regulations 2013 \(S.S.I. 2013/355\)](#), regs. 1, **4(a)(ii)**

- F4** Words in reg. 6(3)(f) omitted (3.2.2014) by virtue of The National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 2013 (S.S.I. 2013/355), regs. 1, **4(b)(i)**
- F5** Words in reg. 6(3)(f) inserted (3.2.2014) by The National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 2013 (S.S.I. 2013/355), regs. 1, **4(b)(ii)**
- F6** Words in reg. 6(3)(j) inserted (1.4.2007) by The National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 2007 (S.S.I. 2007/193), regs. 1, **2(3)(b)**
- F7** Words in reg. 6(4)(c) inserted (1.4.2007) by The National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 2007 (S.S.I. 2007/193), regs. 1, **2(3)(b)**

Marginal Citations

- M1** Section 29B(2) was added by the 1999 Act, section 58, and amended by the 2002 Act, Schedule 2, paragraph 2, the 2004 Act, Schedule 1, paragraph 1, and the 2005 Act, section 26(4) and Schedule 3 with effect from 1st April 2006 in terms of [S.S.I. 2006/121](#).
- M2** Section 30(2) was substituted by the 1999 Act, section 58 and amended by the 2005 Act, Schedule 3 with effect from 1st April 2006 in terms of [S.S.I. 2006/121](#).
- M3** Section 30(5) was substituted by the 1999 Act, section 58 and amended by the 2005 Act, Schedule 3 with effect from 1st April 2006 in terms of [S.S.I. 2006/121](#).
- M4** Section 32A(3) was inserted by the [National Health Service \(Amendment\) Act 1995 \(c. 31\)](#), **section 8**, amended by the 1999 Act, section 65 and Schedule 4, paragraph 51 and the 2005 Act, Schedule 3 with effect from 1st April 2006 in terms of [S.S.I. 2006/121](#).
- M5** Section 32B(1) was substituted by the 1999 Act, section 65 and Schedule 4, paragraph 52, and the 2005 Act, Schedule 3 with effect from 1st April 2006 in terms of [S.S.I. 2006/121](#).
- M6** [S.S.I. 2004/38](#); regulation 26 is amended with effect from 1st April 2006 by the [National Health Service \(Tribunal\) \(Scotland\) Amendment Regulations 2006 \(S.S.I. 2006/122\)](#).

Application for inclusion in Ophthalmic List and notification of changes

7.—(1) An ophthalmic medical practitioner or optician who wishes to be included in the Ophthalmic List of a Board shall submit to that Board a written application to that effect, which shall state whether the applicant is an ophthalmic medical practitioner, a person registered in the register of optometrists maintained under section 7 of the Opticians Act 1989, or a body corporate registered in the register of bodies corporate maintained under section 9 of that Act carrying on business as an optometrist, and whether the applicant wishes to be included in the first part of the Ophthalmic List, or in the second part of that list, and shall include—

- (a) in the case of an application to be included in the first part of that list an undertaking to provide general ophthalmic services and to comply with the terms of service;
- (b) in the case of an application to be included in the second part of that list, an undertaking to comply with paragraphs 1, 2, 3, 4(2), 8(1) and (2), 12, 13(2)(b), (3) and (4), and 14 of the terms of service.
- (c) the information, as respect the matters specified in regulation 6(3) or (4) (as the case may be), which it is proposed shall be contained in the Ophthalmic List;
- (d) in the case of an application to be included in the first part of that list, the information, certificates, [^{F8}applications for such certificates as the case may be][^{F9}, disclosure requests, disclosure records,] undertakings, consents and declarations set out in Part A of Schedule 2; or
- (e) in the case of an application to be included in the second part of that list, the information, certificates, [^{F10}applications for such certificates as the case may be][^{F11}, disclosure requests, disclosure records,] undertakings, consents and declarations set out in Part B of Schedule 2.

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[^{F12}(1A) An application may specify other Boards on whose Ophthalmic List the applicant wishes to be included and such an application shall include an undertaking to provide general ophthalmic services and comply with the terms of service in the areas of the Boards so specified.]

[^{F13}(1B) An application shall, in the case of an application by an optician that is a body corporate, be signed by all the directors of that body corporate.]

[^{F14}(2) An optician or ophthalmic medical practitioner who is included in a Board's Ophthalmic List shall—

- (a) notify the Board in writing if there is a change to any of the information which that optician or ophthalmic medical practitioner has provided in terms of regulation 7(1) together with that changed information within 7 days of the occurrence of the relevant change;
- (b) supply any declarations, certificates, applications, [^{F15}disclosure requests, disclosure records,] undertakings and consents either at the same time as it supplies the information in terms of sub-paragraph (a) or by such date as the Board may determine, if the change to the information is such that, had the information been part of an application it would have required any of the declarations, certificates, applications, [^{F15}disclosure requests, disclosure records,] undertakings and consents required by regulation 7(1) to be supplied;
- (c) [^{F16}if the optician or ophthalmic medical practitioner is included in the Ophthalmic List of more than one Board, send the notification and information referred to in sub-paragraph (a) to each Board on whose Ophthalmic List that optician or ophthalmic medical practitioner is included, and—
 - (i) to the Board in whose area the optician or ophthalmic medical practitioner derives most income from general ophthalmic services: the original declarations, certificate or application, disclosure record and disclosure request, undertakings and consents required in terms of sub-paragraph (b); and
 - (ii) a copy of such originals to each other Board on whose Ophthalmic List that optician or ophthalmic medical practitioner is included.]
- (3) Before determining an application submitted under paragraph (1), a Board shall—
 - (a) check the information provided by the applicant and any documents which the applicant is required to produce in terms of these Regulations;
 - (b) [^{F17}examine references obtained from the referees, the names and addresses of whom] the applicant has provided in accordance with paragraph l(1) of Part A, or 1(g) of Part B, of Schedule 2; ^{F18} ...
 - (c) check with the Agency whether the applicant has any record of fraud, or is currently, or at any time has been, the subject of any investigation by the Agency, which information the Agency shall supply unless it would prejudice any criminal proceedings or the prevention, detection or investigation of fraud [^{F19}; ^{F20} ...
 - (d) notify any other Boards on whose Ophthalmic List the applicant wishes to be included on the application] [^{F21}; ^{F22} ...
 - (e) obtain any enhanced criminal record certificate required in respect of the application if such certificate was not included with the application] [^{F23}; and
 - (f) obtain any disclosure record it requires in respect of the application.]

