

1974 No. 287

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

The National Health Service (General Ophthalmic Services)
Regulations 1974

<i>Made</i>	- - - -	25th February 1974
<i>Laid before Parliament</i>		11th March 1974
<i>Coming into Operation</i>		1st April 1974

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The Secretary of State for Social Services in exercise of the powers conferred by the provisions set out in column 1 of Part I of Schedule 2 to these regulations as amended by the provisions set out in column 2 of the said Part and now vested in him^(a) and of the powers conferred on him by the provisions set out in Part II of the said Schedule and of all other powers enabling him in that behalf, hereby makes the following regulations:—

PART I

*General**Citation and commencement*

1. These regulations may be cited as the National Health Service (General Ophthalmic Services) Regulations 1974 and shall come into operation on 1st April 1974.

(a) See Secretary of State for Social Services Order 1968. (S.I. 1968/1699 (1968 III, p. 4585)) Article 2.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires—

“the Act” means the National Health Service Act 1946(a);

“area” means in relation to a Committee the area for which the Committee is constituted;

“Authority” means Regional Health Authority or Area Health Authority as the case may require;

“contractor” means any person or body corporate whose name is included in the ophthalmic list;

“Committee” means a Family Practitioner Committee;

“deputy” means an ophthalmic medical practitioner or optician providing general ophthalmic services on behalf of a contractor otherwise than as a director or salaried employee of that contractor notwithstanding that such deputy may also be a contractor;

“doctor” means a fully registered medical practitioner;

“enactment” includes a provision in a statutory instrument;

“ophthalmic medical practitioner” means a doctor whose qualifications have in accordance with Part II of these regulations been approved as being prescribed qualifications;

“Ophthalmic Qualifications Committee” means such committee appointed by organisations representative of the medical profession as may be recognised by the Secretary of State for the purpose of approving ophthalmic hospitals, ophthalmic departments of hospitals, academic degrees, academic or post graduate courses in ophthalmology and appointments affording special opportunities for acquiring the necessary skill and experience of the kind required for the provision of general ophthalmic services and for the purpose of approving the qualifications and experience of doctors for the purpose of the general ophthalmic services;

“optical appliance” means an appliance designed to correct, remedy or relieve a defect of sight;

“optician” means an ophthalmic optician or a dispensing optician as the case may require;

“patient” means any person for whom a contractor has agreed to provide general ophthalmic services;

“replacement” means the provision of the whole or part of an optical appliance in place of the whole or part, as the case may require, of an optical appliance containing lenses conforming to the same prescription and which has been lost, destroyed or damaged (otherwise than by fair wear and tear);

“sight test” includes such examination of the eyes as may be required;

“supply” means the provision of the whole or part of an optical appliance otherwise than as replacement;

“the Statement” means the Statement published by the Secretary of State pursuant to the provisions of regulation 10;

“terms of service” means the terms set out in Schedule 1 to these regulations;

(a) 1946 c. 81.

“Tribunal” means the Tribunal constituted in accordance with the provisions of section 42 of the Act; and any other expression to which a meaning is assigned by the Health Services Acts has that meaning in these regulations.

(2) Unless the context otherwise requires, references in these regulations to an enactment shall be construed as references to that enactment as amended by any subsequent enactment.

(3) References in any other regulations to the regulations revoked by these regulations or to any provision thereof shall be construed as references to these regulations or to the corresponding provision thereof, as the case may require.

(4) Unless the context otherwise requires, any references in these regulations to a numbered regulation is a reference to the regulation bearing that number in these regulations, and any reference in a regulation to a numbered paragraph is a reference to the paragraph bearing that number in that regulation.

(5) Any reference in these regulations to a form prescribed thereby shall include references to a form substantially to the like effect.

(6) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(a) shall apply for the purposes of the interpretation of these regulations as they apply for the purposes of the interpretation of an Act of Parliament.

