

**2013 No. 355**

**NATIONAL HEALTH SERVICE**

**The National Health Service (General Ophthalmic Services)  
(Scotland) Amendment Regulations 2013**

*Made* - - - - *18th December 2013*

*Laid before the Scottish Parliament* *20th December 2013*

*Coming into force* - - *3rd February 2014*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 2(5), 26, 105(7), 106(a) and 108(1) of the National Health Service (Scotland) Act 1978(a) and all other powers enabling them to do so.

**Citation and commencement**

1. These Regulations may be cited as the National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 2013 and come into force on 3rd February 2014.

**Amendment of the 2006 Regulations**

2. The National Health Service (General Ophthalmic Services) (Scotland) Regulations 2006(b) are amended in accordance with regulations 3 to 11.

3. In regulation 2(1) (interpretation)—

- (a) in the definition of “mobile practice” after “residential centre” insert “or at a place where the patient normally resides”;
- (b) for the definition of “primary eye examination”, substitute—

““primary eye examination” means a general eye health check which includes a sight test, an internal and external examination of the eye as well as other tests and procedures appropriate to the needs of the patient;”;
- (c) in the definition of “records” omit “and as specified in Schedule 5”;
- (d) omit the definition of “required equipment”;

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(a) 1978 c.29; Section 2(5) was amended by the National Health Service and Community Care Act 1990 (c.19), section 66(1) and Schedule 9, paragraph 19(1); section 26 was amended by the Health and Social Security Act 1984 (c.48), section 1(7) and Schedule 1, part II, paragraph 1, the Health and Medicines Act 1988 (c.49), section 13(4) and the Smoking, Health and Social Care (Scotland) Act 2005 (asp 13), section 13(2)(a) and (b) and section 19; section 105(7) was amended by the Health Services Act 1980 (c.53), Schedule 6, paragraph 5(1) and Schedule 7, the Health and Social Services and Social Security Adjudications Act 1983 (c.41), section 29 and Schedule 9, paragraph 24 and the Health Act 1999 (c.8), Schedule 4, paragraph 60; section 108(1) contains definitions of “prescribed” and “regulations” relevant to the exercise of the statutory powers under which these Regulations are made. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) S.S.I. 2006/135; relevant amending instruments are S.S.I. 2006/329, S.S.I. 2007/193, S.S.I. 2010/86 and S.S.I. 2010/378.

- (e) for the definition of “supplementary eye examination”, substitute—
  - ““supplementary eye examination” means an eye health check which is either carried out—
  - (a) after a primary eye examination for a particular reason which has arisen during the primary eye examination; or
  - (b) in circumstances set out in regulation 22(3C),  
and includes the tests and procedures appropriate to the clinical needs of the patient;”.

**4. In regulation 6 (ophthalmic list)—**

- (a) in paragraph (3)(e)—
  - (i) omit “to provide domiciliary visits”;
  - (ii) after “general ophthalmic services” where it first occurs, insert “at a place where the patient normally resides (in accordance with paragraph 4(2)(a) of Schedule 1),”;
- (b) in paragraph (3)(f)—
  - (i) omit “to provide only domiciliary visits”;
  - (ii) after “general ophthalmic services”, insert “only at a place where the patient normally resides (in accordance with paragraph 4(2)(a) of Schedule 1)”.

**5. In regulation 7 (application for inclusion in ophthalmic list and notification of changes)—**

- (a) in paragraph (7), omit “, and not less than 3,”;
- (b) in paragraph (10)(c), for “regulation 10”, substitute “regulation 9”.

**6. In regulation 14 (disclosure of information)—**

- (a) in paragraph (1)—
  - (i) in sub-paragraph (a), for “regulation 8”, substitute “regulation 8(1)”;
  - (ii) in sub-paragraph (b), for “regulation 12”, substitute “regulation 12(1)”;
- (b) after paragraph (2)(g), insert—
  - “;
  - (h) NHS Education for Scotland.”;
- (c) after paragraph (7)(j), insert—
  - “;
  - (k) NHS Education for Scotland.”.