(4) If a Board considers that further information or documents, in addition to the documents, information and undertakings provided by the applicant in accordance with paragraph (1), are necessary to determine the applicant's application, the Board shall require the applicant to provide such further information or documents as are necessary before the Board shall determine an application in accordance with this regulation.

^{F24}(4A) If a Board considers that it requires to meet with—

- (a) the applicant; or
- (b) where the applicant is an optician that is a body corporate, any of its directors,

in order to properly determine the application, it shall require the applicant or director as the case may be, to attend a meeting at a reasonable time and place to discuss the application, and the applicant or director as the case may be shall comply with such a request.

(4B) A Board may, if it considers that the proposed practice premises of an applicant should be inspected, inspect such premises.

(4C) Where the proposed practice premises of an applicant have never been inspected by a Board, it shall inspect the proposed practice premises before determining the application.

(4D) Any inspection made pursuant to paragraphs (4B) or (4C) shall be made no later than 14 days after the date of receipt of the application.

(4E) Following any inspection made pursuant to paragraphs (4B) or (4C), a Board may specify that the applicant shall carry out such work within a reasonable period of time in order to comply with the provisions of paragraph 6 of Schedule 1.]

(5) Where information about an applicant's previous conviction, including information disclosed by means of an enhanced criminal record certificate [^{F25}or disclosure record], or any other information or documents disclosed or provided to, or the investigations carried out by, the Board in terms of this regulation lead the Board to consider that there may be grounds for referral to the Tribunal then the Board may refer the matter to the Tribunal.

(6) In the case of an application to a Board by an ophthalmic medical practitioner or optician who is included in either part of the Ophthalmic List for inclusion in the other part of that list, that person shall only be required to provide the information required by paragraphs (1), (2^{F26}), (3) and (4) insofar as—

- (a) that person has not already supplied such information to that Board; or
- (b) the information has changed since it was provided.

(7) Any person who is not an optician, but expects to become so on successful completion of that person's training, may make an application to a Board to be included in either part of its Ophthalmic List not more than 4^{F27}... months before that person anticipates being registered in the register of optometrists maintained under section 7 of the Opticians Act 1989.

(8) An application under paragraph (7) shall contain—

- (a) all information, certificates, [^{F28}applications for such certificates as the case may be][^{F29}, disclosure requests, disclosure records,] undertakings, consents and declarations mentioned in paragraph (1), except that required by sub paragraphs 1(b) and (c) and 3 of Part A, or paragraphs 1(b) and (c) and 3 of Part B of Schedule 2;
- (b) the undertakings and consents required by Schedule 2; and
- (c) any declaration required under Schedule 2.

(9) In the application of these Regulations to any application under paragraph (7), any reference to an optician shall be taken as being a reference to an applicant under paragraph (7).

(10) An applicant under paragraph (7) shall provide the information required by paragraphs 1(b) and (c) and 3 of Part A, or 1(b) and (c) and 3 of Part B, of Schedule 2 as soon as the applicant has been notified by the General Optical Council that the applicant has been admitted to the register, and the Board shall then, provided—

- (a) the requirements of paragraphs (7) and (8) have been complied with;

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(b) the Board has not sought further information, references or documentation under regulation 7(4); and

(c) the Board has not deferred the application under [^{F30}regulation 9],

decide the application within 7 days of receiving the information required under paragraphs 1(b)(c) and 3 of Part A, or 1(b)(c) and 3 of Part B, of Schedule 2.

[^{F31}(11) Where an applicant for inclusion in a Board's Ophthalmic List is already included on another Board's Ophthalmic List and has specified such inclusion in the application, notwithstanding paragraphs (1), (3) and (6), the Board to which the application has been made may add the applicant to its Ophthalmic List without further enquiry.]

[^{F32}(12) An optician or ophthalmic medical practitioner who has made an application for inclusion in a Board's Ophthalmic List shall notify the Board that is considering the application in writing if there is a change to any of the information which that optician or ophthalmic medical practitioner has provided in terms of this regulation as soon as such change occurs.]]

