(8) Metal used, after approval by the Committee of an estimate for denture plates, linqual or palatal bars, backings and tags, spiral springs, bolts and swivels, shall be—

(*a*) alloys containing not less than 33⅓ per cent. of gold, platinum or palladium and not more than 20 per cent. of base metal, or

(*b*) stainless steel, or

(*c*) such other material as may be approved by the Ministry,

and shall be of adequate strength.

Supplementary Eye Services

Regulations dated 25th June, 1948, made by the Ministry of Health and Local Government under sections twenty-two, seventy-four, eighty and eighty-six of the Health Services Act (Northern Ireland), 1948.

1948. No. 166

The Ministry of Health and Local Government, in exercise of the powers conferred on it by sections twenty-two, seventy-four, eighty and eighty-six of the Health Services Act (Northern Ireland), 1948, hereby makes the following Regulations, that is to say :—

PART I

General

1. These Regulations may be cited as the Health Services (Supplementary Eye Services) Regulations, (Northern Ireland), 1948, and shall come into operation on the date hereof.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires, the following expressions have the respective meanings hereby assigned to them, that is to say :—

" the Act " means the Health Services Act (Northern Ireland), 1948 ;

" Authority " means the Northern Ireland Hospitals Authority ;

" Board " means the Northern Ireland General Health Services Board ;

" Committee " means the Eye Services Committee, appointed under the provisions of section thirty-six of the Act ;

" Dispensing Optician " means a person, firm or company qualified as a Dispensing Optician in accordance with the Health Services (Supplementary Eye Services) (Qualifications) Regulations (Northern Ireland), 1948 ;

" glasses " includes any optical appliance which may be supplied under section twenty-two of the Act ;

" glasses of a special type " means glasses of a more expensive type than standard glasses ;

" Health Authority " has the meaning assigned to that expression in the Act ;

" Local Medical Committee " means a committee recognised by the Board under section five of the Act ;

" Minister " means the Minister of Health and Local Government ;

" Ministry " means the Ministry of Health and Local Government ;

" ophthalmic medical practitioner " means a medical practitioner having the qualifications prescribed by the Health Services (Supplementary Eye Services) (Qualifications) Regulations (Northern Ireland), 1948 ;

" ophthalmic optician " means a person, firm or company qualified as an ophthalmic optician in accordance with the Health Services (Supplementary Eye Services) (Qualifications) Regulations (Northern Ireland), 1948 ;

" replacement " means the supply of glasses in place of glasses previously supplied under these Regulations which have been lost, damaged or destroyed and which contained lenses conforming to the same prescription ;

" standard glasses " means glasses specified as such in the statement referred to in Regulation 3 of these Regulations ;

" supply " in relation to glasses includes replacement ;

" the Tribunal " means the Tribunal constituted under section sixteen of the Act.

(2) Any reference to a form in these Regulations shall include a reference to a form substantially to the like effect.

(3) The Interpretation Act, 1921, applies to the interpretation of these Regulations as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

PART II

General Arrangements for the provision of Supplementary Eye Services

Preparation of Statement determining Fees, etc.

3.—(1) The Ministry shall, after consultation with such organisations as the Minister may recognise as representative of medical practitioners practising as oculists, ophthalmic and dispensing opticians, cause to be prepared a statement which shall specify :—

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

(*b*) the types and quality of glasses ;
(*c*) a scale of charges for the supply or repair of standard glasses ;
(*d*) the charges which may be made to persons to whom, at their request, an ophthalmic or dispensing optician supplies glasses of a special type or in respect of the repair of any such glasses.

(2) All payments which are due to be made by the Authority under arrangements made by the Committee shall be approved by the Committee and be made by the Authority normally within one calendar month of the date on which the claim for payment has been lodged with the Committee.

(3) The said statement may be amended from time to time by the Ministry after consultation with such organisations as aforesaid.

Terms of Service for Ophthalmic Medical Practitioners, Ophthalmic Opticians and Dispensing Opticians

4. The arrangements which the Authority are required by section twenty-two of the Act to make with ophthalmic medical practitioners and ophthalmic and dispensing opticians for the provision of supplementary eye services shall be made on behalf of the Authority by the Committee and shall incorporate the terms of service contained in Parts I, II and III respectively of the First Schedule to these Regulations and the statement referred to in the last foregoing Regulation.