PART II

Qualifications of ophthalmic medical practitioners

Qualifications

3.—(1) The prescribed qualifications for the purposes of section 41 of the Act shall be to have had at the date of consideration recent experience and either—

- (a) (i) to have held an appointment in the health service otherwise than under Part IV of the Act with the status of consultant ophthalmologist, or an appointment for a period of not less than two years of equivalent status as ophthalmic surgeon or assistant ophthalmic surgeon on the staff of an approved ophthalmic hospital or of an approved ophthalmic department of a hospital, and
- (ii) to have had adequate experience; or
- (b) (i) to have held an ophthalmic appointment or appointments in an approved ophthalmic hospital or an approved ophthalmic department of a hospital, for a period totalling not less than two years, including therein tenure for a period of not less than six months of a residential appointment or an appointment with duties comparable with those of a residential appointment (provided that such tenure for six months of a residential or comparable appointment shall not be required in the case of a doctor who has been fully

- registered for at least seven years and whose experience is such as to make that requirement unnecessary), and
- (ii) to have obtained the Diploma in Ophthalmology awarded jointly by the Royal College of Physicians of London and the Royal College of Surgeons of England, or any approved higher degree or qualification, and
 - (iii) to have had adequate experience; or
- (c) to have before 1st November 1951 had adequate experience and either—
- (i) obtained a Diploma or Certificate in respect of an approved academic or post graduate course in ophthalmology, or
 - (ii) held for a period of two years an appointment as an ophthalmic surgeon or assistant ophthalmic surgeon on the staff of an approved ophthalmic hospital or an approved ophthalmic department of a hospital, or
 - (iii) held for a period of two years an approved appointment affording special opportunities for acquiring the necessary skill and experience of the kind required for the provision of supplementary ophthalmic services.

(2) "Approved" for the purposes of this regulation means approved by the Ophthalmic Qualifications Committee.

Approval of Qualifications

4.—(1) A doctor who wishes to establish his status as an ophthalmic medical practitioner shall apply to the Ophthalmic Qualifications Committee for approval of his qualifications and experience, and shall give to that committee such particulars of such qualifications and experience as that committee shall require.

(2) The Ophthalmic Qualifications Committee shall consider such application and within two months after the date thereof shall inform the applicant of their decision, and if they approve the qualifications and experience of that applicant he shall be an ophthalmic medical practitioner.

(3) Notwithstanding the provisions of regulation 3 and of paragraph (1) a doctor who has the prescribed qualifications for the purposes of providing general ophthalmic services in Scotland under the National Health Service (Scotland) Act 1947(a), or in Northern Ireland under the Health and Personal Social Services (Northern Ireland) Order 1972(b), shall be an ophthalmic medical practitioner.

Appeals against Ophthalmic Qualifications Committee

5.—(1) Any person aggrieved by a decision of the Ophthalmic Qualifications Committee that he is not qualified to be an ophthalmic medical practitioner may within one month from the date on which he received notice of that decision or such longer period as the Secretary of State may at any time allow appeal against the decision by sending to the Secretary of State a notice of appeal stating the facts and contentions on which he relies.

(2) The Secretary of State shall appoint to determine the appeal an appeal committee of five persons of whom at least three shall be appointed after

(a) 1947 c. 27.

(b) S.I. 1972/1265 (N.I. 14).

consultation with such bodies or organisations representing doctors as appear to him to be concerned and shall refer the appeal to that appeal committee.

(3) The Secretary of State shall send a copy of the notice of appeal to the Ophthalmic Qualifications Committee and to such other persons as may appear to him to be interested in the appeal and shall inform the appellant, the Committee and any such other persons of such reference and of the address to which communications to the appeal committee shall be sent.

(4) The appeal committee may, and if required so to do by the appellant or the Ophthalmic Qualifications Committee shall, hold a hearing in connection with an appeal at such time and place as they may direct, and notice of such hearing shall not less than 14 days before the date of the hearing be sent by the recorded delivery service to the appellant, the Ophthalmic Qualifications Committee and any other person to whom the Secretary of State has under paragraph (3) sent notice of the appeal.

(5) Either the appellant or the Ophthalmic Qualifications Committee may within one month of being informed that the appeal has been referred to an appeal committee, or of being informed that a hearing of such appeal will be held, give notice that he or they desire to appear before the appeal committee.

(6) The Ophthalmic Qualifications Committee shall be entitled to appear by a member or by their clerk or other officer duly appointed for the purpose; the appellant shall be entitled to appear in person, by any member of his family, by any friend, or by any officer or member of any organisation of which he is a member; and any party to an appeal shall be entitled to appear and be heard by counsel or solicitor.

(7) Subject to the foregoing provisions of this regulation the procedure of the appeal committee in determining the appeal shall be such as the appeal committee think proper.

(8) An appeal committee shall have all the powers of the Ophthalmic Qualifications Committee including in particular the power of approval, and if satisfied that an appellant is qualified to provide general ophthalmic services they shall so decide and accordingly he shall be an ophthalmic medical practitioner.