Textual Amendments

- F8** Words in reg. 7(1)(d) inserted (1.4.2010) by The National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/86), regs. 1, **3(3)(a)**
- F9** Words in reg. 7(1)(d) inserted (28.2.2011) by The National Health Service (General Ophthalmic Services and General Dental Services) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/378), regs. 1(1), **2(3)(a)** (with reg. 4)
- F10** Words in reg. 7(1)(e) inserted (1.4.2010) by The National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/86), regs. 1, **3(3)(a)**
- F11** Words in reg. 7(1)(e) inserted (28.2.2011) by The National Health Service (General Ophthalmic Services and General Dental Services) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/378), regs. 1(1), **2(3)(a)** (with reg. 4)
- F12** Reg. 7(1A) inserted (1.4.2007) by The National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 2007 (S.S.I. 2007/193), regs. 1, **2(4)(a)**
- F13** Reg. 7(1B) inserted (1.4.2010) by The National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/86), regs. 1, **3(3)(b)**
- F14** Reg. 7(2) substituted (1.4.2010) by The National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/86), regs. 1, **3(3)(c)**
- F15** Words in reg. 7(2)(b) inserted (28.2.2011) by The National Health Service (General Ophthalmic Services and General Dental Services) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/378), regs. 1(1), **2(3)(b)** (with reg. 4)
- F16** Reg. 7(2)(c) substituted (28.2.2011) by The National Health Service (General Ophthalmic Services and General Dental Services) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/378), regs. 1(1), **2(3)(c)** (with reg. 4)
- F17** Words in reg. 7(3)(b) substituted (1.4.2007) by The National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 2007 (S.S.I. 2007/193), regs. 1, **2(4)(b)(i)**
- F18** Word in reg. 7(3)(b) omitted (1.4.2007) by virtue of The National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 2007 (S.S.I. 2007/193), regs. 1, **2(4)(b)(ii)**
- F19** Reg. 7(3)(d) and word inserted (1.4.2007) by The National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 2007 (S.S.I. 2007/193), regs. 1, **2(4)(c)**
- F20** Word in reg. 7(3)(c) omitted (1.4.2010) by virtue of The National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/86), regs. 1, **3(3)(d)**
- F21** Reg. 7(3)(e) and word inserted (1.4.2010) by The National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/86), regs. 1, **3(3)(e)**
- F22** Word in reg. 7(3)(d) omitted (28.2.2011) by virtue of The National Health Service (General Ophthalmic Services and General Dental Services) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/378), regs. 1(1), **2(3)(d)** (with reg. 4)

- F23** Reg. 7(3)(f) and word inserted (28.2.2011) by The National Health Service (General Ophthalmic Services and General Dental Services) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/378), regs. 1(1), **2(3)(e)** (with reg. 4)
- F24** Reg. 7(4A)-(4E) inserted (1.4.2010) by The National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/86), regs. 1, **3(3)(f)**
- F25** Words in reg. 7(5) inserted (28.2.2011) by The National Health Service (General Ophthalmic Services and General Dental Services) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/378), regs. 1(1), **2(3)(f)** (with reg. 4)
- F26** Reg. 7(6) punctuation mark inserted (1.4.2007) by The National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 2007 (S.S.I. 2007/193), regs. 1, **2(4)(d)**
- F27** Words in reg. 7(7) omitted (3.2.2014) by virtue of The National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 2013 (S.S.I. 2013/355), regs. 1, **5(a)**
- F28** Words in reg. 7(8)(a) inserted (1.4.2010) by The National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/86), regs. 1, **3(3)(a)**
- F29** Words in reg. 7(8)(a) inserted (28.2.2011) by The National Health Service (General Ophthalmic Services and General Dental Services) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/378), regs. 1(1), **2(3)(a)** (with reg. 4)
- F30** Words in reg. 7(10)(c) substituted (3.2.2014) by The National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 2013 (S.S.I. 2013/355), regs. 1, **5(b)**
- F31** Reg. 7(11) inserted (1.4.2007) by The National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 2007 (S.S.I. 2007/193), regs. 1, **2(4)(e)**
- F32** Reg. 7(12) inserted (1.4.2010) by The National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/86), regs. 1, **3(3)(g)**

Grounds for refusal of application

8.—(1) The grounds on which a Board must refuse to include an ophthalmic medical practitioner or optician in its Ophthalmic List are that—

- (a) the applicant is not an ophthalmic medical practitioner or an optician;
- (b) the applicant has been convicted in the British Islands of murder;
- (c) the applicant [^{F33}is] disqualified;
- (d) [^{F34}the applicant is suspended from the Ophthalmic List or equivalent list];
- (e) the applicant has not updated the application in accordance with regulation 9(4)(a);
- (f) the applicant has been refused entry to, or removed from, an equivalent list by an equivalent body on grounds corresponding (whether or not exactly) to a condition for disqualification [^{F35}and, at the time of the application, the decision of that equivalent body remains in force];
- (g) any order has been made or any direction has been given in terms of the Medical Act 1983 (in the case of an ophthalmic medical practitioner) or the Opticians Act 1989 (in the case of an optician) that the applicant's registration in the register should be erased, removed or suspended [^{F36}and, at the time of the application, such order or direction remains in force][^{F37};
- (h) the Board is not satisfied, after an inspection of the premises where the applicant intends to provide general ophthalmic services, that the premises comply with the provisions of paragraph 6 of Schedule 1;
- (i) the Board is not satisfied that the applicant (except where the applicant is a body corporate) has the knowledge of English which, in the interests of the applicant and of patients who may receive general ophthalmic services from the applicant, is necessary for providing, or assisting with the provision of general ophthalmic services][^{F38};

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- (j) the applicant (except where the applicant is a body corporate) is not a scheme member;
- (k) the applicant (except where the applicant is a body corporate) is barred from regulated work.]

(2) Paragraph (1) is without prejudice to any duty on a Board not to add the applicant to an Ophthalmic List by virtue of regulation 26 (practitioners subject to inquiry) of the National Health Service (Tribunal) (Scotland) Regulations 2004 ^{M7}.

(3) When the Board has decided whether or not to include an applicant in its Ophthalmic List, it shall notify the applicant [^{F39}and any other Board which the applicant has specified in the application] within 7 days of that decision of—

- (a) the decision; and,
- (b) if the Board has decided not to include the applicant, the grounds for the decision.

[^{F40}(4) When the Board has decided to include an applicant in the Ophthalmic List, and has notified another Board of that decision in accordance with paragraph (3), notwithstanding regulation 7(1), (3) and (6), that other Board may include the applicant in that Board's Ophthalmic List without further enquiry.]