Ophthalmic List

5.—(1) The Committee shall prepare a list, to be called "the ophthalmic list", of ophthalmic medical practitioners, ophthalmic opticians and dispensing opticians who having made the appropriate applications 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 of any place at which they undertake to attend for the purpose of the testing of sight or the supply of glasses ;
(*b*) particulars of the days and hours at which the service will normally be provided.

(3) Copies of the ophthalmic list shall be available for inspection at the headquarters offices of the Authority and at such other places as appear to the Committee to be convenient for informing all persons interested, and shall be kept revised up-to-date.

(4) The Committee shall send a copy of the ophthalmic list to the Board and to the Ministry and shall within seven days inform each of them of any alteration which may from time to time be made therein. The Committee shall send a copy of the list to each Local Medical Committee and health authority, and the hospital management committee of each hospital or group of hospitals in Northern Ireland, and

at intervals of not more than three months shall notify each of them of any alteration made therein.

Application for inclusion in the Opthalmic List

6. Application for inclusion in the ophthalmic list shall be made by delivering or sending by post to the Secretary of the Authority an application in the appropriate Form set out in Part VII of the First Schedule to these Regulations.

Publication of particulars

7. The Committee shall cause to be published in such manner as appears to them best calculated to inform all persons interested, particulars of the arrangements made by the Committee, including a statement of the places where copies of the terms of service for ophthalmic practitioners and ophthalmic and dispensing opticians, and copies of the ophthalmic list may be seen, and any other particulars which the Committee think proper.

PART III

Method of obtaining Supplementary Eye Services involving the testing of sight

8.—(1) A person receiving from a medical practitioner a recommendation in writing for supplementary eye services may present that recommendation to any ophthalmic medical practitioner or ophthalmic optician whose name appears on the ophthalmic list.

(2) if a person is unable or unwilling for reasons of conscience to obtain such a recommendation he may apply to the Committee for authority to receive such services and such an authority, signed by the Secretary of the Authority or by another officer of the Authority appointed to act in his stead, shall confer on the person the same rights as a recommendation given by a medical practitioner.

(3) If a person has previously received supplementary eye services involving a testing of the sight he shall be entitled to receive such services without producing such a recommendation or authority as aforementioned.

9. An ophthalmic medical practitioner or ophthalmic optician on receiving an application for supplementary eye services which involve the testing of sight, may if such a recommendation or authority as is mentioned in Regulation 8 is produced to him or if the applicant states that he has previously had his sight tested under the supplementary eye services, make such examination of the applicant's eyes as may be required and shall forthwith —

(1) See that Part I of the Form E.S.C. 2 set out in Part IV of the First Schedule to these Regulations is completed by or on behalf of the applicant ;

(2) complete Part II if glasses are required and Part V of the said Form and secure the completion of Part IV of the form ; and

(3) forward the form with the recommendation or authority (if any) to the Committee.

10.—(1) Where the Committee, on the receipt of such form and after any such enquiry as they think proper, are satified that any glasses prescribed therein are not required by way of replacement or that, if they are required by way of replacement, such replacement was not necessitated by lack of care, they shall send to the applicant the upper detachable part of the form endorsed to the effect that the supply of glasses under the supplementary ophthalmic services is authorised, together with a note informing him that he may take it for dispensing to any ophthalmic or dispensing optician on the ophthalmic list.

(2) Where the Committee, on the receipt of such form and after any such enquiry as they think proper, are satisfied that the applicant is already in possession of such glasses as are prescribed therein, or that any glasses prescribed therein are required by way of replacement which has been necessitated by lack of care, they shall send him the upper detachable part of the form endorsed to the effect that the glasses will not be supplied at the cost of the Authority, together with a note confirming the Authority's decision. The provisions of paragraphs (2) (except the last sentence) and (3) of Regulation 13 shall apply to the case of replacement necessitated by lack of care.

11.—(1) The form referred to in Regulation 10 endorsed with the Committee's approval shall authorise the optician to whom it is presented to supply the glasses in accordance with the prescription : Provided that glasses shall not be supplied until inquiry has been made whether the applicant is in possession of a frame for glasses which has been supplied under these Regulations.

