1975 No. 372

HEALTH AND PERSONAL SOCIAL SERVICES

General Ophthalmic Services

Made . . . . . *23rd December* 1975
Coming into operation . . . . . *1st January* 1976

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The Department of Health and Social Services(a) (hereinafter referred to as "the Department") with the approval of and in conjunction with the Department of Finance(a), and in exercise of the powers conferred on it by Articles 62, 95, 98, 106 and 107 of and paragraph 7(5) of Schedule 3 and Schedule 15 to the Health and Personal Social Services (Northern Ireland) Order 1972(b) and paragraph 2(1) and (2) of Schedule 1 to the Northern Ireland Act 1974(c) and of all other powers enabling it in that behalf and after consultation with such organisations as appeared to the Department to be representative of medical practitioners practising as ophthalmic medical practitioners, ophthalmic opticians and dispensing opticians as required by Article 62(3) of the said Order, hereby makes the following regulations.

PART I

GENERAL

Citation and commencement

1. These regulations may be cited as the Health and Personal Social Services (General Ophthalmic Services) Regulations (Northern Ireland) 1975 and shall come into operation on 1st January 1976.

(a) Formerly Ministry: *see* 1973 c. 36 s. 40 and Sch. 5 para. 8
(b) S.I. 1972 No. 1265 (N.I. 14)
(c) 1974 c. 28

Interpretation

2. In these regulations, unless the context otherwise requires, the following expressions have the respective meanings hereby assigned to them:

"the Agency" means the Northern Ireland Central Services Agency for the Health and Social Services established under Article 26 of the Order;

"Board" means a Health and Social Services Board established under Article 16 of the Order for any area;

"Committee" means the Ophthalmic Committee, constituted under regulation 3;

"contractor" means any person or body corporate whose name is included in the ophthalmic list;

"current specified cost" means, in relation to frames supplied in pursuance of arrangements made under Part VI of the Order the sum specified in the Statement as the sum payable for frames of that description by the person to whom they are supplied;

"deputy" means an ophthalmic medical practitioner or optician providing general ophthalmic services on behalf of a contractor otherwise than as a director or salaried employee of that contractor notwithstanding that such deputy may also be a contractor;

"doctor" means a medical practitioner;

"Education and Library Board" means an Education and Library Board established under Article 3 of the Education and Libraries (Northern Ireland) Order 1972(**d**);

"full-time school education" means full-time instruction in a school within the meaning of the Education and Libraries (Northern Ireland) Order 1972 or in a corresponding establishment elsewhere;

"Local Ophthalmic Medical Committee" and "Local Ophthalmic Optical Committee" mean the committees recognised by the Department under Article 55 of the Order as representative of ophthalmic medical practitioners and ophthalmic and dispensing opticians, respectively;

"medical card" means a card issued to a person, in a form approved by the Department, for the purpose of enabling that person to obtain or establish a title to receive general medical services, including maternity medical services, general dental services or general ophthalmic services and shall include any card provided for a like purpose under the National Health Insurance (Medical Benefit) Regulations (Northern Ireland) 1938(**e**);

"ophthalmic medical practitioner" means a doctor whose qualifications have in accordance with Part II of these regulations been approved as being prescribed qualifications;

"Ophthalmic Qualifications Committee" means the Advisory Committee appointed under Article 25 of the Order after consultation with each Board and such organisation as may be recognised by the Department as representing medical practitioners, for the purpose of approving ophthalmic hospitals, ophthalmic departments of hospitals, academic degrees, academic or post-graduate courses in ophthalmology and appointments affording special opportunities for acquiring the necessary skill and experience of the kind required for the provision of general ophthalmic services and for the purpose of approving the qualifications and experience of doctors for the purpose of general ophthalmic services;

(d) S.I. 1972 No. 1263 (N.I. 12) (e) S.R. & O. (N.I.) 1938 No. 141 (p. 265)

"optical appliance" means an appliance designed to correct, remedy or relieve a defect of sight;

"optician" means an ophthalmic optician or a dispensing optician as the case may require;

"Order" means the Health and Personal Social Services (Northern Ireland) Order 1972;

"patient" means any person for whom a contractor has agreed to provide general ophthalmic services;

"replacement" means the provision of the whole or part of an optical appliance in place of the whole or part, as the case may require, of an optical appliance containing lenses conforming to the same prescription and which has been lost, destroyed or damaged (otherwise than by fair wear and tear);

"sight test" includes such examination of the eyes as may be required;

"supply" means the provision of the whole or part of an optical appliance otherwise than as a replacement;

"the Statement" means the Statement prepared by the Department in accordance with the provisions of regulation 12;

"terms of service" means the terms set out in Schedule 1;

"the Tribunal" means the Tribunal constituted under Schedule 11 to the Order.