Textual Amendments

- F33** Word in reg. 8(1)(c) substituted (1.4.2010) by [The National Health Service \(General Ophthalmic Services\) \(Scotland\) Amendment Regulations 2010 \(S.S.I. 2010/86\)](#), regs. 1, **3(4)(a)**
- F34** Reg. 8(1)(d) substituted (1.4.2010) by [The National Health Service \(General Ophthalmic Services\) \(Scotland\) Amendment Regulations 2010 \(S.S.I. 2010/86\)](#), regs. 1, **3(4)(b)**
- F35** Words in reg. 8(1)(f) inserted (1.4.2010) by [The National Health Service \(General Ophthalmic Services\) \(Scotland\) Amendment Regulations 2010 \(S.S.I. 2010/86\)](#), regs. 1, **3(4)(c)**
- F36** Words in reg. 8(1)(g) inserted (1.4.2010) by [The National Health Service \(General Ophthalmic Services\) \(Scotland\) Amendment Regulations 2010 \(S.S.I. 2010/86\)](#), regs. 1, **3(4)(d)**
- F37** Reg. 8(1)(h)(i) inserted (1.4.2010) by [The National Health Service \(General Ophthalmic Services\) \(Scotland\) Amendment Regulations 2010 \(S.S.I. 2010/86\)](#), regs. 1, **3(4)(e)**
- F38** Reg. 8(1)(j)(k) inserted (28.2.2011) by [The National Health Service \(General Ophthalmic Services and General Dental Services\) \(Scotland\) Amendment Regulations 2010 \(S.S.I. 2010/378\)](#), regs. 1(1), **2(4)** (with reg. 4)
- F39** Words in reg. 8(3) inserted (1.4.2007) by [The National Health Service \(General Ophthalmic Services\) \(Scotland\) Amendment Regulations 2007 \(S.S.I. 2007/193\)](#), regs. 1, **2(5)(a)**
- F40** Reg. 8(4) inserted (1.4.2007) by [The National Health Service \(General Ophthalmic Services\) \(Scotland\) Amendment Regulations 2007 \(S.S.I. 2007/193\)](#), regs. 1, **2(5)(b)**

Marginal Citations

- M7** [S.S.I. 2004/38](#) as amended by [S.S.I. 2004/122](#) and 271, 2005/335 and 2006/122.

Deferment of decision on application

9.—(1) Without prejudice to the Board's power under section 29 of the Act (the NHS Tribunal) to make representations to the Tribunal that an applicant meets a condition for disqualification, a Board may defer a decision on any application to be included in its Ophthalmic List, where—

- (a) there are, in respect of the applicant—
 - (i) criminal proceedings in the British Islands conviction in respect of which would be likely to lead to refusal to include the applicant in, or the removal of the applicant from, an Ophthalmic List, or would be likely to lead the Tribunal (if representations

were made to it) to be of the opinion that the applicant meets a condition for disqualification, or

- (ii) proceedings elsewhere in the world relating to conduct, which, if it had occurred in the British Islands, would constitute a criminal offence,

the outcome of which would be likely to lead to refusal to include the applicant in, or the removal of the applicant from, an Ophthalmic List, or would be likely to lead the Tribunal (if representations were made to it) to be of the opinion that the applicant meets a condition for disqualification;

- (b) in respect of a body corporate of which the applicant is, has in the preceding 6 months been, or was at the time of the originating events, a director or one of the body of persons with control of that body corporate, there are—

- (i) criminal proceedings in the British Islands conviction in respect of which would be likely to lead to refusal to include the applicant in, or the removal of the applicant from, an Ophthalmic List, or would be likely to lead the Tribunal (if representations were made to it) to be of the opinion that the applicant meets a condition for disqualification, or

- (ii) proceedings elsewhere in the world relating to conduct which, if it had occurred in the British Islands, would constitute a criminal offence,

the outcome of which would be likely to lead to refusal to include the applicant in, or the removal of the applicant from, an Ophthalmic List, or would be likely to lead the Tribunal (if representations were made to it) to be of the opinion that the applicant meets a condition for disqualification;

- (c) the applicant or a body corporate of which the applicant is, or has in the preceding 6 months been, or was at the time of the originating events, a director or one of the body of persons with control of that body corporate, is the subject of an investigation or proceedings relating to the professional conduct of the applicant or the body corporate by any licensing or regulatory body (including one by the Agency or another Health Board or equivalent body) in the United Kingdom or elsewhere in the world, the outcome of which would be likely to lead to refusal to include in, or removal from, an Ophthalmic List or would be likely to lead the Tribunal (if representations were made to it) to be of the opinion that the applicant meets a condition for disqualification;

- (d) where the applicant is a body corporate, the applicant is the subject of an investigation or proceedings relating to the professional conduct of the applicant by any licensing or regulatory body (including one by the Agency or another Health Board or equivalent body) in the United Kingdom or elsewhere in the world, the outcome of which would be likely to lead to refusal to include in, or removal from, an Ophthalmic List or would be likely to lead the Tribunal (if representations were made to it) to be of the opinion that the applicant meets a condition for disqualification;

- (e) a body corporate of which the applicant is, has in the preceding 6 months been, or was at the time of the originating events, a director, or one of the body of persons with control of that body corporate, is suspended from any list or equivalent list;

- (f) the applicant is being investigated by the Agency in relation to any fraud, where the result, if adverse, would be likely to lead to the applicant's removal from the Board's Ophthalmic List if the applicant were to be included in it;

- (g) a body corporate, of which the applicant is, has in the preceding 6 months been, or was at the time of the originating events a director, or one of the body of persons with control of that body corporate, is being investigated by the Agency in relation to any fraud, where the result, if adverse, would be likely to lead to the applicant's removal from the Board's Ophthalmic List if the applicant were to be included in it;