(9) The appeal committee shall as soon as practicable notify their determination to the appellant, the Ophthalmic Qualifications Committee, the Secretary of State and any other person to whom the Secretary of State has under paragraph (3) sent notice of the appeal.

PART III

Ophthalmic List

Ophthalmic list

6.—(1) The Committee shall prepare a list to be called “the ophthalmic list” of those persons or bodies corporate who pursuant to the provisions of regulation 7 are entitled to be included therein.

(2) The ophthalmic list shall be divided into three parts, of which the first part shall relate to ophthalmic medical practitioners, the second part to ophthalmic opticians and the third part to dispensing opticians.

(3) Each part shall contain—

- (a) the names of the persons and bodies corporate who are entitled to be included therein;
- (b) the address of any place in the Committee's area at which they have undertaken to provide general ophthalmic services;
- (c) particulars of the days on which and hours between which general ophthalmic services will normally be available at such address;
- (d) the name of each other ophthalmic medical practitioner or optician who is regularly engaged as a deputy, director or employee in the provision of general ophthalmic services at such address.

(4) The Committee shall send a copy of the ophthalmic list to the Local Medical Committee and the Local Optical Committee, and at intervals of not more than three months shall notify each of them of any alteration made in such lists.

Application for inclusion in ophthalmic list

7.—(1) An ophthalmic medical practitioner or optician who wishes to be included in the ophthalmic list of a Committee shall send to that Committee an application to that effect, in such form as may be prescribed in the Statement.

(2) A contractor whose name is included in the ophthalmic list shall within 14 days of any change or addition affecting the entries which that list is required to contain in relation to him notify the Committee accordingly.

Withdrawal from ophthalmic list

8. A contractor who is included in the ophthalmic list shall be entitled at any time to give notice in writing to the Committee that he desires to withdraw from the ophthalmic list, and his name shall be removed therefrom at the expiration of three months from the date of such notice or of such shorter period as the Committee may agree:

Provided that—

- (a) if representations are made to the Tribunal that the continued inclusion of a contractor in the ophthalmic list would be prejudicial to the efficiency of the general ophthalmic services, he shall not, except with the consent of the Secretary of State and subject to such conditions, if any, as the Secretary of State may impose, be entitled to have his name removed from the ophthalmic list pending the determination of the proceedings on such representations;
- (b) the Committee shall not agree to any withdrawal unless and until it is satisfied that satisfactory arrangements have been made for the completion of any general ophthalmic services which such contractor has undertaken to provide.

Removal from ophthalmic list

9.—(1) Where a Committee has determined that a contractor whose name has been included in the ophthalmic list—

- (a) has died, or
- (b) has otherwise ceased from being a doctor or optician,

it shall remove that contractor's name from the ophthalmic list.

(2) Where a Committee determines in accordance with the succeeding provisions of this regulation that a contractor whose name has been included for the preceding six months in the ophthalmic list of that Committee has not during that period provided general ophthalmic services for persons in the area, it shall remove that contractor's name from the ophthalmic list.

(3) Before making a determination under paragraph (2) the Committee shall—

- (a) give that contractor 28 days' notice of its intention so to do;
- (b) afford that contractor an opportunity of making representations to the Committee in writing or, if he so desires, orally to a sub-committee appointed by the Committee for the purpose, of which sub-committee at least one third of the members shall be persons from a panel nominated in the case of an ophthalmic medical practitioner by the Local Medical Committee and in the case of an optician by the Local Optical Committee;
- (c) consult whichever of those Local Committees may be appropriate.

(4) Nothing in this regulation shall prejudice the right of a person to have his name included again in the ophthalmic list.

(5) No determination under this regulation shall be made in respect of any contractor who is called into whole-time service in the Armed Forces of the Crown in a national emergency as a volunteer or otherwise, or compulsory whole-time service in those forces, including service resulting from any reserve liability or any equivalent service by a person liable for whole-time service in those forces, until six months after the completion of that service.

(6) Any document which is required or authorised to be given to a contractor under this regulation may be given by delivering it to him or by sending it by recorded delivery service to his usual or last known place of business as recorded in the ophthalmic list.