Constitution of Ophthalmic Committee

3. The provisions set out in Schedule 2 shall apply to the Committee which shall be constituted by the Agency for the purpose of advising and assisting the Agency in the duties assigned to it by these regulations.

Delegation of duties

4. The Committee may delegate to an officer or officers of the Agency such of its duties with respect to general ophthalmic services as it thinks fit.

PART II

QUALIFICATIONS OF OPHTHALMIC MEDICAL PRACTITIONERS

Qualifications

5.—(1) The prescribed qualifications for the purposes of Article 62 of the Order shall be to have had at the date of consideration recent experience and

(*a*)(i) to have held an appointment in the health services otherwise than under Part VI of the Order with the status of consultant ophthalmologist, or an appointment for a period of not less than two years of equivalent status as an ophthalmic surgeon or assistant ophthalmic surgeon on the staff of an approved ophthalmic hospital or of an approved ophthalmic department of a hospital, and

(ii) to have had adequate experience; or

(*b*)(i) to have held an ophthalmic appointment or appointments in an approved ophthalmic hospital or an approved ophthalmic department of a hospital, for a period totalling not less than two years including therein tenure for a period of not less than six months of a residential appointment or an appointment with duties com-

parable with those of a residential appointment (provided that such tenure for six months of a residential appointment shall not be required in the case of a doctor who has been fully registered for at least seven years and whose experience is such as to make that requirement unnecessary), and

(ii) to have obtained the Diploma in Ophthalmology awarded conjointly by the Royal College of Physicians of London and the Royal College of Surgeons of England, or any approved higher degree or qualification, and

(iii) to have had adequate experience; or

(*c*) to have before the 1st day of October 1951 had adequate experience and

(i) obtained a Diploma or Certificate in respect of an approved academic or post-graduate course in ophthalmology, or

(ii) held for a period of two years an appointment as an ophthalmic surgeon or assistant ophthalmic surgeon on the staff of an approved ophthalmic hospital or an approved ophthalmic department of a hospital, or

(iii) held for a period of two years an approved appointment affording special opportunities for acquiring the necessary skill and experience of the kind required for the provision of general ophthalmic services.

(2) "approved" for the purposes of this regulation means approved by the Ophthalmic Qualifications Committee.

Approval of qualifications

6.—(1) A doctor who wishes to establish his status as an ophthalmic medical practitioner shall apply to the Department for approval of his qualifications and experience, and shall give such particulars of such qualifications and experience as the Ophthalmic Qualifications Committee shall require.

(2) The Ophthalmic Qualifications Committee shall consider such application and within two months after the date thereof shall inform the Department of their decision, and if the qualifications and experience of that applicant are approved he shall be an ophthalmic medical practitioner.

(3) Notwithstanding the provisions of regulation 5 and of paragraph (1) a doctor who has the prescribed qualifications for the purpose of providing general ophthalmic services in England and Wales under the National Health Service Act 1946(**f**) or in Scotland under the National Health Service (Scotland) Act 1947(**g**) shall be an ophthalmic medical practitioner.

Appeals against decisions of Ophthalmic Qualifications Committee

7.—(1) Any person aggrieved by a decision of the Ophthalmic Qualifications Committee that he is not qualified to be an ophthalmic medical practitioner may within one month of the date on which he received notice of that decision or such longer period as the Department may at any time allow appeal against the decision by sending to the Department a notice of appeal stating the facts and contentions on which he relies.

(2) The Department shall appoint to determine the appeal an appeal committee of five persons of whom at least three shall be appointed after consultation with such bodies or organisations representing doctors as appear to it to be concerned and shall refer the appeal to that appeal committee.

(**f**) 1946 c. 81 (**g**) 1947 c. 27

(3) The Department shall send a copy of the notice of appeal to the Ophthalmic Qualifications Committee and to such other persons as may appear to it to be interested in the appeal and shall inform the appellant, the Agency and any such other persons of such reference and of the address to which communications to the appeal committee shall be sent.

(4) The appeal committee may, and if required so to do by the appellant or the Ophthalmic Qualifications Committee, shall, hold a hearing in connection with an appeal at such time and place as they may direct, and notice of such hearing shall not less than 14 days before the date of the hearing be sent by the recorded delivery service to the appellant, the Ophthalmic Qualifications Committee and any other person to whom the Department has under paragraph (3) sent notice of appeal.

(5) Either the appellant or the Ophthalmic Qualifications Committee may within one month of being informed that the appeal has been referred to an appeal committee, or of being informed that a hearing of such appeal will be held, give notice that he or they desire to appear before the appeal committee.

(6) The Ophthalmic Qualifications Committee shall be entitled to appear by a member or by their clerk or other officer duly appointed for the purpose; the appellant shall be entitled to appear in person, by any member of his family, by any friend, or by any officer or member of any organisation of which he is a member; and any party to an appeal shall be entitled to appear and be heard by counsel or solicitor.