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- (h) the Tribunal is considering an application from a Board for disqualification of the applicant or of a body corporate of which the applicant is, has in the preceding 6 months been, or was at the time of the originating events, a director or one of the body of persons with control of that body corporate; ^{F41}...
- (i) the applicant has been suspended from a list by a Health Board, or from an equivalent list by an equivalent body [^{F42}, ^{F43} ...
- (j) after an inspection of the premises for the purposes of regulation 7(4B)-(4E), the Board provided the applicant with a reasonable period of time to carry out such work as the Board has specified in order to ensure that the premises meet the required standard to comply with the provisions of paragraph 6 of Schedule 1]^{F44}; or
- (k) the applicant is being considered for listing and the Board is satisfied that it is necessary for the protection of members of the public for the application to be deferred.]
- (2) A Board may only defer a decision under paragraph (1) until the outcome of the relevant event mentioned in any of sub paragraphs (a) to [^{F45}(k)] of that paragraph is known.
- (3) The Board must notify the applicant that it has deferred a decision on the application and the grounds for the deferral.
- (4) Once the outcome of the relevant event mentioned in paragraph (1) is known, the Board shall notify the applicant in writing that the applicant must within 28 days of the date of the notification (or such longer period as the Board may agree)—
- (a) update the applicant's application; and
- (b) confirm in writing that the applicant wishes to proceed with the application,
- and the provisions of regulations 7, 8 and 9 shall apply to the application.
- (5) Provided any additional information required by paragraph (4) has been received by it within the period of 28 days specified in paragraph (4) or any longer period agreed, the Board shall notify the applicant as soon as possible—
- (a) that the application has been successful; or
- (b) that the Board has decided to refuse the application and the grounds for that decision.
- (6) In this regulation, “the outcome of the relevant event” means the final determination of any proceedings (including proceedings pending the determination of which the applicant is suspended) or investigation referred to in [^{F46}regulation] 9(1)(a) to (i).

Textual Amendments

- F41** Word in reg. 9(1)(h) omitted (1.4.2010) by virtue of [The National Health Service \(General Ophthalmic Services\) \(Scotland\) Amendment Regulations 2010 \(S.S.I. 2010/86\)](#), regs. 1, **3(5)(a)**
- F42** Reg. 9(1)(j) and word inserted (1.4.2010) by [The National Health Service \(General Ophthalmic Services\) \(Scotland\) Amendment Regulations 2010 \(S.S.I. 2010/86\)](#), regs. 1, **3(5)(b)**
- F43** Word in reg. 9(1)(i) omitted (28.2.2011) by virtue of [The National Health Service \(General Ophthalmic Services and General Dental Services\) \(Scotland\) Amendment Regulations 2010 \(S.S.I. 2010/378\)](#), regs. 1(1), **2(5)(a)** (with reg. 4)
- F44** Reg. 9(1)(k) and word inserted (28.2.2011) by [The National Health Service \(General Ophthalmic Services and General Dental Services\) \(Scotland\) Amendment Regulations 2010 \(S.S.I. 2010/378\)](#), regs. 1(1), **2(5)(b)** (with reg. 4)
- F45** Word in reg. 9(2) substituted (28.2.2011) by [The National Health Service \(General Ophthalmic Services and General Dental Services\) \(Scotland\) Amendment Regulations 2010 \(S.S.I. 2010/378\)](#), regs. 1(1), **2(5)(c)** (with reg. 4)

F46 Word in reg. 9(6) substituted (1.4.2007) by [The National Health Service \(General Ophthalmic Services\) \(Scotland\) Amendment Regulations 2007 \(S.S.I. 2007/193\)](#), regs. 1, **2(6)**

Withdrawal from Ophthalmic List

10.—(1) Where a person whose name appears on a Board's Ophthalmic List gives notice in writing to the Board that that person desires to withdraw from the Board's Ophthalmic List, that person's name shall, with the agreement of the Board, be removed therefrom at the expiration of 90 days from the date of such notice or of such shorter period as the Board may agree, except that—

- (a) if representations are made to the Tribunal in terms of section 29 of the Act (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)^{M8}, that person shall not, except with the consent of the Scottish Ministers and subject to such conditions, if any, as the Scottish Ministers may impose, be entitled to have that person's name removed from the Ophthalmic List pending the determination of the proceedings on those representations, request for review or review;
- (b) the Board shall not agree to a contractor's withdrawal from the Board's Ophthalmic List unless and until the Board is satisfied that satisfactory arrangements have been made for the completion of any general ophthalmic services which such contractor has undertaken to provide.

(2) The Board shall, on receiving notice from any person pursuant to paragraph (1), as soon as practicable so amend the Board's Ophthalmic List—

- (a) on the date which falls 90 days after the date the notice was received, or, if later, the date on which that person has indicated in the notice that that person intends to withdraw; or
- (b) on the date from which the Board has agreed with that person that the withdrawal shall take effect,

whichever is the earlier.

(3) Any notice given pursuant to paragraph (1) may not be withdrawn by the person giving that notice except with the consent of the Board.

(4) A contractor shall give notice in writing to the Board that he or she intends to withdraw from the first part of its Ophthalmic List if the contractor is accepted on to the second part of its Ophthalmic List.

(5) An ophthalmic medical practitioner or optician who assists in the provision of general ophthalmic services shall give notice in writing to the Board that he or she intends to withdraw from the second part of its Ophthalmic List if he or she is accepted on to the first part of its Ophthalmic List.

Marginal Citations

M8 [Section 30](#) was substituted by the 1999 Act, section 58 and amended by the 2002 Act, Schedule 2, paragraph 2, and by the 2005 Act, Schedule 2, paragraph 2, and Schedule 3 with effect from 1st April 2006 in terms of [S.S.I. 2006/121](#).

