



National Health Service Act 2006

2006 CHAPTER 41

PART 6

OPHTHALMIC SERVICES

[^{F1}Duty of the Board in relation to primary ophthalmic services]

115 Primary ophthalmic services

- (1) [^{F1}The Board must exercise its powers so as to secure the provision throughout England] of the following primary ophthalmic services—
- the sight-testing service mentioned in subsection (2),
 - such other primary ophthalmic services as may be prescribed, and
 - to the extent that it considers necessary to meet all reasonable requirements, any further primary ophthalmic services.

[^{F2}(1A) Arrangements made for the purposes of subsection (1) may include arrangements for the performance of a service outside England.]

- (2) The sight-testing service mentioned in subsection (1)(a) is a service for testing the sight of all of the following persons (except any such testing which takes place in prescribed circumstances)—
- those aged under 16,
 - those aged 16, 17 or 18 who are receiving qualifying full-time education,
 - those whose resources must be treated in accordance with regulations as being less than or equal to their requirements,
 - those aged 60 or over,
 - those of such other description as may be prescribed.
- (3) Regulations may—
- prescribe what “qualifying full-time education” is for the purposes of subsection (2)(b),

Status: Point in time view as at 01/04/2013. This version of this provision has been superseded.

Changes to legislation: National Health Service Act 2006, Section 115 is up to date with all changes known to be in force on or before 25 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (b) make provision for the purposes of subsection (2)(c) about how a person's resources and requirements must be calculated.
- [^{F3}(4) The Board may (in addition to any other power conferred on it) make such arrangements for the provision of primary ophthalmic services as it considers appropriate; and it may, in particular, make contractual arrangements with any person.
- (4A) Arrangements made for the purposes of subsection (4) may include arrangements for the performance of a service outside England.]
- (5) [^{F4}The Board] must publish information about such matters as may be prescribed in relation to the primary ophthalmic services provided under this Act.
- ^{F5}(6)
- (7) Regulations may provide that services of a prescribed description must, or must not, be regarded as primary ophthalmic services for the purposes of this Act (but these regulations may not affect the duty in subsection (1)(a)).
- (8) Regulations under subsection (7) may in particular describe services by reference to the manner or circumstances in which they are provided.
- (9) Regulations may provide that a person—
- (a) whose sight is tested by a person who is a party to a general ophthalmic services contract, and
 - (b) who is shown during the testing or within a prescribed time after it to fall within any of paragraphs (a) to [^{F6}(e)] of subsection (2),
- must be taken for the purposes of the testing to have so fallen immediately before his sight was tested.
- (10) In the case mentioned in subsection (9), the testing of his sight must (unless it took place in circumstances prescribed under subsection (2)) be treated as a testing under the sight-testing service mentioned in subsection (1)(a)—
- (a) for the purposes of remuneration in respect of the testing, and
 - (b) for any such other purpose as may be prescribed.

Textual Amendments

- F1** Words in s. 115(1) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 54(2)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F2** S. 115(1A) inserted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 54(3)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F3** S. 115(4)(4A) substituted for s. 115(4) (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 54(4)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F4** Words in s. 115(5) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 54(5)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F5** S. 115(6) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 54(6)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F6** Word in s. 115(9)(b) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 54(7)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

Status:

Point in time view as at 01/04/2013. This version of this provision has been superseded.

Changes to legislation:

National Health Service Act 2006, Section 115 is up to date with all changes known to be in force on or before 25 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.