(7) Subject to the foregoing provisions the procedure of the appeal committee in determining the appeal shall be such as the appeal committee think proper.

(8) An appeal committee shall have all the powers of the Ophthalmic Qualifications Committee including in particular the power of approval, and if satisfied that an appellant is qualified to provide general ophthalmic services they shall so decide and accordingly he shall be an ophthalmic medical practitioner.

(9) The appeal committee shall as soon as practicable notify their determination to the appellant, the Ophthalmic Qualifications Committee, the Department and any other person to whom the Department has under paragraph (3) sent notice of the appeal.

PART III

OPHTHALMIC LIST

Ophthalmic list

8.—(1) The Agency shall from information obtained from the Boards prepare a list, to be called "the ophthalmic list", of ophthalmic medical practitioners, ophthalmic opticians and dispensing opticians who, having made the appropriate application, are entitled to be included in the list.

(2) The ophthalmic list shall contain, in addition to the names of ophthalmic medical practitioners and ophthalmic and dispensing opticians:

(*a*) the address and telephone number of any place at which they undertake to attend for the purpose of the testing of sight or the supply of optical appliances;

(*b*) particulars of the days and hours at which the service will normally be provided;

(*c*) the name of each other ophthalmic medical practitioner or optician who is regularly engaged as a deputy, director or employee in the provision of general ophthalmic services at such address.

(3) The Agency shall send a copy of the ophthalmic list to the Department, each Board, the Local Ophthalmic Medical Committee and the Local Ophthalmic Optical Committee and at intervals of not more than three months shall inform each of them of any alteration made therein.

(4) Copies of the ophthalmic list shall be made available for inspection at the offices of each Board, at the office of the Agency and at such other places as appear to the Agency to be convenient for informing all persons interested.

Application for inclusion in the ophthalmic list

9.—(1) An ophthalmic medical practitioner or optician who wishes to have his name included in the ophthalmic list shall make application to the Board in whose area he proposes to practice on a form approved by the Department and available from the Board.

(2) A contractor whose name is included in the ophthalmic list shall within 14 days notify the Board of any change or addition affecting the entries which the ophthalmic list is required to contain in relation to him.

Withdrawal from ophthalmic list

10. A contractor shall be entitled at any time to give notice in writing to the Board that he desires to withdraw his name from the ophthalmic list and his name shall be removed therefrom at the expiration of three months from the date of such notice or of such shorter period as the Board may agree:

Provided that—

(*a*) if representations are made to the Tribunal that the continued inclusion of a contractor in the ophthalmic list would be prejudicial to the efficiency of the general ophthalmic services, he shall not, except with the consent of the Department and subject to such conditions, if any, as the Department may impose, be entitled to have his name removed from the ophthalmic list pending the determination of the proceedings on such representations;

(*b*) the Board shall not agree to any withdrawal unless and until it is satisfied that satisfactory arrangements have been made for the completion of any general ophthalmic services which such contractor has undertaken to provide.

Removal from ophthalmic list

11.—(1) Where a Board has determined that a contractor whose name has been included in the ophthalmic list—

(*a*) has died, or

(*b*) has otherwise ceased from being a doctor or optician, it shall remove that contractor's name from the ophthalmic list.

(2) Where a Board determines in accordance with the succeeding provisions of this regulation that a contractor whose name has been included for the preceding six months in the ophthalmic list has not during that period provided general ophthalmic services for persons in the area, it shall remove that contractor's name from the ophthalmic list.

(3) Before making a determination under paragraph (2) a Board shall—

(*a*) give that contractor 28 days' notice of its intention so to do;

(*b*) afford that contractor an opportunity of making representations to the Board in writing or, if he so desires, orally to a sub-committee appointed by the Board for the purpose, of which sub-committee at least one third of the members shall be persons from a panel nominated in the case of an ophthalmic medical practitioner by the Local Ophthalmic Medical Committee and in the case of an optician by the Local Ophthalmic Optical Committee.

(*c*) consult whichever of those Local Committees may be appropriate.

(4) Nothing in this regulation shall prejudice the right of a person to have his name included again in the ophthalmic list.

(5) No determination under this regulation shall be made in respect of any contractor who is called into whole time service in the Armed Forces of the Crown in a national emergency as a volunteer or otherwise, or compulsory whole time service in those forces, including service resulting from any reserve liability or any equivalent service by a person liable for whole time service in those forces, until six months after the completion of that service.

(6) Any document which is required or authorised to be given to a contractor under this regulation may be given by delivering it to him or by sending it by recorded delivery service to his usual or last known place of business as recorded in the ophthalmic list.