Suspension

11.—(1) If a Board is satisfied that it is necessary to do so for the protection of members of the public or is otherwise in the public interest, it may suspend an ophthalmic medical practitioner or an optician from its Ophthalmic List in accordance with this regulation—

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- (a) while it considers whether to remove that person from its Ophthalmic List under regulation 12;
 - (b) while it waits for a decision affecting that person of a court anywhere in the world, or of a licensing or regulatory body;
 - (c) while it considers whether to refer that person to the Tribunal;
 - (d) while it awaits a finding by the Tribunal [^{F47}or equivalent body];
 - (e) where it has decided to remove that person from its Ophthalmic List but before that decision takes effect [^{F48};
 - (f) while that person is being considered for listing.]
- (2) In a case falling within paragraph (1)(a) or (c), the Board must specify a period, not exceeding six months, as the period of suspension.
- (3) In a case falling within paragraph (1)(b), the Board may specify that the ophthalmic medical practitioner or optician (as the case may be) remains suspended after the decision referred to in that paragraph has been made for an additional period, not exceeding six months.
- (4) In a case falling within paragraph [^{F49}(1)(b), (d) or (f)], the term of suspension may exceed six months.
- (5) If the Board suspends an ophthalmic medical practitioner or an optician in a case falling within paragraph (1)(e) the suspension has effect from the date the Board informed that person of the suspension.
- (6) The Board may extend the period of suspension under paragraph (2) or impose a further period of suspension under paragraph (3), so long as the aggregate period of suspension does not exceed 6 months.
- (7) The effect of a suspension is that, while an ophthalmic medical practitioner or optician is suspended under these Regulations, that person is to be treated as not being included in the Ophthalmic List even though that person's name appears in it.
- (8) The Board may at any time revoke the suspension and notify the ophthalmic medical practitioner or optician (as the case may be) of its decision.
- (9) Where a Board is considering suspending an ophthalmic medical practitioner or an optician or varying the period of suspension under this regulation, it shall give the ophthalmic medical practitioner or optician (as the case may be)–
- (a) notice of any allegation against that person;
 - (b) notice of what action it is considering and on what grounds; and
 - (c) the opportunity to put that person's case at an oral hearing before the Board, on a specified day, provided that at least 24 hours' notice of the hearing is given.
- (10) If the ophthalmic medical practitioner or optician (as the case may be) does not wish to have an oral hearing or does not attend the oral hearing, the Board may suspend that person with immediate effect.
- (11) If an oral hearing does take place, the Board shall take into account any representations made at the hearing before it reaches its decision.
- (12) The Board may suspend the ophthalmic medical practitioner or optician (as the case may be) with immediate effect following the hearing.
- (13) The Board shall notify the ophthalmic medical practitioner or optician (as the case may be) of its decision and the reasons for it (including any facts relied upon) within 7 days of making that decision.

(14) During a period of suspension, payments shall be made to or in respect of the ophthalmic medical practitioner or optician (as the case may be) in accordance with regulation 21.

(15) If an ophthalmic medical practitioner or optician (as the case may be) is dissatisfied with a decision of a Board (“the original decision”)–

- (a) not to authorise the Agency to make a payment to or in respect of that person pursuant to a determination under regulation 21;
- (b) to authorise the Agency to make a payment to or in respect of that person pursuant to a determination under regulation 21, but at a lower level than the level to which the suspended ophthalmic medical practitioner or optician (as the case may be) considers to be correct; or
- (c) in respect of recovery of what the Board considers to be an overpayment,

that person may ask the Board to review the original decision and, if that person does so, the Board shall reconsider the original decision, and once it has done so, it must notify that person in writing of the outcome of that reconsideration (“the reconsidered decision”) and give that person notice of the reasons for the reconsidered decision.

Textual Amendments

- F47** Words in reg. 11(1)(d) inserted (1.4.2010) by [The National Health Service \(General Ophthalmic Services\) \(Scotland\) Amendment Regulations 2010 \(S.S.I. 2010/86\)](#), regs. 1, **3(6)**
- F48** Reg. 11(1)(f) inserted (28.2.2011) by [The National Health Service \(General Ophthalmic Services and General Dental Services\) \(Scotland\) Amendment Regulations 2010 \(S.S.I. 2010/378\)](#), regs. 1(1), **2(6)(a)** (with reg. 4)
- F49** Words in reg. 11(4) substituted (28.2.2011) by [The National Health Service \(General Ophthalmic Services and General Dental Services\) \(Scotland\) Amendment Regulations 2010 \(S.S.I. 2010/378\)](#), regs. 1(1), **2(6)(b)** (with reg. 4)

Removal from Ophthalmic List

12.—(1) Where a Board has determined that a person whose name has been included in its Ophthalmic List–

- (a) has died;
- (b) has ceased to be an ophthalmic medical practitioner or optician;
- (c) has been convicted in the British Islands of murder;
- (d) [^{F50}is] disqualified;
- (e) has been refused entry to, or removed from, an equivalent list by an equivalent body on grounds corresponding (whether or not exactly) to a condition for disqualification [^{F51}(and that refusal or removal is still in force)]; ^{F52}...
- (f) any order has been made or any direction has been given in terms of the Medical Act 1983 (in the case of an ophthalmic medical practitioner) or the Opticians Act 1989 (in the case of an optician) that the applicant's registration in the register should be erased, removed or suspended [^{F53}(and that erasure, removal or suspension is still in force)] [^{F54};
- (g) is barred from regulated work; or
- (h) is no longer a scheme member,]

it shall remove that person's name from the Ophthalmic List with effect from the date of its determination or, in the case of (d) above, the date on which the disqualification takes effect if

that date is later than the date of the Board's determination, and shall notify that person as soon as practicable of the removal and the grounds for the removal.

(2) Where a Board determines after consultation with any appropriate area medical committee in the case of an ophthalmic medical practitioner, or with any appropriate area optical committee in the case of an optician, that a person whose name has been included for the preceding 6 months in the first part of the Ophthalmic List of the Board has not during that period provided general ophthalmic services for persons in the Board's area, the Board shall remove the name of that person from its Ophthalmic List.