(2) If on inquiry it is ascertained that the applicant possesses such a frame, or if the applicant produces a frame which has not been so supplied, and if in the opinion of the optician, it is not worn out or otherwise unsuitable nor required for use with lenses of another type, it shall be used for the glasses so supplied.

(3) When the glasses have been supplied to the applicant the optician shall complete Part VII of the form and obtain the applicant's signature to Part IX and subject to the next following paragraph shall forthwith return the form to the Committee for payment.

(4) If the glasses are of a special type supplied by arrangement with the applicant, the optician shall return the form to the Committee for payment with Part VIII thereof duly completed.

PART IV

Method of obtaining Supplementary Eye Services not involving the testing of sight

Replacement and Repairs

12.—(1) Where a person requires a supplementary eye service which does not involve the testing of sight by reason of the fact that —

(*a*) the service consists of the replacement of glasses, or

(*b*) the service consists of the repair of glasses whether or not supplied under these Regulations, and in either case the prescription for the glasses was issued less than two years previously, he shall be entitled to apply for such service to any ophthalmic or dispensing optician whose name appears on the ophthalmic list.

(2) On receiving the application the optician may complete, or as the case may be secure the completion of, Part I and so far as is applicable Parts II, III, IV and V of the Form E.S.C. 2A set out in Part V of the First Schedule to these Regulations and forward it to the Committee for approval and on receipt of such approval and subject to any decision of the Committee under paragraph (2) of the next following Regulation may provide the required service : Provided that the optician may provide such service without waiting for the Committee's approval —

(*a*) When the form contains an admission signed by the applicant that the service is necessitated by lack of care on his part, and he has signed the undertaking in Part III of the form to pay for replacement or repairs so necessitated, or

(*b*) in any other case, where the applicant has paid to the optician by way of deposit a sum equal to the optician's charges as so prescribed.

(3) After providing the service the optician shall complete Parts III and V, if applicable, and Part VII of the form, and secure the applicant's signature to Part VIII and forward the form to the Committee.

(4) When the optician receives a deposit under this Regulation he shall give to the applicant a receipt in the form provided by the Committee for that purpose.

PART V

Services for which Charges may be made

Replacements and Repairs due to Lack of Care

13.—(1) Where in the case of replacement or repair of glasses (*a*) it is admitted that the service is necessitated by lack of care on the part of the applicant, or (*b*) it is determined in accordance with the following provisions of this Regulation that the service is so necessitated, the

appropriate charges shall be recoverable from the applicant and not from the Authority.

(2) Where the Committee have reason to think that the replacement or repair is necessitated by lack of care on the part of the applicant but such lack of care has not been admitted by him, they shall consider any representation which he may make or has made in writing with reference thereto, or if, in their opinion the circumstances so require, they shall afford him an opportunity of making any further representations in writing or orally, and shall take any such representations into consideration before making a decision. Their decision shall be communicated in writing to the optician and the applicant and the Committee shall in returning the form indicate on the form if the decision is that there has been carelessness that the charges will be payable by the applicant and not by the Authority.

(3) Any replacement or repair of glasses for which the prescription was issued within a period of two years previous to the application shall be presumed to be necessitated by lack of care on the part of the applicant unless he satisfies the Committee by such representations as aforesaid that the replacement or repair is not so necessitated.

(4) Where under paragraph (2) of the last preceding Regulation an optician has taken a deposit, he shall be entitled to retain it in satisfaction of his charges, but unless it is decided that the service is necessitated by lack of care, the Committee shall, if a claim for the repayment of the deposit is made to them within three months after the payment thereof or such longer period as the Committee may in special circumstances allow, pay to the person who made the deposit a sum equal to the amount thereof.

Glasses of a Special Type

14.—(1) Where an optician has agreed at a person's request to supply, as part of the supplementary eye services, any glasses of a special type or to repair such glasses, he may require such person to pay in respect thereof a charge not exceeding such amount as is specified in the statement prepared under Regulation three of these Regulations.

(2) In a case to which paragraph (1) of this Regulation applies the fee payable by the Authority shall subject to the provisions of the last preceding Regulation be the appropriate charge specified in the said statement for the supply or repair of glasses of a standard type.

