

**EXPLANATORY MEMORANDUM TO THE
CONTACT LENS (SPECIFICATION) AND MISCELLANEOUS AMENDMENTS
REGULATIONS 2005**

2005 No. 1481

1. This explanatory memorandum has been prepared by the Secretary of State of Health and is laid before Parliament by Command of Her Majesty. This memorandum contains information for the Merits Committee.

2. Description

2.1 This Statutory Instrument creates a new duty in relation to doctors fitting contact lenses as authorised by the recent Opticians Act 1989 (Amendment) Order 2005 (S.I. 2005/848) (“the Order”) amending the Opticians Act and amends the National Health Service (General Ophthalmic Services) Regulations 1986, the National Health Service (General Ophthalmic Services Supplementary List) Regulations 2005 and the Sight Testing (Examination and Prescription) (No. 2) Regulations 1989.

2.2 The Instrument also amends the National Health Service (General Ophthalmic Services) Regulations 1986 to allow payments to be made to optometrists and ophthalmic medical practitioners in respect of continuing education and training.

3. Matters of special interest to the Joint Committee on Statutory Instruments

Regulations 3 and 4 makes amendments as undertaken in the Department’s memorandum to the Committee of 11th April 2005.

4. Legislative Background

4.1 The Instrument is being made under sections 38, 39, 43D and 126(4) of the National Health Service Act 1977 and sections 25(7)(b) and 26 of the Opticians Act 1989.

4.2 The Instrument is being made to ensure consistency in the requirements placed on optometrists and ophthalmic medical practitioners in respect of particulars to be given to a patient to whom a contact lens has been fitted and to ensure that consequential amendments are made to ensure that regulation is clear and consistent. The changes effected sought by these amendments will:

- sets out the particulars which must be given by a registered medical practitioner when he issues a specification to a patient to whom he has fitted a contact lens
- extends exemptions in the Sight testing (Examination and Prescription) (No. 2) Regulations 1989 when a patient is being fitted with contact lenses, and
- make various corrections to the National Health Service (General Ophthalmic Services) Regulations 1986 and the National Health Service (General Ophthalmic Services Supplementary List) Regulations 2005.

4.3 The Instrument also creates a power to make payments to optometrists and ophthalmic medical practitioners in respect of continuing education and training.

5. Extent

- 5.1 Regulations 2 and 5 in this Instrument apply to England and Wales and Scotland. Regulations 3 and 4 apply in relation to England only.

6. European Convention on Human Rights

- 6.1 The Department of Health has considered the impact of the European Convention on Human Rights and is content that these provisions are consistent with the Convention.

7. Policy background

- 7.1 The policy derives from the amendments made to the Opticians Act by the Order and implements certain technical changes which the Department has undertaken to do to the JCSI and agreement with representative bodies to make payments in respect of continuing education and training.

Consultation

- 7.2 The Department consulted formally on both the Order and the National Health Service (General ophthalmic Services Supplementary List) Regulations 2005.

8. Impact

- 8.1 The amendments allow for consistency between requirements for optometrists and ophthalmic medical practitioners and make consequential amendments.
- 8.2 No additional burdens to business or the public sector have been identified as a result.
- 8.3 Regulatory Impact Assessments accompanied the Opticians Act Order 2005 and the National Health Service (General Ophthalmic Services Supplementary List) Regulations 2005.
- 8.4 The Minister of State has concluded that the benefits of these amendments outweigh any potential costs.

9. Contact

Derek Busby
Department of Health
328 Wellington House
133-155 Waterloo Road
London SE1 8UG

Telephone number 0207 972 3992

e-mail: derek.busby@dh.gsi.gov.uk