
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations set out, for England, the framework for general ophthalmic services contracts under section 117 of the National Health Service Act 2006 (“the Act”) and are made under the provisions of sections 28WA, 28WB, 28WC, 28WE and 28WF of the National Health Service Act 1977, which has force in relation to ophthalmic matters until the coming into force of the relevant provisions of the Health Act 2006 (see section 277(3) and (4) of the Act), which will occur on 1st August 2008.

Part 2 of and Schedule 3 to the Regulations prescribes the conditions which, in accordance with section 118 of the Act, must be met by a contractor before the PCT may enter into a general ophthalmic services contract with it.

Part 3 of the Regulations prescribes the procedure for pre-contract dispute resolution, in accordance with section 122(1) of the Act. Part 3 applies to cases where the contractor is not a health service body. In cases where the contractor is such a body, the procedure for dealing with pre-contract disputes is set out in section 9 of the Act.

Part 4 of the Regulations sets out the procedures, in accordance with section 122(3) of the Act, by which the contractor may obtain health service body status.

Part 5 of (and Schedules 1 and 2 to) the Regulations prescribe the terms which, in accordance with sections 121 and 122 of the Act, must be included in a general ophthalmic service contract (in addition to those contained in the Act). It includes, in regulation 13, a description of the services which must be provided to patients under a general ophthalmic services contract pursuant to 117 of the Act.

The prescribed terms include terms relating to—

- (a) the type and duration of the contract (regulations 9 to 12);
- (b) the services to be provided and the manner in which they are to be provided (regulations 13 and 14, Schedules 1 and 2);
- (c) finance, fees and charges (regulations 15 and 16);
- (d) the conditions to be met by those who perform services or are employed or engaged by the contractor (Schedules 1 and 2);
- (e) patient records, the provision of information and rights of entry and inspection (Schedules 1 and 2);
- (f) complaints (Schedule 1, Part 5);
- (g) procedures for dispute resolution (Schedule 1, Part 6);
- (h) procedures for variation and termination of contracts (Schedule 1, Part 7); and
- (i) contracts for additional services (Schedule 2).

Part 6 (regulation 20) of the Regulations makes transitional provision.

An Impact Assessment has not been produced for this Instrument as it has no significant impact on the cost of business, charities or voluntary bodies.