
STATUTORY INSTRUMENTS

2013 No. 335

The National Health Service (Performers Lists) (England) Regulations 2013

PART 4

Ophthalmic Performers List

CHAPTER 2

Ophthalmic Performers Lists

Ophthalmic performers list

37. An ophthalmic practitioner may not perform any primary ophthalmic services unless that ophthalmic practitioner is included in the ophthalmic performers list.

Contents of the ophthalmic performers list

38. In respect of any ophthalmic practitioner who is included in the ophthalmic performers list, the list must include—

- (a) the ophthalmic practitioner's full name;
- (b) the ophthalmic practitioner's professional registration number;
- (c) confirmation of whether the ophthalmic practitioner is a contractor under a general ophthalmic services contract;
- (d) if the ophthalmic practitioner is an ophthalmic medical practitioner, confirmation of that fact and the date of the ophthalmic practitioner's approval as an ophthalmic medical practitioner under regulation 43 or 44; and
- (e) the date that the ophthalmic practitioner was first included in one of the following lists—
 - (i) the ophthalmic performers list,
 - (ii) an ophthalmic performers list kept by a Primary Care Trust prior to the transfer date,
or
 - (iii) an ophthalmic list or ophthalmic supplementary list,
specifying which list.

Application for inclusion in the ophthalmic performers list

39.—(1) In addition to satisfying the requirements of regulation 4, an application by an ophthalmic practitioner for inclusion in the ophthalmic performers list must satisfy the requirements of this regulation.

- (2) The ophthalmic practitioner must [^{F1}, subject to paragraph (8),] provide—

- (a) details of the ophthalmic practitioner's professional qualifications, details of where they were obtained and evidence of them, including, if the practitioner seeks inclusion as an ophthalmic medical practitioner, evidence of the ophthalmic practitioner's approval as an ophthalmic medical practitioner under regulation 43 or 44;
 - (b) a declaration that the ophthalmic practitioner is included in the register;
 - (c) the ophthalmic practitioner's professional registration number and date of first registration;
 - (d) confirmation of whether the ophthalmic practitioner is a contractor under a general ophthalmic services contract; and
 - (e) confirmation of whether the ophthalmic practitioner is a contractor under a general ophthalmic services contract for more than one scheme and, if so, which schemes and which of those schemes is the relevant scheme.
- (3) The ophthalmic practitioner must give the following undertakings—
- (a) if the ophthalmic practitioner is a contractor under a general ophthalmic services contract, to comply with the requirements of paragraph 52 of Schedule 1 to the General Ophthalmic Services Contracts Regulations 2008 (gifts)^{M1}; and
 - (b) if the ophthalmic practitioner is not a contractor under a general ophthalmic services contract, to comply with the requirements in sub-paragraph (a) as though the ophthalmic practitioner were such a contractor.
- (4) Any person who is not an optometrist, but expects to become so on successful completion of the necessary training and wishes to be entered on the performers list from the date of that person's entry in the register, may make an application to [F²NHS England] not more than 3 months in advance of the date that that person expects to be entered in the register.
- (5) An application under paragraph (4) must, save in respect of the information required by paragraph (2)(b) and (c)—
- (a) contain everything that an application by an ophthalmic practitioner for inclusion in the ophthalmic performers list must contain; and
 - (b) be treated as if it were such an application (and, in the application of these Regulations to any such application, a reference to an optometrist or ophthalmic practitioner is to be taken as including a reference to an applicant under paragraph (4)): this sub-paragraph is subject to paragraph (7).
- (6) An applicant under paragraph (4) must provide the information required by paragraph (2)(b) and (c) as soon as that applicant has been notified by the General Optical Council that the applicant has been admitted to the register.
- (7) [F²NHS England] must decide an application under paragraph (4) within 7 days of receiving the information under paragraph (6), provided—
- (a) the other requirements of regulation 4 and this regulation have been met;
 - (b) it has not sought further information, references or documentation from the applicant under regulation 5(2) or 5(3); and
 - (c) it has not deferred the application under regulation 8.
- [F³(8) This regulation applies to an application made by a returning practitioner as if paragraph (2) (a), (b) and (c) were omitted.]