PART IV

General Arrangements

The Statement

10. The Secretary of State shall after consultation with such organisations as he may recognise as representing contractors providing general ophthalmic services make provision for the following matters in a determination which he shall publish in a Statement which he may from time to time and after such consultation as aforesaid amend whether in whole or in part:—

- (a) the fees payable by a Committee for the testing of sight by ophthalmic medical practitioners and ophthalmic opticians;
- (b) the types and quality of optical appliances which may be supplied as part of the general ophthalmic services;
- (c) the payments to be made by a Committee in respect of the supply, replacement or repair of optical appliances;
- (d) the type of optical appliance which shall be the prescribed type of optical appliance for the purposes of section 44 of the Act;

- (e) in relation to frames “the current specified cost” as defined in the Schedule to the National Health Service Act, 1951(a);
- (f) the standard types of children’s frames for the purposes of the Schedule to the National Health Service Act, 1951;
- (g) the charges to patients for replacement or repair of optical appliances;
- (h) the charges to patients for the provision of appliances of a more expensive type than the type prescribed under paragraph (d);
- (i) forms prescribed for use in the provision of general ophthalmic services.

Terms of service

11. The arrangements for the provision of general ophthalmic services, which it is under section 41 of the Act the duty of an Authority to make and under section 7(3) of the National Health Service Reorganisation Act 1973(b) of the Committee to administer, shall incorporate the terms of service and the Statement.

Payment for services

12.—(1) A Committee shall make or cause to be made to contractors payments in accordance with the Statement.

(2) (a) Where a Committee considers that it has made or caused to be made a payment to a contractor owing to an error or in circumstances when it was not due, then—

(i) if the overpayment is admitted by such contractor it shall be recovered by a deduction from his remuneration;

(ii) if the overpayment is not so admitted, the Committee may refer the matter under regulation 4(5) of the National Health Service (Service Committees and Tribunal) Regulations 1956(c) as amended(d) for investigation, and if the Committee or the Secretary of State on appeal decides that there has been an overpayment, the amount overpaid shall be recovered by a deduction from the remuneration of the contractor or otherwise.

(b) Recovery of an overpayment under the provisions of this regulation shall be without prejudice to the investigation of an alleged breach of the terms of service.

(3) Where a contractor is unable to complete for a patient the general ophthalmic services which he has undertaken to provide, he shall inform the Committee accordingly in writing, and if the Committee is satisfied that such inability is due to a reasonable cause it shall pay or cause to be paid fees or other remuneration in accordance with the Statement to the contractor for such part of those services as he shall have provided.

PART V

Method of obtaining services

Sight tests

13.—(1) A person who wishes to have his sight tested under the general

(a) 1951 c. 31. (b) 1973 c. 32. (c) S.I. 1956/1077 (1956 I, p. 1554).
(d) S.I. 1965/1366, 1969/354 (1965 II, p. 3878; 1969 I, p. 988).

ophthalmic services may, if he has previously had his sight so tested, apply to any ophthalmic medical practitioner or ophthalmic optician whose name appears in an ophthalmic list.

(2) Any such person who has not previously had his sight tested under the general ophthalmic services may not have his sight so tested unless subject to paragraph (3) he presents to the ophthalmic medical practitioner or ophthalmic optician to whom he applies for such a test a recommendation from a doctor, not being the person to whom he makes such application, that he should have his sight so tested.

(3) A person who is unwilling on conscientious grounds or is unable to consult a doctor for the purpose of obtaining such a recommendation may apply to the Committee for an authorisation which shall have effect as if it were a recommendation by a doctor.

(4) An ophthalmic medical practitioner or ophthalmic optician to whom an application for a sight test is made shall before making any test of the patient's sight secure the insertion by or on behalf of the patient in the prescribed form of the patient's particulars and the approximate date of his last sight test, if any, and satisfy himself from such information—

- (a) that the patient is entitled in accordance with the preceding paragraphs to apply to him for a sight test;
- (b) that a sight test is necessary.

Supply of appliances

14.—(1) A person to whom a prescription for an optical appliance has been issued on the prescribed form may within twelve months after the date of that prescription on presenting it to any optician whose name appears in an ophthalmic list apply to him to supply an optical appliance in accordance with that prescription.

(2) A person may on applying to an optician to supply an optical appliance request that optician to supply an appliance of a more expensive type than the type prescribed for the purposes of section 44 of the Act in the Statement.

(3) Without prejudice to the provisions of paragraph (2) a person on making an application under paragraph (1) may request the optician to supply under the general ophthalmic services lenses fitted to a surrounding protective frame not so supplied.