PART VI

School Children

15.—(1) Without prejudice to their right to obtain supplementary eye services, under and in accordance with the foregoing Regulations, the provisions of this part of these Regulations shall have effect in relation to pupils in attendance at any school which is a grant-aided school for the purposes of the Education Act (Northern Ireland), 1947.

(2) In this part of the Regulations " ophthalmic surgeon " means an ophthalmic medical practitioner whose name is on the ophthalmic list and who is acting on behalf of a Health Authority. " Medical Officer " means a medical officer of a Health Authority whose name is not on the ophthalmic list, and references to Forms E.S.C. 2 and E.S.C. 2A, as set out in the First Schedule to these Regulations, shall be deemed to be references to such forms stamped or marked with the name of the Health Authority.

(3) When, on the examination of the eyes of a pupil, a medical officer is of the opinion that the pupil needs to have his sight tested, he may notify his opinion :—

(*a*) to any ophthalmic surgeon who is acting on behalf of the Helath Authority, or

(*b*) in any case in which no such ophthalmic surgeon is available, to the parent, guardian or other person in charge of the pupil and request that the pupil be taken to any ophthalmic medical practitioner or any ophthalmic optician providing supplementary eye services, and thereafter the provisions of Part III of these Regulations shall apply.

(4) When, on examination of the eyes of a pupil, an ophthalmic surgeon is of the opinion that the pupil needs to be supplied with glasses, he may issue a prescription for them on form E.S.C. 2., completing Parts I, II and V of the form, and if the glasses are needed by way of replacement, make a note in Part II of the circumstances in which replacement is required, and then forward the form to the Committee.

(5) On receiving the form the Committee, if satisfied that the pupil is not already in possession of lenses conforming to the prescription shall deliver or send the upper detachable part of the form to the parent, guardian or other person having charge of the pupil, and, at the same time, inform him that the glasses may be obtained from any optician providing supplementary eye services.

(6) When, on the examination of the eyes of a pupil, an ophthalmic surgeon is of the opinion that the pupil does not need to be supplied with glasses, he may, after completing Part I, the " Remarks " panel in Part II and Part V of form E.S.C. 2. forward it to the Committee.

(7) The Authority shall pay to the opthalmic surgeon the appropriate fee in respect of the testing of the pupil's sight.

(8) The provisions of Regulation eleven of these Regulations shall apply to the supply by an optician of the glasses prescribed as aforesaid.

(9) Where the replacement or repair of glasses is required by a pupil, an ophthalmic surgeon or medical officer or other duly authorised officer of the Health Authority may furnish him, on form E.S.C. 11, set out in Part VI of the First Schedule to these Regulations, with

authority to obtain the service from any optician providing supplementary eye services. The form shall be stamped with the name of the Health Authority, 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.

(10) On the presentation to him of the said authority, the optician may replace or repair the glasses and shall complete or, as the case may be, obtain the completion of, the appropriate parts of form E.S.C. 2A and forward it to the Committee for payment. The appropriate parts of the form are Part I (excluding the last panel), Part II (if applicable), and Parts IV, VII and VIII.

(11) If the Committee, on investigation of the circumstances necessitating the replacement or repair of glasses, determine that they involved lack of care on the part of the pupil, they shall give written notice of their determination to the Health Authority, and they shall thereupon be entitled to recover the cost of the service from that Authority.

(12) The provisions of Regulation fourteen of these Regulations shall apply to the supply or to the replacement or repair of glasses under this Part of these Regulations.

(13) Save so far as they are specifically applied, the provisions of Parts III, IV and V of these Regulations shall not apply to services provided under this Part of these Regulations.

PART VII

Exercise of choice of person by whom Services are to be provided

16.—(1) Every person shall have a right to choose the ophthalmic medical practitioner or ophthalmic optician by whom his sight is to be tested or from whom any prescription he may need for the supply of glasses is to be obtained, and the ophthalmic or dispensing optician who is to supply the glasses: Provided that the right to choose shall be exercised:—

(*a*) on behalf of any person under the age of sixteen by the mother, or in her absence, the father, or in the absence of both parents the guardian or other person who has the care of the child; and

(*b*) on behalf of any other person who on account of old age, sickness or other infirmity is incapable of choosing a person to provide the services, by a relative or any person who has the care of such person.