(3) Where a Board determines after consultation with any appropriate area medical committee in the case of an ophthalmic medical practitioner, or with any appropriate area optical committee in the case of an optician that a person whose name has been included for the preceding 12 months in the second part of the Ophthalmic List of the Board has not during that period assisted with the provision of general ophthalmic services for persons in the Board's area, the Board may remove the name of that person from its Ophthalmic List.

(4) In calculating the periods of 6 and 12 months referred to in paragraphs (2) and (3) the Board shall disregard any period during which the ophthalmic medical practitioner or optician (or the case may be)–

- (a) was not included in its Ophthalmic List;
- (b) was suspended;
- (c) was performing a period of relevant service in the armed forces;
- (d) was suspended from the Ophthalmic List by the Health Board;
- (e) was suspended from the register.

(5) Before making any determination under paragraphs (2) or (3) the Health Board shall give the contractor or the ophthalmic medical practitioner or optician assisting with the provision of general ophthalmic services 28 days' notice of its intention so to do and shall afford that person an opportunity of making representations to the Board orally or in writing, if he or she so wishes.

(6) No determination under this regulation shall be made in respect of any ophthalmic medical practitioner or optician who has completed a period of relevant service in the armed forces until 12 months after the date when that person completed that period of relevant service in the armed forces.

(7) Nothing in this regulation shall prejudice the right of a person to have that person's name included again in a Board's Ophthalmic List.

(8) Any document which is required or authorised to be given to any person under [^{F55}these Regulations] may be given by delivering it to that person or by sending it by recorded delivery service to that person's usual or last known [^{F56}practice premises] as recorded in the Ophthalmic List or in the case of an ophthalmic medical practitioner or optician who assists in the provision of general ophthalmic services to his or her home address.

(9) Paragraph (1) is without prejudice to any duty on a Board to remove an ophthalmic medical practitioner or an optician from an Ophthalmic List by virtue of that person being suspended under section 32A or 32B of the Act.

(10) Where information about the conviction(s) of any person on an Ophthalmic List or any other information relating to such a person is disclosed to a Board, including by means of an enhanced criminal record certificate, and the Board considers that the disclosure may be grounds for removal of that person from the Board's Ophthalmic List (other than under paragraph (1), (2) or (3)) then the Board may refer the matter to the Tribunal.

Textual Amendments

- F50** Word in reg. 12(1)(d) substituted (1.4.2010) by [The National Health Service \(General Ophthalmic Services\) \(Scotland\) Amendment Regulations 2010 \(S.S.I. 2010/86\)](#), regs. 1, **3(7)(a)**
- F51** Words in reg. 12(1)(e) inserted (1.4.2010) by [The National Health Service \(General Ophthalmic Services\) \(Scotland\) Amendment Regulations 2010 \(S.S.I. 2010/86\)](#), regs. 1, **3(7)(b)**
- F52** Word in reg. 12(1)(e) omitted (28.2.2011) by virtue of [The National Health Service \(General Ophthalmic Services and General Dental Services\) \(Scotland\) Amendment Regulations 2010 \(S.S.I. 2010/378\)](#), regs. 1(1), **2(7)(a)** (with reg. 4)
- F53** Words in reg. 12(1)(f) inserted (1.4.2010) by [The National Health Service \(General Ophthalmic Services\) \(Scotland\) Amendment Regulations 2010 \(S.S.I. 2010/86\)](#), regs. 1, **3(7)(c)**
- F54** Reg. 12(1)(g)(h) inserted (28.2.2011) by [The National Health Service \(General Ophthalmic Services and General Dental Services\) \(Scotland\) Amendment Regulations 2010 \(S.S.I. 2010/378\)](#), regs. 1(1), **2(7)(b)** (with reg. 4)
- F55** Words in reg. 12(8) substituted (1.4.2007) by [The National Health Service \(General Ophthalmic Services\) \(Scotland\) Amendment Regulations 2007 \(S.S.I. 2007/193\)](#), regs. 1, **2(7)(a)**
- F56** Words in reg. 12(8) substituted (1.4.2007) by [The National Health Service \(General Ophthalmic Services\) \(Scotland\) Amendment Regulations 2007 \(S.S.I. 2007/193\)](#), regs. 1, **2(7)(b)**

Re inclusion in Ophthalmic List

13.—(1) Where an ophthalmic medical practitioner or optician has been removed from a Board's Ophthalmic List under regulation 12, and the occurrence that led to that removal is overturned either on appeal, or for any other reason, the Board may include that person in its Ophthalmic List without an application being made in accordance with regulation 7 if the Board is satisfied that there is no further information which it should consider, and provided that the Board receives undertakings from that person to comply with these Regulations.

(2) Where the Board considers that further information is required, a person who wishes to be re-included in the Ophthalmic List will be required to complete a full application in accordance with regulation 7.

Disclosure of information

14.—(1) Where a Board decides to—

- (a) refuse to admit a person to the Board's Ophthalmic List on the grounds specified in [^{F57}regulation 8(1)];
- (b) remove an ophthalmic medical practitioner or optician from that list on the grounds specified in [^{F58}regulation 12(1)]; or
- (c) suspend a person from that list, or end a suspension under regulation 11,

the Board shall notify the persons or bodies specified in paragraph (2), and shall additionally notify those specified in paragraph (3), if requested to do so by those persons or bodies in writing, of the matters set out in paragraph (4).