Replacement or repair

15.—(1) A person who requires under the general ophthalmic services the replacement or repair of the whole or part of any optical appliance supplied under the health service, may apply to an optician whose name appears in any ophthalmic list.

(2) An optician to whom such an application is made shall before undertaking the replacement or repair procure the completion by or on behalf of the patient of the relevant part of the prescribed form.

(3) The optician may on consideration of information so provided, require such an applicant to have his sight tested before undertaking such replacement or repair and shall require a sight test in the case of an applicant under 16 years of age whose sight was last tested more than 12 months before the date of the application.

PART VI

*Charges**Charges for replacement or repair*

16.—(1) Subject to the provisions of paragraphs (2) and (3), a patient shall be liable to pay for the replacement or repair under the general ophthalmic services of the whole or part of an optical appliance, the charges specified in respect thereof in the Statement.

(2) (a) A patient may submit on the prescribed form a claim to the Committee that such replacement or repair was not necessitated by an act or omission of his or (if it occurred when he was under 16 years of age) of his or of the person having charge of him when it occurred.

(b) The Committee shall consider such claim and any further particulars thereof which the patient may at its request so to do, give orally or in writing, and shall notify in writing on the prescribed form to the patient and the optician its decision on such claim.

(3) If it appears to the Committee that a payment by or on behalf of the patient would involve undue hardship, it may determine that the whole or any part of the said charges shall be payable by the Committee.

Charges for optical appliances of a more expensive type

17. Where an optician has agreed at the request of a patient to supply, as part of the general ophthalmic services, the whole or part of any optical appliance of a more expensive type than the type prescribed for the purposes of section 44 of the Act or to replace or repair the whole or part of such appliance, he may make and recover from such patient a charge not exceeding such amount as is specified in respect thereof in the Statement.

Exemptions

18. It shall be a condition of exemption under section 1(4) of the National Health Service Act 1961(a) from a charge payable under section 1 of the National Health Service Act 1951(b) in respect of the supply of lenses or of entitlement pursuant to the provisions of section 1 of and the Schedule to the said Act of 1951 to the supply of children's glasses, that—

(a) the date of birth of the patient is entered on the prescribed form by or on behalf of the patient,

(b) where the age of such patient is 16 years or more, a certificate, given on behalf of the local education authority or on behalf of the headmaster or proprietor of a school, is submitted to the optician supplying the optical appliance at the same time as the prescribed form is presented certifying that the patient for whom the lenses or the children's glasses are to be supplied was at the relevant time receiving full-time instruction in a school within the meaning of the Education Act 1944(c), or the Education (Scotland) Act 1962(d), and

(c) the patient or person having charge of the patient shall produce such other evidence as the Committee may specify in support of a claim to such exemption or entitlement.

Recovery of charges

19.—(1) Where a charge may under or by virtue of the provisions of the Health Service Acts be made and recovered in respect of the provision of

(a) 1961 c. 19.
(c) 1944 c. 31.

(b) 1951 c. 31.
(d) 1962 c. 47.

general ophthalmic services, the optician providing such services shall be entitled to make and recover such charge and the patient provided with such services shall be under a duty to pay such charge to such optician.

(2) Where an optician agrees to provide general ophthalmic services for a patient he may decline to commence or proceed with the provision of such services until the patient has either paid such charges or has paid such deposit on account thereof as the optician may require.

(3) An optician shall give to any patient paying such charges or a deposit on account thereof a receipt therefor, in a form prescribed in the Statement.

(4) Any sum payable in respect of such charges shall be recoverable summarily as a civil debt.

(5) Any charge required to be paid by a patient in respect of a provision of general ophthalmic services shall be without prejudice to any charge authorised by these regulations.

PART VII

Administration

Cases of disability

20. An application for general ophthalmic services or a signature required by these regulations may be made—

- (a) on behalf of any person under 16 years of age by the mother, or in her absence, the father, or in the absence of both parents, the guardian or other adult person who has the care of the child;
- (b) on behalf of any other person who is incapable of making such an application, or signature, by a relative or any other adult person who has the care of such person; or
- (c) on behalf of any person under the age of 18 years—
 - (i) in the care of an authority to whose care such a person has been committed under the provisions of the Children and Young Persons Act 1969(a) or which has received such person into care under the Children Act 1948(b) by a person duly authorised by that authority;
 - (ii) in the care of a voluntary organisation, by that organisation or a person duly authorised by them:

Provided in each case that the application or signature may not be made by the contractor to whom the application is made.