(2) Any right to choose conferred by the Regulation shall be exercised by the person who is to make the choice making an application, either personally or in writing, to the person chosen by him and the person to whom any such application is made may accept or refuse the application. If he accepts the application it shall be his duty to

provide the service required, subject to the provisions of the Act and of these Regulations.

PART VIII

Investigations

Investigations by Committee

17.—(1) Any complaint made by a person against an ophthalmic medical practitioner, ophthalmic optician, or dispensing optician, in respect of an alleged failure to comply with the terms of service applicable to him shall be investigated by the Committee.

(2) A person desiring to make a complaint under this Regulation against an ophthalmic medical practitioner or optician shall within six weeks after the event which gave rise to the complaint give written notice to the Secretary of the Authority stating the substance of the matter which it is desired to have investigated.

(3) Notwithstanding failure to give notice within the periods specified in the last preceding paragraph, the Committee may investigate the matter if they are satisfied that such failure was occasioned by illness or other reasonable cause and

(i) the notice is given within two months after the said event, or

(ii) the ophthalmic medical practitioner or optician, as the case may be, consents to the investigation taking place notwithstanding the failure to give notice in time, or

(iii) the Ministry's consent to the investigation has been obtained. In applying for such consent the Committee shall furnish the Ministry and the practitioner or optician with a copy of the said notice, a statement of the reasons for the failure to give notice in time and with any further information which the Ministry may require, and the practitioner or optician, shall be entitled within seven days after the receipt by him of such statement or further information to forward to the Ministry a statement of the grounds on which he contends that the investigation should not take place.

(4) The Committee shall investigate any matters referred to them by the Authority or the Board (or any Committee of the Board duly authorised in that behalf by the Board) relating to the administration of supplementary eye services, whether or not any such matter has been raised on complaint under the foregoing provisions of this Regulation.

Provided that no question which involves an allegation against a practitioner or optician of a breach of the terms of service shall, without the consent of the Ministry, or of the practitioner or optician concerned, be referred for investigation under this paragraph, except within the period specified in paragraph (2) of this Regulation, and the

provisions of paragraph (3) thereof with reference to the procedure to be adopted on application for the Ministry's consent shall *mutatis mutandis* apply to any application for the Ministry's consent under this paragraph.

Procedure of Committee

18.—(1) The Committee shall permit a party to an investigation to be assisted in the presentation of his case by some other person.

(2) The proceedings at the hearing before the Committee shall be private and no person shall be admitted to those proceedings except—

(*a*) the parties to the investigation and the persons, if any, permitted to appear for the purposes of assisting them ;

(*b*) the secondary or other officer of a Local Medical Committee or a committee representing opticians ;

(*c*) persons whose attendance is required for the purpose of giving evidence and who shall, unless the Committee otherwise direct, be excluded from the hearing except when they are actually giving evidence ; and

(*d*) such officers of the Authority as may be directed by the Committee to attend.

(3) The provisions of the Second Schedule to these Regulations shall apply with respect to the investigation of complaints, and the procedure of the Committee.

(4) The Committee shall draw up a report stating such relevant facts as appear to them to be established by the evidence placed before them and the inferences which in their opinion may properly be drawn from the facts, and shall then state their decision as to the action which should be taken. In their report the Committee may, if they think fit, draw attention to any previous reports made by the Committee in connection with the practitioner or optician and to any action taken on such reports, and may take account thereof in reaching their decision.

Action by the Committee

19. The Committee shall furnish the Ministry with a copy of each report made and each decision given by the Committee under Regulation eighteen of these Regulations.

20. The Committee's decision on any matter investigated under the foregoing provisions of these Regulations may include action in any one or more of the following ways :—

(*a*) The Committee may decide that the Authority shall recover from the ophthalmic medical practitioner or optician, as the case may be, by a deduction from his remuneration or otherwise any expenses (other than expenses incurred in connection with an investigation by the Committee) which have been reasonably and necessarily incurred by any person owing to the failure of the practitioner or optician to comply

with the terms of service, and any sum so recovered shall be paid to that person.

