
STATUTORY INSTRUMENTS

2008 No. 1186

The Primary Ophthalmic Services Regulations 2008

Interpretation

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

“the 1977 Act” means the National Health Service Act 1977;

“the 1992 Act” means the Social Security Contributions and Benefits Act 1992(1);

“the Act” means the National Health Service Act 2006(2);

“additional services” means the primary ophthalmic services under section 115(1)(b), which are provided to a person, specified in regulation 3(1)(a) to (h);

“Charges Regulations” means the National Health Service (Optical Charges and Payments) Regulations 1997(3);

“child tax credit” means child tax credit under the Tax Credits Act 2002(4);

“complex appliance” means an optical appliance at least one lens of which—

(a) has a power in any one meridian of plus or minus 10 or more dioptries, or

(b) is a prism-controlled bifocal lens;

“contract” means a general ophthalmic services contract under section 117 (general ophthalmic services contracts: introductory);

“contractor” means a person or partnership which has entered into a contract with a PCT;

“day centre” means an establishment in the locality of the PCT attended by persons, including eligible persons, who would have difficulty in obtaining sight-testing services from practice premises because of physical or mental illness or disability or because of difficulties in communicating their health needs unaided;

“disability element” means the disability element of working tax credit as specified in section 11(3) of the Tax Credits Act 2002;

“eligible person” means a person who, in accordance with these Regulations, may have their sight tested under a contract for mandatory services or for additional services;

“employment” means any employment whether paid or unpaid and whether under a contract for services or a contract of service and “employ” and “employed” shall be construed accordingly;

“gross annual income” means income that is calculated for a tax year for the purposes of Part 1 of the Tax Credits Act 2002 in accordance with regulations made under section 7 of that Act;

“an income-based jobseeker’s allowance” has the meaning given to it by section 1(4) of the Jobseekers Act 1995(5);

(1) 1992 c.4; relevant amendments are the Jobseekers Act 1995 (c.18) s.41, the Welfare Reform and Pensions Act 1999 (c.30), s. 70, the State Pension Credit Act 2002 (c.16), ss 14 and 21 and the Civil Partnership Act 2004 (c.33), s. 254.

(2) 2006 c. 41.

(3) S.I. 1997/818.

(4) 2002 c.21.

(5) 1995; c.18; s. 1(4) was amended by the Welfare Reform and Pensions Act 1999, ss 59 and 88 and by the Civil Partnership Act 2004 s. 254.

“income support” means income support under the 1992 Act and includes personal expenses addition, special transition addition and transitional addition as defined in regulation 2(1) of the Income Support (Transitional) Regulations 1987⁽⁶⁾;

“locality” means the locality for which a PCT is established;

“mandatory services” means the primary ophthalmic services mentioned in section 115(1)(a) (sight-testing service), provided to a person specified in regulation 3, except those services provided other than at the contractor’s premises;

“mobile services” means the sight-testing service provided by a contractor to patients—

- (a) attending at a day centre;
- (b) residing at a residential centre; or
- (c) at their home, where the patient is unable to leave it unaccompanied because of physical or mental illness or disability,

where the contractor has entered into a contract with a PCT to provide additional services in its locality;

“PCT” means a Primary Care Trust;

“pension credit guarantee credit” shall be construed in accordance with sections 1 and 2 of the State Pension Credit Act 2002⁽⁷⁾;

“prisoner” means a person who is detained in a prison, including a young offender institution, but not a secure training centre or a naval, military or air force prison, but is, at the time he receives any primary ophthalmic service on leave from that prison and for the purposes of this definition;

“secure training centre” means a place in which offenders subject to detention and training orders under section 100 of the Powers of Criminal Courts (Sentencing) Act 2000 (offenders under 18: detention and training orders)⁽⁸⁾ may be detained and given training and education and prepared for their release; and

“young offender institution” means a place for the detention of offenders sentenced to detention in a young offender institution or to custody for life;

“relevant income” has the same meaning as in section 7(3) of Part 1 of the Tax Credits Act 2002;

“residential centre” means an establishment in the locality of the PCT for persons, including eligible persons, who normally reside in that establishment and who are unable to leave the establishment unaccompanied because of physical or mental illness or disability;

“severe disability element” means the severe disability element of working tax credit specified in section 11(6)(d) of the Tax Credits Act 2002;

“sight test form” means a form which, in accordance with General Ophthalmic Services Contracts Regulations 2008⁽⁹⁾, is to be completed for the purposes of payments in respect of a sight test; and

“working tax credit” means working tax credit under the Tax Credits Act 2002.

(2) In these Regulations—

- (a) all references to sections or Parts are to sections or Parts, as the case may be, of the Act, except where specified otherwise; and

⁽⁶⁾ S.I 1987/1969.

⁽⁷⁾ 2002 c.16; relevant amendment is the Civil Partnership Act 2004 s. 254.

⁽⁸⁾ 2000 (c. 6); section 100 was amended by the Criminal Justice Act 2003, ss 304, 332 and Schedule 32..

⁽⁹⁾ S.I 2008/1185.

- (b) the use of the term “it” in relation to a contractor shall be deemed to include a reference to a contractor who is an individual or two or more individuals practising in partnership and related expressions shall be construed accordingly.