Publication of particulars

21. The Committee shall make available for inspection at its offices and at such other places in its area as appear to the Committee to be convenient for informing any person interested, copies of these regulations, the ophthalmic list, the terms of service, the Statement, any provisions relating to charges payable by patients and of all amendments to any of them, so however that the Committee shall not be under any duty to make available copies of all such documents at every place at which it makes available copies of any of them.

Service of documents

22. Except where otherwise provided, any document which is required or authorised under these regulations or the terms of service to be given to a

(a) 1969 c. 54.

(b) 1948 c. 43.

contractor may be given by delivering it to such contractor or by sending it addressed to him at any address notified by him to the Committee for inclusion in the ophthalmic list as a place at which he has undertaken to provide general ophthalmic services.

Revocation

23. Each of the regulations mentioned in column 1 of Schedule 3 to these regulations is hereby revoked to the extent specified in relation thereto in column 3 of the said Schedule:

Provided that—

- (a) such revocation shall not affect any right, privilege, obligation or liability acquired, accrued or incurred, or anything duly done or suffered under those regulations;
- (b) such revocation shall not affect any legal proceedings commenced before the revocation, or the commencement of any proceedings to enforce any such right, privilege, obligation, or liability as aforesaid, but any such proceedings may be continued or commenced as if these regulations had not been made;
- (c) such revocation shall not affect any acknowledgement, agreement, appeal, application, appointment, approval, arrangement, authority, condition, contract, decision, declaration, direction, determination, estimate, form, list, notice, prescription, requirement, Statement or tariff made, prepared, issued or given under the regulations so revoked, and every such acknowledgement, agreement, appeal, application, appointment, approval, arrangement, authority, condition, contract, decision, declaration, direction, determination, estimate, form, list, notice, prescription, requirement, Statement or tariff shall, so far as it could have been made, prepared, issued or given under these regulations have effect as if it had been so made, prepared, issued or given.

Keith Joseph,

Secretary of State for Social Services.

25th February 1974.

SCHEDULE 1
TERMS OF SERVICE

Regulation 11

Interpretation

1. In this Schedule, unless the context otherwise requires—
- (a) The expression “the regulations” means the National Health Service (General Ophthalmic Services) Regulations 1974;
 - (b) Any reference to a numbered regulation is a reference to the regulation bearing that number in the regulations;
 - (c) Any reference to a numbered paragraph is a reference to the paragraph bearing that number in this Schedule and any reference in a paragraph to a numbered sub-paragraph is a reference to the sub-paragraph bearing that number in that paragraph;
 - (d) Other words and expressions have the same meaning as in the regulations.

Incorporation of provisions

2. Any provisions of the following affecting the rights and obligations of contractors shall be deemed to form part of the terms of service—

- (a) the regulations;
- (b) so much of Part II of the National Health Service (Service Committees and Tribunal) Regulations 1956(a) (as amended)(b) as relates to
 - (i) the investigation of questions arising between contractors and their patients, and other investigations to be made by the ophthalmic service committee, and the action which may be taken by the Committee as a result of such investigations, including the withholding of remuneration from a contractor where there has been a breach of the terms of service;
 - (ii) appeals to the Secretary of State from decisions of the Committee;
 - (iii) the investigation of excessive prescribing of optical appliances;
- (c) the Statement.

Arrangements for the provision of services

3. A contractor shall make all necessary arrangements for the provision of general ophthalmic services to his patients.

Premises and equipment

4.—(1) A contractor shall provide as may be requisite proper and sufficient consulting, fitting and waiting room accommodation and suitable equipment for the provision of the general ophthalmic services which he has undertaken to provide.

(2) A contractor on receipt of a written request from the Committee so to do shall admit at all reasonable times for the purposes of inspecting such accommodation or equipment an authorised officer of the Secretary of State or any authorised officer or member of the Committee.

Records

5.—(1) A contractor shall keep a proper record in respect of each patient to whom he provides general ophthalmic services giving such details of the testing of sight or the supply, replacement or repair of optical appliances as may be appropriate.

(2) A contractor shall retain all such records for a period of 7 years, and shall during that period produce them within such period (not being less than 14 days) to such authorised officer of the Secretary of State as the Committee may specify in any requirement so to do.