**7. After regulation 21, insert—**

**“Inspection of Practice Premises**

**21A.** Each Board must inspect at intervals not exceeding three years, all practice premises of every contractor who is included on the Ophthalmic List for its area (where such practices are located within its area).”.

**8.—(1) In Schedule 1 (terms of service)—**

- (a) in paragraph 6(2) (premises and equipment) for “mobile surgery” where it first occurs, substitute “day centre, residential centre or at a place where the patient normally resides”;
  - (b) omit “mobile surgery” where it second occurs.
- (2) in paragraph 13 (payments)—
- (a) in sub-paragraph (5) omit “or in sub paragraph (6),”;
  - (b) omit sub-paragraphs (6) and (7).
- (3) For paragraph 14(1A) (eye examinations), substitute—

“(1A) An eye examination carried out by an ophthalmic medical practitioner or optician in accordance with these Regulations shall consist of every test or procedure appropriate to the needs of the patient for the purpose of that examination unless—

- (a) the ophthalmic medical practitioner or optician considers that the patient has a physical or mental condition which would make the carrying out of any such test or procedure clinically inappropriate; or
- (b) the patient has refused to undertake any such test or procedure.”.

**9.** In Schedule 2 (information, certificates, disclosure requests etc.)—

- (a) in paragraph 1(h) of Part A for “and, in the case of any mobile practice, the month in which visits”, substitute “or, in the case of any mobile practice, the months in which visits to day centres or residential centres”;
- (b) omit paragraph 4(f) of Part A;
- (c) omit paragraph 4(f) of Part B;
- (d) omit paragraph 2(b) of Part C.

**10.** In Schedule 3 (primary eye examination)—

- (a) omit Tables A and B;
- (b) below the heading (primary eye examination) for “Regulation 2(1)” substitute “Regulation 22”.

**11.** Omit Schedule 4 (supplementary eye examination) and Schedule 5 (records).

St Andrew’s House,  
Edinburgh  
18th December 2013

*MICHAEL MATHESON*  
Authorised to sign by the Scottish Ministers

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the National Health Service (General Ophthalmic Services) (Scotland) Regulations 2006 (“the Regulations”), which provide for arrangements for the provision of general ophthalmic services under the National Health Service in Scotland, and for the preparation and maintenance by each Health Board of an Ophthalmic List.

Regulation 3 amends regulation 2(1) of the Regulations by amending the definitions of “mobile practice”, “primary eye examination”, “records”, and “supplementary eye examination” and by omitting the definition of “required equipment”.

Regulation 4 amends regulation 6 of the Regulations. Regulation 6(3)(e) and (f) is amended to remove the term “domiciliary visits” and to insert a reference to “a place where the patient normally resides” in each paragraph.

Regulation 5 makes minor amendments to regulation 7 of the Regulations.

Regulation 6(a) makes minor amendments to regulation 14 of the Regulations. Regulation 6(b) to (d) amends regulation 14 of the Regulations to insert references to NHS Education for Scotland and to define “NHS Education for Scotland” by reference to the NHS Education for Scotland Order 2002.

Regulation 7 inserts a new regulation 21A to provide for the inspection by Health Boards, at least every three years, of practice premises for contractors included on the Ophthalmic List for the Health Board’s area.

Regulation 8(1) amends paragraph 6(2) of Schedule 1 to the Regulations. The amendment requires all contractors providing general ophthalmic services at a day centre, residential centre or at a place where the patient normally resides to provide proper, sufficient and appropriate equipment for the provision of those services.

Regulation 8(2) omits sub-paragraphs (6) and (7) and a reference to sub-paragraph (6) in sub-paragraph (5) from paragraph 13 of Schedule 1 to the Regulations.

Regulation 8(3) substitutes a new sub-paragraph (1A) into paragraph 14 of Schedule 1 to the Regulations to remove the references to Schedules 3 and 4 to the Regulations. The tests provided for under Schedules 3 and 4 will now be set out in the Statement.

Regulation 9 makes minor amendments to Schedule 2 to the Regulations.

Regulation 10 omits tables A and B of Schedule 3 to the Regulations and makes a minor amendment to the Schedule heading.

Regulation 11 omits Schedules 4 and 5 of the Regulations.

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