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SCOTTISH STATUTORY INSTRUMENTS

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**2006 No. 135**

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

**PART III**

**OPHTHALMIC LIST**

**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 [<sup>F1</sup>regulation 8(1)];
- (b) remove an ophthalmic medical practitioner or optician from that list on the grounds specified in [<sup>F2</sup>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,
  - (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 [<sup>F3</sup>;
- (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 [<sup>F4</sup>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<sup>F5</sup>;
  - (k) NHS Education for Scotland.]

#### Textual Amendments

- F1** 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\(a\)\(i\)](#)
- F2** 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\(a\)\(ii\)](#)
- F3** [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\(b\)](#)

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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, Section 14. (See end of Document for details)

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- F4** 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)**
- F5** 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)**

**Changes to legislation:**

There are currently no known outstanding effects for the The National Health Service (General Ophthalmic Services) (Scotland) Regulations 2006, Section 14.