PART IV

GENERAL ARRANGEMENTS

The Statement

12. The Department shall, after consultation with such organisations as it may recognise as representing contractors providing general ophthalmic services, cause to be prepared a Statement which shall specify the following matters and which may be amended from time to time by the Department after consultation as aforesaid:

(*a*) the fees payable by the Agency for the testing of sight by ophthalmic medical practitioners and ophthalmic opticians;

(*b*) the types and quality of optical appliances which may be supplied as part of general ophthalmic services;

(*c*) the payments to be made by the Agency in respect of the supply, replacement and repair of optical appliances;

(*d*) in relation to frames the current specified cost;

(*e*) the standard types of children's frames;

(*f*) the charges to patients for the supply, replacement and repair of optical appliances;

(*g*) the charges to patients for the provision of appliances of a more expensive type than the type normally supplied;

(*h*) forms for use in the provision of general ophthalmic services.

Terms of service

13. The arrangements which a Board is required by Article 62 of the Order to make for the provision of general ophthalmic services shall incorporate the terms of service in Schedule 1 and the Statement.

Payment for services

14.—(1) The Agency shall make or cause to be made to contractors payments in accordance with the Statement.

(2)(*a*) Where the Agency considers that it has made a payment to a contractor owing to an error or in circumstances when it was not due, then—

(i) if the overpayment is admitted by such contractor it shall be recovered by a deduction from his remuneration.

(ii) if the overpayment is not so admitted, the Agency may refer the matter under regulation 4(2) of the Health and Personal Social Services (Services Committee) Regulations (Northern Ireland) 1973(h) for investigation, and if the Agency, or the Department on appeal, decides that there has been an overpayment, the amount overpaid shall be recovered by a deduction from the remuneration of the contractor or otherwise.

(*b*) Recovery of an overpayment under the provisions of this regulation shall be without prejudice to the investigation of an alleged breach of the terms of service.

(3) Where a contractor is unable to complete for a patient the general ophthalmic services which he has undertaken to provide, he shall inform the Agency accordingly in writing, and if the Agency is satisfied that such inability is due to a reasonable cause it shall pay fees or other remuneration in accordance with the Statement to the contractor for such part of those services as he shall have provided.

PART V

METHOD OF OBTAINING SERVICES

Sight tests

15.—(1) A person who wishes to have his sight tested under the general ophthalmic services may apply to any ophthalmic medical practitioner or ophthalmic optician whose name appears on the ophthalmic list.

(2) An ophthalmic medical practitioner or ophthalmic optician to whom an application for a sight test is made shall before making any examination of the patient's eyes complete or have completed by or on behalf of the patient the necessary details required on the appropriate form including the approximate date of the patient's last sight test, if any, and satisfy himself that a sight test is necessary.

Supply of appliances

16.—(1) A person to whom a prescription for an optical appliance has been issued on the approved form may within twelve months after the date of that prescription on presenting it to any optician whose name appears on the opthalmic list apply to him to supply an optical appliance in accordance with that prescription.

(h) S.R. & O. (N.I.) 1973 No. 416 (II, p. 2418)

(2) A person may on applying to an optician to supply an optical appliance request that optician to supply an appliance of a more expensive type than the type normally supplied.

(3) Without prejudice to the provisions of paragraph (2) a person on making an application under paragraph (1) may request the optician to supply under the general ophthalmic services lenses fitted to a surrounding protective frame not so supplied.

Replacement or repair

17.—(1) A person who requires under the general ophthalmic services the replacement or repair of the whole or part of any optical appliance supplied under the Health and Personal Social Services, may apply to an optician whose name appears in the ophthalmic list.

(2) An optician to whom such an application is made shall before undertaking such replacement or repair, procure the completion by or on behalf of the patient of the relevant part of the approved form.

(3) The optician may on consideration of information so provided, require such an applicant to have his sight tested before undertaking such replacement or repair and shall require such a sight test in the case of an applicant under 16 years of age whose sight was last tested more than 12 months before the date of the application.

PART VI

CHARGES

Charges for the supply of optical appliances

18.—(1) Subject to the provisions of this regulation an optician shall be entitled to make and recover from the patient a charge—

(*a*) in respect of the supply of a lens of any description referred to in the first column of Schedule 3 of the amount specified in the second column of that Schedule opposite the description of that lens but where more than one pair of lenses is supplied following a new prescription or a change of prescription the charge for each lens supplied after the first two shall be reduced by 50p;

(*b*) in respect of the supply of frames of an amount equal to the current specified cost.

Provided that this paragraph shall not apply to the supply to children who have not attained the age of 16 years or who have attained that age and are receiving full time school education of optical appliances where the standard type of children's frame as described in the Statement is used;

(2)(*a*) The optician shall secure, on a form to be provided for the purpose by the Agency, an acknowledgment by the person to be supplied with an optical appliance, or some other person competent to act on his behalf of his obligation to pay the said charge.