Deputies

6.—(1) An ophthalmic medical practitioner may arrange for sight to be tested on his behalf by another ophthalmic medical practitioner, an ophthalmic optician may

(a) S.I. 1956/1077 (1956 I, p. 1554).

(b) S.I. 1965/1366, 1969/354 (1965 II, p. 3878; 1969 I p. 988).

arrange for sight to be tested on his behalf by another ophthalmic optician, and an optician may arrange for optical appliances to be supplied, replaced or repaired on his behalf by another optician, provided that no such arrangement shall be made with any person or body corporate disqualified by the Tribunal from inclusion in the ophthalmic list.

(2) Any contractor who makes an arrangement for the regular provision of services by a deputy shall notify the Committee thereof and if the deputy is not already a contractor shall secure that he applies for inclusion in the ophthalmic list.

(3) A contractor shall be responsible for all acts and omissions of any person acting as his deputy and of any employee of that person so however that if the deputy is himself a contractor he shall be jointly responsible.

Employees

7.—(1) An ophthalmic medical practitioner who employs a person for the testing of sight shall employ only another ophthalmic medical practitioner, and an ophthalmic optician who employs a person for the testing of sight shall employ only another ophthalmic optician except that he may permit the test or any part thereof to be performed under his continuous personal supervision by a person authorised to test sight by rules made under section 20(3) of the Opticians Act 1958(a).

(2) A contractor shall not employ in the provision of general ophthalmic services any person disqualified by the Tribunal from inclusion in the ophthalmic list, except with the consent of the Secretary of State.

(3) A contractor who regularly employs an ophthalmic medical practitioner or an optician shall notify the Committee thereof, and if the employee is not already a contractor shall secure that he applies for inclusion in the ophthalmic list.

(4) A contractor shall be responsible for all acts and omissions of any person employed by him, so however that if the employee is himself a contractor he shall be jointly responsible.

(5) In this paragraph "employee" includes in the case of a body corporate any director thereof, and "employ" is to be interpreted accordingly.

Payments

8.—(1) Any claim by a contractor for fees or remuneration in respect of the provision of general ophthalmic services shall be made by completing or securing the completion as the case may require of the prescribed form and sending it to the Committee in whose area the services were provided within six months after the date of completion of such provision.

(2) Any such claim shall be signed by the contractor in ink with his initials or forenames and surname in his own handwriting and not by means of a stamp, provided that—

- (a) if the contractor is a body corporate, the claim shall be so signed by any director or employee thereof being a contractor who takes part in the provision of general ophthalmic services at the address at which the relevant service was provided;
- (b) if the contractor is not a body corporate and the service was provided on his behalf by a deputy or employee who is also a contractor, the claim shall be so signed by the deputy or employee and he shall give the name of the contractor on whose behalf the service was provided.

(3) Except as provided in the regulations or in the Statement a contractor shall not demand or accept from any patient or from other persons the payment of any fee or remuneration in respect of the provision of general ophthalmic services:

Provided that a contractor shall be entitled to demand and recover from a patient or person having charge of a patient a sum in respect of loss of remunerative time resulting from a failure by that patient to keep an appointment or in respect of a journey made at the request of a patient or such person to the patient's residence.

Testing of sight

9.—(1) An ophthalmic medical practitioner or ophthalmic optician shall having accepted pursuant to the regulations an application for the testing of sight make such examination of the patient's eyes as may be required and in so doing shall exercise proper care and attention.

(2) Where an ophthalmic medical practitioner or ophthalmic optician is of the opinion that a patient whose sight he has tested—

- (a) does not require any optical appliance, or
- (b) shows on examination any abnormality of the eyes or otherwise requires treatment outside the scope of the general ophthalmic services, or
- (c) is not likely to secure a satisfactory standard of vision notwithstanding the application of corrective lenses, or
- (d) should revisit him with a view to further examination within six months, he shall so inform the patient's doctor.

(3) An ophthalmic medical practitioner or ophthalmic optician who after testing the sight of a patient, consulting his records if any relating to that patient, and making such enquiry of the patient as may be relevant, considers that the patient needs the supply of an optical appliance of a type which may be supplied under the general ophthalmic services shall so inform the patient, and if the patient so desires shall issue to him on the prescribed form a prescription for the supply of the optical appliance needed.