(*b*) The Committee may make representations to the Ministry that owing to the failure of the practitioner or optician to comply with the terms of service a specified amount should be withheld from his remuneration.

(*c*) If the Committee are of the opinion that the continued inclusion of the ophthalmic medical practitioner or of the optician on the ophthalmic list would be prejudicial to the efficiency of the supplementary eye services, they may make representations to that effect to the Tribunal.

Appeal to Ministry from Decision of the Committee

21.—(1) The Committee shall furnish the parties to an investigation with a copy of the Committee's report and of their decision and shall inform the parties of their right to appeal to the Ministry against the decision except in so far as it is a decision under paragraph (*c*) of the last preceding Regulation and of the Ministry's power on such an appeal to award costs.

(2) Subject to the next following Regulation any party aggrieved by such decision shall be entitled to appeal to the Ministry by sending to the Ministry notice thereof within one month from the date on which notification of the decision was received.

(3) The notice of appeal shall contain a concise statement of the grounds of appeal.

(4) The Ministry may, on the application of any person desiring to appeal, extend the time for giving notice of appeal and may do so although the application is not made until after the expiration of one month from the date on which notice of the Committee's decision was received.

(5) An application for the extension of the time for giving notice of appeal must be made in writing to the Ministry, stating the grounds for the appliaction.

Representation by the Committee to Tribunal

22. No appeal shall lie against a decision of the Committee to make representations with regard to the continued inclusion in any list of the name of any practitioner or optician and if the Committee decide to make such representations and an appeal to the Ministry is made against their decision on other matters, the Ministry shall treat as conclusive for the purpose of the appeal any relevant findings of the Tribunal, and no appeal shall be heard by the Ministry until the proceedings before the Tribunal shall have been concluded.

Procedure on Appeal

23.—(1) If the Ministry, after considering the notice of appeal and

any further particulars furnished by the appellant, is of opinion that the said notice and particulars disclose no reasonable grounds of appeal or that the appeal is otherwise vexatious or frivolous, the Ministry may dismiss the appeal forthwith : Provided that an appeal against a decision of the Committee to take action under paragraphs (*a*) or (*b*) of Regulation twenty of these Regulations shall not be dismissed without an oral hearing unless the appellant does not desire such a hearing.

(2) The Ministry shall, unless it dismisses the appeal on the aforementioned ground, send a copy of the notice of appeal and of any further particulars furnished by the appellant to the Committee and to the person or persons, if any, who were parties to the proceedings before the Committee or who appear to the Ministry to be interested in the appeal.

(3) The Ministry may, if it is of opinion that the case is of such a nature that it can properly be determined without an oral hearing and if the appellant so desires dispense with an oral hearing and determine the appeal summarily.

(4) In the event of an oral hearing of an appeal, the appellant, the Committee or any person who has received notice of appeal may appear and take such part in the proceedings as the persons holding the inquiry think proper.

(5) For the purpose of an oral hearing the Ministry may appoint one or more of its officers or some other person or persons, not exceeding three in number, to hold an inquiry and to draw up a report. The Ministry, after taking such report into consideration, shall give its decision, which shall be final and conclusive.

Provided that if either party to an appeal so desires and gives the Ministry not less than seven days notice in writing of his desire, the persons appointed to hear the appeal shall, if possible, include a medical practitioner practising as an oculist or an ophthalmic optician or a dispensing optician, as may be specified in the notice.

(6) (*a*) A party to an appeal when an oral hearing takes place shall be entitled to appear and be heard either in person or by counsel or solicitor, by an officer or member of any organisation of which he is a member, by any member of his family, or by any friend.

(*b*) The Committee shall be entitled to appear by either a member or the Secretary or other officer of the Authority, duly appointed for the purpose, or by counsel or solicitor.

(7) A party to an appeal shall not, except with the consent of the Ministry or, in the case of an oral hearing, of the person or persons before whom the hearing takes place, be entitled to rely upon any facts which do not appear to the Ministry or to the person or persons holding the inquiry to have been adduced before the Committee in the course of the proceedings in respect of which the appeal is brought : Provided that this paragraph shall not apply in the case of a hearing if at least seven days before the hearing notice is given in writing to the

Ministry or to the person or persons holding the inquiry of any new facts upon which the party intends to rely.