(*b*) The optician shall send the said acknowledgment to the Agency.

(*c*) On receipt of any sum paid under this regulation, the optician shall give an acknowledgment of the receipt on a form to be provided for the purpose by the Agency.

(3) Any sum which but for this regulation would have been payable by the Agency to the optician in respect of the supply of optical appliances shall be reduced by the amount payable by virtue of this regulation.

Charges for replacement or repair

19.—(1) Subject to the provisions of paragraph (2) a patient, other than a person—

(*a*) to whom the provisions of regulation 23 apply, and

(*b*) in respect of whom evidence to that effect is produced to the Agency—

shall be liable to pay for the replacement or repair under the general ophthalmic services of the whole or part of an optical appliance, the charges in respect thereof for which provision is made in the Statement.

(2)(*a*) A patient may submit on the approved form a claim to the Agency that such replacement or repair was not necessitated by an act or omission of his or (if it occurred when he was under 16 years of age) of his or of the person having charge of him when it occurred.

(*b*) The Agency shall consider such claim and any further particulars thereof which the patient may at its request so to do, give orally or in writing, and shall notify in writing on the approved form to the patient and the optician its decision on such claim.

Charges for optical appliances of a more expensive type

20. Where an optician has agreed at the request of a patient to supply, as part of the general ophthalmic services the whole or part of any optical appliance of a more expensive type than the type normally supplied or to replace or repair the whole or part of such appliance, he may make and recover from such patient a charge not exceeding such amount as is specified in respect thereof in the Statement.

Exemptions

21.—(1) No charge shall be made under regulation 18 for the supply of lenses if—

(*a*) the person for whom the optical appliance is supplied was at the relevant time of the age of ten or more and either under sixteen years of age or receiving full-time school education; and

(*b*) the frames are of any description specified in the Statement.

(2) It shall be a condition of exemption under paragraph (1) from a charge payable under regulation 18 in respect of the supply of lenses or of entitlement to the supply of children's glasses as described in the Statement, that—

(*a*) the date of birth of the patient is entered on the approved form by or on behalf of the patient;

(*b*) where the age of such patient is 16 years or more, a certificate, given on behalf of an Education and Library Board or on behalf of the headmaster or proprietor of a school, is submitted to the optician supplying the optical appliance at the same time as the approved form is presented certifying that the patient for whom the lenses or the children's glasses are to be supplied was at the relevant time receiving full-time school education; and

(*c*) the patient or person having charge of the patient shall produce such other evidence as the Agency may specify in support of a claim to exemption or entitlement.

Recovery of charges

22.—(1) Where a charge may be made and recovered under or by virtue of the provisions of the Order in respect of the provision of general ophthalmic services, the optician providing such services shall be entitled to make and recover such charge and the patient provided with such services shall be under a duty to pay such charge to the optician.

(2) Where an optician agrees to provide general ophthalmic services for a patient he may decline to commence or proceed with the provision of such services until the patient has either paid such charges or has paid such deposit on account thereof as the optician may require.

(3) An optician shall give to any patient paying such charges or a deposit on account thereof a receipt therefor on a form provided by the Agency for that purpose.

(4) Any sum payable or recoverable in respect of such charges may, without prejudice to any other method of recovery, be recovered summarily as a civil debt.

(5) Any charge required to be paid by a patient under this regulation in respect of a provision of general ophthalmic services shall be without prejudice to any other charge authorised by these regulations.

(6) Any sum which, but for this regulation, would have been payable by the Agency to an optician in respect of the provision of general ophthalmic services shall be reduced by the amount payable by the patient by virtue of this regulation.

PART VII

SCHOOL CHILDREN

Supply including replacements and repairs of optical appliances to school children

23.—(1) Without prejudice to their right to obtain general ophthalmic services under and in accordance with the foregoing regulations, the provisions of this part of these regulations shall have effect in relation to persons for whom medical inspection or treatment is provided under or by virtue of the provisions of Article 9 of the Order.

(2) In this Part of the regulations the expression "appointed ophthalmic medical practitioner" means an ophthalmic medical practitioner whose name is on the ophthalmic list and who has been appointed by a Board to undertake such services in connection with the supply of optical appliances to schoolchildren as may be required by this regulation. The expression "medical officer" means a medical practitioner, whose name is not included in the ophthalmic list, who has been appointed by a Board to undertake the medical inspection or medical supervision of schoolchildren under Article 9 of the Order.

(3) Where on examination of the eyes of a pupil, a medical officer is of the opinion that the pupil needs to have his sight tested, he shall notify his opinion to the parent, guardian or other person having charge of the pupil. The notification shall indicate that the parent, guardian or other person in charge of the pupil may arrange to have the sight test carried out—

(*a*) by any ophthalmic medical practitioner or any ophthalmic optician on the ophthalmic list (in which case the provisions of Part VI of these regulations shall apply), or

(*b*) where the services of an appointed ophthalmic medical practitioner are available, by such appointed ophthalmic medical practitioner.