(2) Where paragraph (1) applies, a Board shall notify within 7 days of that decision—

- (a) the Scottish Ministers;
- (b) the Agency;
- (c) any other Board or equivalent body that, to the knowledge of the notifying Board—
 - (i) has that person on any list or equivalent list,

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- (ii) is considering an application by that person for inclusion in any list or equivalent list; or
 - (iii) is investigating an allegation against that person;
 - (d) the Secretary of State;
 - (e) the National Assembly for Wales;
 - (f) the Northern Ireland Executive;
 - (g) the General Medical Council in respect of an ophthalmic medical practitioner, or the General Optical Council in respect of an optician, or any other appropriate regulatory body^{F59};
 - (h) NHS Education for Scotland.]
- (3) The persons or bodies to be additionally notified in accordance with paragraph (1) are–
- (a) persons or bodies that can establish that they are employing that person or using that person's services [^{F60}to provide or assist in the provision of general ophthalmic services];
 - (b) a body corporate which provides general ophthalmic services and which can establish that the person is one of the body of persons which governs or controls the body corporate.
- (4) The matters referred to in paragraph (1) are–
- (a) the person's name;
 - (b) the person's professional registration number;
 - (c) the date and a copy of the Board's decision; and
 - (d) a contact name of a person in the Board for further enquiries.
- (5) The Board shall send to the person concerned a copy of any information about that person provided to the persons or bodies listed in paragraphs (2) or (3), and any correspondence with that person or body relating to that information.
- (6) Where the Board has notified any of the persons or bodies specified in paragraphs (2) or (3) of the matters set out in paragraph (4), it may, in addition, if requested by that person or body, notify that person or body of any information that was considered by the Board, including any representations from the ophthalmic medical practitioner or optician (as the case may be).
- (7) A Board may disclose information about an ophthalmic medical practitioner or optician supplied to it or acquired by the Board pursuant to these Regulations, or about references by the Board to the Tribunal, to any of the following–
- (a) the Scottish Ministers;
 - (b) the Agency;
 - (c) any other Board or equivalent body, which–
 - (i) has the person to whom the information relates on any list or equivalent list;
 - (ii) is considering an application from such a person for inclusion in any list or equivalent list;
 - (iii) is investigating an allegation against that person;
 - (d) the Secretary of State;
 - (e) the National Assembly for Wales;
 - (f) the Northern Ireland Executive;
 - (g) the General Medical Council in respect of an ophthalmic medical practitioner or any other licensing or regulatory body;

- (h) the General Optical Council in respect of an optician or any other licensing or regulatory body;
- (i) persons or bodies that can establish that they are employing that person or using that person's services;
- (j) a body corporate which provides general ophthalmic services, and can establish that the person is one of the body of persons which governs or controls the body corporate^{F61};
- (k) NHS Education for Scotland.]

Textual Amendments

- F57** Words in reg. 14(1)(a) substituted (3.2.2014) by The National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 2013 (S.S.I. 2013/355), regs. 1, **6(a)(i)**
- F58** Words in reg. 14(1)(b) substituted (3.2.2014) by The National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 2013 (S.S.I. 2013/355), regs. 1, **6(a)(ii)**
- F59** Reg. 14(2)(h) inserted (3.2.2014) by The National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 2013 (S.S.I. 2013/355), regs. 1, **6(b)**
- F60** Words in reg. 14(3)(a) inserted (1.4.2007) by The National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 2007 (S.S.I. 2007/193), regs. 1, **2(8)**
- F61** Reg. 14(7)(k) inserted (3.2.2014) by The National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 2013 (S.S.I. 2013/355), regs. 1, **6(c)**

Requirements with which an ophthalmic medical practitioner or optician included in an Ophthalmic List must comply

- 15.—(1) An ophthalmic medical practitioner or an optician included in an Ophthalmic List shall—
- (a) exercise a reasonable standard of professional and clinical judgement, behaviour, skill, knowledge and care towards patients who receive general ophthalmic services from that person;
 - (b) comply with the terms of service appropriate to the part of the Ophthalmic List on which his or her name appears; and
 - (c) comply with the undertakings specified in Schedule 2 appropriate to the part of the Ophthalmic List on which his or her name appears and any other requirement of these Regulations [^{F62}whether or not those undertakings were included in an application by that person under regulation 7].

^{F63}(2)

(3) An ophthalmic medical practitioner or an optician shall not give, promise or offer, or cause to be given, promised or offered, to any person any incentive, gift or reward as an inducement to, or in consideration of, the provision of any general ophthalmic services.

Textual Amendments

- F62** Words in reg. 15(1)(c) inserted (1.4.2007) by The National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 2007 (S.S.I. 2007/193), regs. 1, **2(9)(a)**
- F63** Reg. 15(2) omitted (1.4.2007) by virtue of The National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 2007 (S.S.I. 2007/193), regs. 1, **2(9)(b)**

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Effect to be given to corresponding decisions in England, Wales and Northern Ireland

16.—(1) Where any corresponding decision is made in England, Wales or Northern Ireland by an equivalent body that—

- (a) a person is to be included in an equivalent list subject to conditions;
- (b) a person is to be removed from an equivalent list contingent on conditions;
- (c) a person is to be disqualified from an equivalent list subject to conditions; or
- (d) any conditions so imposed are varied,

a Health Board shall impose those conditions in relation to the provision, or the assistance in the provision, by that person of general ophthalmic services in the area of the Health Board.

(2) The Health Board may make such modifications of the conditions referred to in paragraph (1) as it considers necessary for them to have the like effect [^{F64}in] relation to Scotland as they do in relation to England, Wales or (as the case may be) Northern Ireland, but only if the Health Board has previously given the person concerned written notice of the proposed modifications and an opportunity to make representations about them.

Textual Amendments

F64 Word in reg. 16(2) substituted (1.4.2007) by [The National Health Service \(General Ophthalmic Services\) \(Scotland\) Amendment Regulations 2007 \(S.S.I. 2007/193\)](#), regs. 1, **2(10)**

Status:

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Changes to legislation:

There are currently no known outstanding effects for the The National Health Service (General Ophthalmic Services) (Scotland) Regulations 2006, PART III.