

SCHEDULES

SCHEDULE 4

Terms of Service

Premises and equipment

5.—(1) Subject to sub-paragraphs (2) to (6) and paragraph 18(4), a contractor must provide, as necessary, proper and sufficient consulting and waiting room accommodation and suitable equipment for the provision of primary ophthalmic services which the contractor has undertaken to provide.

(2) A contractor, who has made arrangements with the Local Health Board to provide mobile services, must provide suitable equipment for the provision of such services.

(3) Where the circumstances in sub-paragraph (4) apply, a contractor may, instead of providing the accommodation and equipment, as required under sub-paragraph (1), or equipment as required under sub-paragraph (2), enter into arrangements of the kind described in sub-paragraph (5), provided the conditions set out in sub-paragraph (6) are met.

(4) The circumstances referred to in sub-paragraph (3) are that a contractor who was included on the ophthalmic list of a Local Health Board on 31 January 2006—

- (a) does not provide or no longer provides accommodation and equipment, as required under sub-paragraph (1), or equipment as required under sub-paragraph (2), and
- (b) is not employed, in relation to the primary ophthalmic services which the contractor has undertaken to provide in the area of that Local Health Board, by another contractor.

(5) The arrangements referred to in sub-paragraph (3) are legally enforceable arrangements under which the following are available to the contractor for the provision of primary ophthalmic services that the contractor has undertaken to provide, which permit inspection as required under sub-paragraph (7) or (8)—

- (a) requisite, proper and sufficient consulting and waiting room accommodation and suitable equipment, or
- (b) in the case of the provision of mobile services, suitable equipment.

(6) The conditions referred to in sub-paragraph (3) are that the contractor has satisfied the Local Health Board that—

- (a) the arrangements are legally enforceable and permit inspection as required under sub-paragraph (7) or (8);
- (b) the accommodation and equipment or, in the case of the provision of mobile services, equipment, provided under the arrangements are adequate and suitable.

(7) Subject to sub-paragraph (8) and paragraph 18(4), a contractor, on receipt of a written request from the Local Health Board to do so, must admit at all reasonable times for the purposes of inspecting the contractor's accommodation or equipment an authorised officer of the Welsh Ministers, or an authorised officer or member of the Local Health Board.

(8) On receipt of a written request from the Local Health Board or the Welsh Ministers, a contractor who has made arrangements with the Local Health Board to provide mobile services must—

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- (a) arrange for an authorised officer of the Local Health Board or of the Welsh Ministers to be allowed to inspect at a reasonable time the facilities and equipment that the contractor uses;
 - (b) allow an authorised officer of the Welsh Ministers or that Local Health Board to inspect the facilities and equipment that the contractor uses when providing those services.
- (9) A contractor must have regard to the code of practice on access to premises prepared and published by the Welsh Ministers under section 19(1) of the Health and Social Care (Quality and Engagement) (Wales) Act 2020⁽¹⁾ (code of practice on access to premises) (so far as the code is relevant) in exercising any function that relates to the provision of health services or social services (within the meaning of those terms in section 21 of that Act).

⁽¹⁾ 2020 asc 1