(4) Where on the examination of the eyes of a pupil, an appointed ophthalmic medical practitioner is of the opinion that the pupil needs to be supplied with an optical appliance he shall issue a prescription for it on the approved form and if the optical appliance is needed by way of replacement, record the circumstances in which replacement is required and send the form to the Agency.

(5) Where, on the examination of the eyes of a pupil, an appointed ophthalmic medical practitioner is of the opinion that the pupil does not need to be supplied with an optical appliance, he shall, after completing the approved form forward it to the Agency.

(6) The Agency shall pay to the appointed ophthalmic medical practitioner the appropriate fee specified in the Statement in respect of the testing of the pupil's sight.

(7) The provisions of regulation 16 shall apply to the supply by an optician of the optical appliance prescribed as aforesaid.

(8) Where the replacement or repair of an optical appliance is required by a pupil, an appointed ophthalmic medical practitioner or medical officer or other duly authorised officer of a Board may furnish him with authority to obtain the service from any optician providing general ophthalmic services by completing the relevant part of the approved form which shall also, as appropriate, be completed by the parent, guardian or other person having charge of the pupil and shall contain a brief statement, signed by the parent, guardian or other person having charge of the pupil, of the circumstances necessitating the service.

(9) On the presentation to him of the said authority, the optician may replace or repair the optical appliance and shall complete and secure completion of the relevant part of the approved form and forward it to the Agency for payment.

(10) Regulations 18 and 20 shall apply to the supply or to the replacement or repair of an optical appliance under this Part.

(11) Save so far as they are specifically applied, the provisions of Parts V and VI shall not apply to services provided under this Part.

PART VIII

MISCELLANEOUS

Application on behalf of children or infirm persons

24. An application for general ophthalmic services or a signature required by these regulations may be made—

(*a*) on behalf of any person under 16 years of age by either parent, or in the absence of both parents, the guardian or other adult person who has the care of the child;

(*b*) on behalf of any other person who is incapable of making such an application, or signature, by a relative or any other adult person who has the care of such person; or

(*c*) on behalf of any person under the age of 18 years—

(i) in the care of an authority to whose care such a person has been committed under the provisions of the Children and Young Persons Act (Northern Ireland) 1968(i) by a person duly authorised by that authority.

(ii) in the care of a voluntary organisation, by that organisation or a person duly authorised by them:

Provided in each case that the application or signature may not be made by the contractor to whom the application is made.

Publication of particulars

25. The Agency shall publish in such manner as appears to it best calculated to inform all persons interested of the arrangements made by Boards for the provision of general ophthalmic services and shall make available for inspection at its office and at such other places as appear to it to be convenient for informing any person interested, copies of these regulations, the ophthalmic list, the terms of service, the statement, any provisions relating to charges payable by patients and of all amendments to any of them, so however that the Agency shall not be under any duty to make available copies of all such documents at every place at which it makes available copies of any of them.

Service of documents

26. Except where otherwise provided, any document which is required or authorised under these regulations or the terms of service to be given to a contractor may be given by delivering it to such contractor or by sending it addressed to him at any address notified by him to the Board for inclusion in the ophthalmic list as a place at which he has undertaken to provide general ophthalmic services.

Revocation

27. The Health and Personal Social Services (General Ophthalmic Services) Regulations (Northern Ireland) 1973(j) are hereby revoked.

Transitional

28. These regulations shall apply in relation to an optical appliance supplied under the health services where the testing of sight or the first testing of sight leading to the supply of that appliance or the making of the contract or arrangements in pursuance of which the appliance is supplied takes place on or after 1st January 1976.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 23rd December 1975.

(L.S.) *R. J. Christie*
Assistant Secretary

Sealed with the Official Seal of the Department of Finance for Northern Ireland on 23rd December 1975.

(L.S.) *A. J. Green*
Assistant Secretary

(i) 1968 c. 34 (N.I.)

(j) S.R. & O. (N.I.) 1973 No. 417 (II, p. 2440)

SCHEDULE 1 Regulation 13

Terms of service

Interpretation

1. In this Schedule, unless the context otherwise requires—

(*a*) the expression "the regulations" means the Health and Personal Social Services (General Ophthalmic Services) Regulations (Northern Ireland) 1975;

(*b*) other words and expressions have the same meaning as in the regulations.