(8) The Authority may, with the consent of the Ministry, make such contribution as the Committee think fit and shall, if directed by the Ministry, make such contribution as the Ministry may determine towards the cost of the appeal incurred by the complainant or by the practitioner or optician.

Provisions of the Seventh Schedule to the Act to apply

24. The provisions of the Seventh Schedule to the Act, which relate to the summoning of witnesses, the awarding of costs and other matters, shall apply to any inquiry held by the Ministry under the last foregoing Regulation.

25.—(1) If the Ministry is satisfied after considering any report made by the Committee under paragraph (4) of Regulation eighteen of these Regulations and the decision of the Committee thereon that an ophthalmic medical practitioner or an optician has failed or neglected to comply with the terms of service applicable to him, and if there has not been any appeal to the Ministry against that decision, the Ministry may direct the Authority to recover from the practitioner or optician any sum not exceeding such amount as the Committee may have specified under paragraph (*b*) of Regulation twenty of these Regulations and such sum shall be a debt owing by the practitioner or optician to the Authority: Provided that the Ministry shall, before directing that any such sum shall be withheld, afford the practitioner or optician concerned a reasonable opportunity of making representations to the Ministry on the matter and, if he decides to make representations orally, the Ministry shall appoint a person or persons to hear the case. The Committee and the appropriate Local Medical Committee or any organisation which the Minister recognises as representative of opticians, as the case may be, shall be entitled to be represented at such hearing and to take such part in the proceedings as the persons appointed to hear the case may think fit.

(2) The persons appointed to hear any oral representations under paragraph (1) of this Regulation shall be, or include, a person belonging to the same branch of the service as the person making the representations.

(3) If the Ministry is satisfied after considering any appeal under Regulation twenty-one of these Regulations in respect of which an oral hearing has been dispensed with under these Regulations, or after considering the report of a person or persons hearing an appeal under paragraph (5) of Regulation twenty-three of these Regulations, that an ophthalmic medical practitioner or optician has failed or neglected to comply with the terms of service applicable to him, the Ministry may direct the Authority to recover from the practitioner or optician such amount as the Ministry thinks fit, and such amount shall be a debt

owing by the practitioner or optician to the Authority : Provided that the Ministry shall, before directing that any such amount shall be recovered, take into consideration any relevant decision by the Committee under paragraph (*b*) of Regulation twenty of these Regulations and any representations which the practitioner or optician concerned may make on the matter to the Ministry.

PART IX

Notices

Service of Notices, etc.

26.—(1) Any document which is required or authorised by these Regulations to be given to or served on any person may be given or served either :—

(*a*) by delivering it to that person ; or

(*b*) in the case of the Ministry, or the Authority, by delivering it to their secretary or by sending it in a prepaid letter, addressed to him at his principal office ; or

(*c*) in the case of the Committee by delivering it to the Secretary of the Authority or by sending it in a prepaid letter addressed to him at the Authority's principal office ;

(*d*) in the case of an ophthalmic medical practitioner or optician, by sending it in a prepaid letter addressed to him at the address given in the ophthalmic list ; or

(*e*) in any other case, by sending it in a prepaid letter addressed to him at his usual or last known address.

(2) Where a party to an inquiry is represented by a solicitor it shall be sufficient compliance with this Regulation if the document required to be given or served is sent by post to the solicitor at his professional address.

(3) Until the contrary is proved, any document sent as aforesaid shall be deemed to be served at the time at which a letter would be delivered in the ordinary course of post.

Power to dispense with Requirements as to Notices

27. The Ministry may dispense with any requirements of these Regulations respecting notices, applications, documents or otherwise in any case where it appears to the Ministry just and proper to do so.

Qualifications of Dispensing Opticians

28. The Health Services (Supplementary Eye Services) (Qualifications) Regulations (Northern Ireland), 1948, shall have effect and shall be deemed always to have had effect subject to the following modification :—

In sub-paragraph (i) of paragraph (*a*) of Regulation 4 there shall be deleted the words " (2) of this " and the words " (1) of the preceding " substituted.