Textual Amendments

- F1** Words in reg. 39(2) inserted (18.9.2023) by [The National Health Service \(Performers Lists\) \(England\) \(Amendment\) \(No. 2\) Regulations 2023 \(S.I. 2023/828\)](#), regs. 1(1), **19(a)**

- F2** Words in Instrument substituted (6.11.2023) by [The Health and Care Act 2022 \(Further Consequential Amendments\) \(No. 2\) Regulations 2023 \(S.I. 2023/1071\)](#), reg. 1(1), **Sch. para. 1**
- F3** [Reg. 39\(8\)](#) inserted (18.9.2023) by [The National Health Service \(Performers Lists\) \(England\) \(Amendment\) \(No. 2\) Regulations 2023 \(S.I. 2023/828\)](#), regs. 1(1), **19(b)**

Marginal Citations

- M1** [S.I. 2008/1185](#). Paragraph 52 of Schedule 1 was amended by [S.I. 2013/365](#).

Additional grounds for refusal

40.—(1) In addition to the grounds in regulation 7(2), [^{F2}NHS England] may refuse to include an ophthalmic practitioner in the ophthalmic performers list if—

- (a) in the case of an ophthalmic medical practitioner, regulation 27(1) applies to that ophthalmic practitioner; or
- (b) in the case of an optometrist, the ophthalmic practitioner's registration in the register is subject to conditions by virtue of a direction of the Fitness to Practise Committee under section 13F (powers of the fitness to practise committee), 13I (power to order immediate suspension etc. after a finding of impairment of fitness to practise) or 13L (interim orders) of the Opticians Act 1989 ^{M2} or the ophthalmic practitioner is the subject of an order imposed by the Fitness to Practise Committee under section 13H (financial penalty order) of that Act ^{M3}.

(2) For the purposes of regulation 7(2)(e), the date prescribed in this Part is 1st April 2005 or, if the ophthalmic practitioner had been included in an ophthalmic list, 14th December 2001.

Textual Amendments

- F2** Words in Instrument substituted (6.11.2023) by [The Health and Care Act 2022 \(Further Consequential Amendments\) \(No. 2\) Regulations 2023 \(S.I. 2023/1071\)](#), reg. 1(1), **Sch. para. 1**

Marginal Citations

- M2** [Sections 13F, 13I and 13L](#) were inserted by [S.I. 2005/848](#).
- M3** [Section 13H](#) was inserted by [S.I. 2005/848](#).

Grounds for removal from the ophthalmic performers list

41.—(1) In addition to the grounds in regulation 14(1), [^{F2}NHS England] must remove an ophthalmic practitioner from the ophthalmic performers list where it becomes aware that—

- (a) in the case of an ophthalmic medical practitioner, regulation 28(1) applies to the ophthalmic practitioner and paragraph (2) of that regulation does not apply; or
- (b) in the case of an optometrist, the ophthalmic practitioner's registration in the register has been suspended [^{F4}under section 13F(3)(b), (7) or (13)(b) of the Opticians Act 1989].

[^{F5}This is subject to paragraph (1A)].

[^{F6}(1A) Paragraph (1)(b) does not apply where a direction that an ophthalmic practitioner's registration in the register be suspended is made in a health case.]

(2) For the purposes of regulation 14(3)(a), the date prescribed in this Part is 1st April 2005 or, if the ophthalmic practitioner had been included in an ophthalmic list, 14th December 2001.

(3) In calculating the period of 12 months under regulation 14(7), [F2NHS England] must disregard any period during which the ophthalmic practitioner's registration in the register is suspended.

Textual Amendments

- F2** Words in Instrument substituted (6.11.2023) by [The Health and Care Act 2022 \(Further Consequential Amendments\) \(No. 2\) Regulations 2023 \(S.I. 2023/1071\)](#), reg. 1(1), **Sch. para. 1**
- F4** Words in reg. 41(1)(b) inserted (1.4.2015) by [The National Health Service \(Performers Lists\) \(England\) \(Amendment\) Regulations 2015 \(S.I. 2015/362\)](#), regs. 1(1), **13(a)(i)**
- F5** Words in reg. 41(1) substituted (1.4.2015) by [The National Health Service \(Performers Lists\) \(England\) \(Amendment\) Regulations 2015 \(S.I. 2015/362\)](#), regs. 1(1), **13(a)(ii)**
- F6** Reg. 41(1A) inserted (1.4.2015) by [The National Health Service \(Performers Lists\) \(England\) \(Amendment\) Regulations 2015 \(S.I. 2015/362\)](#), regs. 1(1), **13(b)**

Changes to legislation:

There are currently no known outstanding effects for the The National Health Service (Performers Lists) (England) Regulations 2013, CHAPTER 2.