Incorporation of provisions

2. Any provisions of the following affecting the rights and obligations of contractors shall be deemed to form part of the terms of service:

(*a*) the regulations;

(*b*) so much of the Health and Personal Social Services (Services Committee) Regulations (Northern Ireland) 1973(k) as relates to

(i) the investigation of questions arising between contractors and their patients, and other investigations to be made by the ophthalmic services committee, and the action which may be taken by the Board as a result of such investigations, including the withholding of remuneration from a contractor where there has been a breach of the terms of service;

(ii) appeals to the Department from decisions of the Board;

(iii) the investigation of excessive prescribing of optical appliances;

(*c*) the Statement.

Arrangements for the provision of services

3. A contractor shall make all necessary arrangements for the provision of general ophthalmic services to his patients.

Premises and equipment

4.—(1) A contractor shall provide as may be requisite proper and sufficient consulting, fitting and waiting room accommodation and suitable equipment for the provision of the general ophthalmic services which he has undertaken to provide.

(2) A contractor on receipt of a written request from the Agency so to do shall admit at all reasonable times for the purposes of inspecting such accommodation or equipment an authorised officer of the Department or the Agency or authorised member of the Committee.

Records

5.—(1) A contractor shall keep a proper record in respect of each patient to whom he provided general ophthalmic services giving such details of the testing of sight or the supply, replacement or repair of optical appliances as may be appropriate.

(2) A contractor shall retain all such records for a period of 7 years, and shall during that period produce them within such period (not being less than 14 days) to any authorised officer of the Department or the Agency or to any authorised member of the Committee.

Deputies

6.—(1) An ophthalmic medical practitioner may arrange for sight to be tested on his behalf by another ophthalmic medical practitioner, an ophthalmic optician may arrange for sight to be tested on his behalf by another ophthalmic optician,

(k) S.R. & O. (N.I.) 1973 No. 416 (II, p. 2418)

and an optician may arrange for optical appliances to be supplied, replaced or repaired on his behalf by another optician, provided that no such arrangement shall be made with any person or body corporate disqualified by the Tribunal from inclusion in the ophthalmic list.

(2) Any contractor who makes an arrangement for the regular provision of services by a deputy shall notify the Board thereof and if the deputy is not already a contractor shall secure that he applies for inclusion in the ophthalmic list.

(3) A contractor shall be responsible for all acts and omissions of any person acting as his deputy and of any employee of that person so however that if the deputy is himself a contractor he shall be jointly responsible.

Employees

7.—(1) An ophthalmic medical practitioner who employs a person for the testing of sight shall employ only another ophthalmic medical practitioner, and an ophthalmic optician who employs a person for the testing of sight shall employ only another ophthalmic optician except that he may permit the test or any part thereof to be performed under his continuous personal supervision by a person authorised to test sight by rules made under section 20(3) of the Opticians Act 1958(l).

(2) A contractor shall not employ in the provision of general ophthalmic services any person disqualified by the Tribunal from inclusion in the ophthalmic list, except with the consent of the Department.

(3) A contractor who regularly employs an ophthalmic medical practitioner or an optician shall notify the Board thereof, and if the employee is not already a contractor shall secure that he applies for inclusion in the ophthalmic list.

(4) A contractor shall be responsible for all acts and omissions of any person employed by him, so however that if the employee is himself a contractor he shall be jointly responsible

(5) In this paragraph "employee" includes in the case of a body corporate any director thereof, and "employ" is to be interpreted accordingly.

Payments

8.—(1) Any claim by a contractor for fees or remuneration for the provision of general ophthalmic services shall be made by completing or securing the completion as the case may require of the approved form and sending it to the Agency within six months after the date of completion of such provision.

(2) Any such claim shall be signed by the contractor in ink with his initials or forenames and surname in his own handwriting and not by means of a stamp, provided that—

(*a*) if the contractor is a body corporate, the claim shall be so signed by any director or employee thereof being a contractor who takes part in the provision of general ophthalmic services at the address at which the relevant service was provided;

(*b*) if the contractor is not a body corporate and the service was provided on his behalf by a deputy or employee who is also a contractor, the claim shall be so signed by the deputy or employee and he shall give the name of the contractor on whose behalf the service was provided.

(3) Except as provided in the regulations or in the Statement a contractor shall not demand or accept from any patient or from other persons the payment of any fee or remuneration in respect of the provision of general ophthalmic services:

(l) 1958 c. 32

Provided that a contractor shall not be deprived of the right to demand and recover from a patient or person having charge of a patient a sum in respect of loss of remunerative time—

(*a*) resulting from a failure by that patient to keep an appointment;

(*b*) in respect of a journey made at the request of a patient or such person to the patient's residence.

Testing of sight

9.—(1) An ophthalmic medical practitioner or ophthalmic optician shall having accepted pursuant to the regulations an application for the testing of sight make such examination of the patient's eyes as may be required and in so doing shall exercise proper care and attention.