(4) An ophthalmic medical practitioner or ophthalmic optician who after testing the sight of a patient, consulting his records if any relating to that patient, and making such enquiry of the patient as may be relevant, considers that the patient needs the replacement of the whole or part of an optical appliance shall so inform him.

Supply, replacement or repair of appliances

10.—(1) An optician shall before accepting a prescription for the supply of an optical appliance under the general ophthalmic services satisfy himself that less than twelve months have elapsed since the date of the issue of that prescription.

(2) If the optician is so satisfied and accepts the prescription for dispensing he shall supply an optical appliance in accordance therewith and in doing so shall exercise proper care and attention and proceed with reasonable expedition.

(3) All optical appliances supplied, replaced or repaired by or through an optician under the general ophthalmic services shall conform to the types and quality specified in the Statement.

Advertising

11.—(1) Except as provided in sub-paragraph (2) an optician shall not advertise either directly or by implication that his name is included in an ophthalmic list or that he is authorised to provide general ophthalmic services.

(2) Nothing in this paragraph shall prohibit the display at any premises at which the optician carries on his business of a notice in a form prescribed in the Statement.

Use of disqualified name

12. A contractor shall not use in any manner whatsoever the name or part of the name, either alone or in combination with any other words or letters, of, or used by, any other person or body corporate so long as that person or body corporate is disqualified by the Tribunal from inclusion in any ophthalmic list; so however that nothing in this paragraph shall prevent a contractor being a person from using his own name, or being a body corporate from using the name by which it is enrolled in the register maintained pursuant to the provisions of the Opticians Act 1958.

SCHEDULE 2

PROVISIONS CONFERRING POWERS EXERCISED IN MAKING THESE REGULATIONS

PART I

<i>Column 1</i>		<i>Column 2</i>
National Health Service Act 1946(a)	Section 41	National Health Service (Amendment) Act 1949(b) section 14;
	44	Health Services and Public Health Act 1968(c) sections 17, 38 and 78;
	45	Health Services and Public Health Act 1968 section 39;
	74	—
	79	—
National Health Service Act 1951(d)	21	Health Services and Public Health Act 1968 section 20;
	1	Health Services and Public Health Act 1968 section 78;
National Health Service Act 1961	Schedule 1	National Health Service Act 1961(e) sections 1 and 2;
	1	National Health Service Reorganisation Act 1973 section 57(1)(f);
Health Services and Public Health Act 1968	Schedule 38	National Health Service Reorganisation Act 1973 section 57(1);
	38	—
		—

PART II

The National Health Service Reorganisation Act 1973 section 56.

(a) 1946 c. 81.
(d) 1951 c. 31.

(b) 1949 c. 93.
(e) 1961 c. 19.

(c) 1968 c. 46.
(f) 1973 c. 32.

SCHEDULE 3

Regulation 23

REGULATIONS REVOKED

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
The National Health Service (Supplementary Ophthalmic Services) Regulations 1956	S.I. 1956/1078 (1956 I, p. 1524).	The whole of the regulations
The National Health Service (Supplementary Ophthalmic Services) Amendment Regulations 1958	S.I. 1958/2024 (1958 II, p. 1548).	„ „
The National Health Service (Supplementary Ophthalmic Services) (No. 1) Regulations 1961	S.I. 1961/908 (1961 II, p. 1752).	„ „
The National Health Service (Supplementary Ophthalmic Services) (No. 2) Regulations 1961	S.I. 1961/947 (1961 II, p. 1843).	„ „
The National Health Service (General Ophthalmic Services) (Amendment) Regulations 1969	S.I. 1969/351 (1969 I, p. 978).	„ „
The National Health Service (Charges for Appliances) Regulations 1969	S.I. 1969/906 (1969 II, p. 2715).	Regulation 6
The National Health Service (Charges) Regulations 1971	S.I. 1971/340 (1971 I, p. 1067).	Regulation 6(3)

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations consolidate with modifications and amendments the Regulations relating to the provision of general ophthalmic services. The principal amendments are those required as a consequence of the National Health Service Reorganisation Act 1973. In particular, Part VI (School children) of the former Regulations is omitted, such provision falling now to be made by the Area Health Authorities. Provision is also made under section 38 of the Health Services and Public Health Act 1968, now brought into operation, for appeals against the Ophthalmic Qualifications Committee. Other modifications consist mainly of changes in procedure amendments in the order of presentation and minor drafting amendments in the interests of clarity.

SI 1974/287
ISBN 0-11-040287-1