(2) Where an ophthalmic medical practitioner or ophthalmic optician is of the opinion that a patient whose sight he has tested—

(*a*) does not require any optical appliance, or

(*b*) shows on examination any abnormality of the eyes or otherwise requires treatment outside the scope of the general ophthalmic services, or

(*c*) is not likely to secure a satisfactory standard of vision notwithstanding the application of corrective lenses, or

(*d*) should revisit him with a view to further examination within six months,

he shall so inform the patient's doctor.

(3) An ophthalmic medical practitioner or ophthalmic optician who after testing the sight of a patient, consulting his records if any relating to that patient, and making such enquiry of the patient as may be relevant, considers that the patient needs the supply of an optical appliance of a type which may be supplied under the general ophthalmic services shall so inform the patient, and if the patient so desires shall issue to him on the approved form a prescription for the supply of the optical appliance needed.

(4) An ophthalmic medical practitioner or ophthalmic optician who after testing the sight of a patient, consulting his records if any relating to that patient, and making such enquiry of the patient as may be relevant, considers that the patient needs the replacement of the whole or part of an optical appliance shall so inform him.

Supply, replacement or repair of appliances

10.—(1) An optician shall before accepting a prescription for the supply of an optical appliance under the general ophthalmic services satisfy himself that less than twelve months have elapsed since the date of the issue of that prescription.

(2) If the optician is so satisfied and accepts the prescription for dispensing he shall supply an optical appliance in accordance therewith and in doing so shall exercise proper care and attention and proceed with reasonable expedition.

(3) All optical appliances supplied, replaced or repaired by or through an optician under the general ophthalmic services shall conform to the types and quality specified in the Statement.

Advertising

11.—(1) Except as provided in sub-paragraph (2) an optician shall not advertise either directly or by implication that his name is included in an ophthalmic list or that he is authorised to provide general ophthalmic services.

(2) Nothing in this paragraph shall prohibit the display at any premises at which the optician carries on his business of a notice in a form approved in the Statement.

Use of disqualified name

12. A contractor shall not use in any manner whatsoever the name or part of the name, either alone or in combination with any other words or letters, of, or used by, any other person or body corporate so long as that person or body corporate is disqualified by the Tribunal from inclusion in any ophthalmic list; so however that nothing in this paragraph shall prevent a contractor being a person from using his own name, or being a body corporate from using the name by which it is enrolled in the register maintained pursuant to the provisions of the Opticians Act 1958.

SCHEDULE 2 Regulation 3

Ophthalmic Committee

1. The Ophthalmic Committee constituted by the Agency, after consultation with the Boards, such organisations as appear to it to represent ophthalmic medical practitioners, ophthalmic opticians and dispensing opticians and such other bodies as appear to it to be concerned, shall consist of a chairman and such number of other members as the Agency thinks fit.

2. The chairman shall be the optician member of the Agency.

3. The term of office of members of the Committee shall be determined by the Agency.

4. Where the place of a member becomes vacant before the expiration of his term of office whether by death, resignation or otherwise, the vacancy shall be filled by the Agency, and any person so appointed shall hold office for the remainder of the term of office of the former member.

5. A member of the Committee may resign his membership by giving to the Agency notice in writing signed by him.

6. Where any member of the Committee—

(i) is absent from the meetings of the Committee for more than six months consecutively (except for a reason approved by the Agency); or

(ii) has become bankrupt or has made a composition with his creditors; or

(iii) is convicted of an indictable offence;

the Agency shall forthwith by resolution, declare the office to be vacant and shall notify that fact in such manner as it thinks fit and thereupon the office shall become vacant.

7. Where a person who provides any ophthalmic or other professional services under the Order is a member of the Committee he may vote upon any matter which touches the interests of members of his profession (himself included) but shall not vote upon any matter touching only his individual professional interests.

8. The proceedings of the Committee shall not be invalidated by any vacancy in the membership of the Committee or by any defect in the appointment of any of its members.

9. A member of the Committee who is appointed on the nomination of a Board, shall if he is a member of that Board, cease to be a member of the Committee if he ceases to be a member of that Board.

SCHEDULE 3 **Regulation 18**

PART I

Lenses

Column 1 *Description of lens*	Column 2
1. Single vision lens (including single vision Lenticular, frosted and chavasse lenses) . .	£ 2.25
2. Fused glass bifocal lens	4.25
3. Lens of any other description	5.00

PART II

Frames

Frames	The current cost, specified in the Statement, is payable by the person supplied.

EXPLANATORY NOTE

(This note is not part of the regulations but is intended to indicate their general purport.)

These regulations which revoke the Health and Personal Social Services (General Ophthalmic Services) Regulations (Northern Ireland) 1973 set out the arrangements which Health and Social Services Boards are required to make for the provision of general ophthalmic services. They also substitute a simplified scale of fees for lenses for an elaborate one.