Sealed with the Official Seal of the Ministry of Health and Local Government for Northern Ireland this 25th day of June, one thousand nine hundred and forty-eight, in the presence of

(L.S.) *Thos. Elwood,*
Assistant Secretary.

FIRST SCHEDULE

PART I

TERMS OF SERVICE FOR OPHTHALMIC MEDICAL PRACTITIONERS

Interpretation

1. In these terms of service, except so far as the context otherwise requires, the expression " the Regulations " means the Health Services (Supplementary Eye Services) Regulations, (Northern Ireland), 1948, and other words and expressions have the same meaning as in the Regulations.

Incorporation of Provisions of Regulations, etc.

2. Any provisions of the Regulations or of the statement prepared under Regulation three of the Regulations affecting the rights and obligations of the practitioner shall be deemed to form part of these terms of service.

Standard of Service

3. In accordance with the Regulations, the practitioner shall test the sight of any person applying to him and where glasses are necessary shall prescribe for them on form E.S.C. 2 set out in Part IV of this Schedule.

4. Where an ophthalmic medical practitioner is of the opinion that a person whose eyes he has examined —

(*a*) does not require glasses, or

(*b*) shows on examination any abnormality of the eyes or otherwise requires treatment outside the scope of the supplementary eye 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 a further examination within six months,

he shall inform the person to that effect and where he considers such action desirable in the interests of that person shall also inform the person's general medical practitioner.

Premises

5.—(1) The practitioner shall provide proper and sufficient consulting and waiting room accommodation and suitable instruments for the testing of sight.

(2) The practitioner on receipt of reasonable notice shall admit any medical practitioner being an authorised officer of the Ministry, or any authorised officer of the Authority, or authorised member of the Committee, at all reasonable times to any consulting or waiting room under the control of the practitioner for the purpose of inspecting the said consulting or waiting room.

Records

6. In each case in which the practitioner tests sight under these Regulations, he shall keep proper records and shall, if required to do so, produce such records to the Committee or to any medical practitioner being an authorised officer of the authority or the Ministry.

Remuneration

7. The practitioner shall not suggest, demand or accept any fee or remuneration otherwise than under the Regulations in respect of any supplementary eye services provided by him.

Provided that nothing in this paragraph shall deprive the practitioner of any right to recover a reasonable charge from any person in respect of loss of remunerative time resulting from the failure of that person without sufficient excuse to keep an appointment.

Deputies, Assistants and Partners

8.—(1) Save as provided in this article in the case of deputies and assistants, a testing of sight shall be made by a practitioner personally.

(2) A practitioner shall make all necessary arrangements for the testing of sight of any person whose sight he has agreed to test where he is unable to provide the service personally and shall inform the Committee of any standing arrangements for that purpose.

(3) A practitioner shall not for the purposes of providing supplementary eye services employ a deputy or assistant who is not a medical practitioner having the prescribed qualifications.

(4) A practitioner shall not, without the consent of the Ministry employ as a deputy or assistant any practitioner who is disqualified under section sixteen of the Act for inclusion in the ophthalmic list.

(5) A deputy or assistant shall, in addition to signing with his own name any form or other document issued by him under these terms of service, insert therein, if it does not already appear, the name of the practitioner for whom he is acting as deputy or assistant.

(6) A practitioner is responsible for all acts and omissions of any practitioner acting as his deputy or assistant in relation to his obligations under these terms of service.

Withdrawal from Ophthalmic List

9. The practitioner shall be entitled at any time to give notice to the Committee 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 Committee may agree.

Provided that if representations are made to the Tribunal under section sixteen of the Act that the continued inclusion of a practitioner in the ophthalmic list would be prejudicial to the efficiency of the supplementary eye services, he shall not, except with the consent of the Ministry and subject to such conditions, if any, as the Ministry may impose, be entitled to have his name removed from the list pending the termination of the proceedings on such representations.

PART II

TERMS OF SERVICE FOR OPHTHALMIC OPTICIANS

Interpretation

1. In these terms of service, except so far as the context otherwise requires, the expression " the Regulations " means the Health Services (Supplementary Eye Services) Regulations, (Northern Ireland), 1948, and other words and expressions have the same meaning as in the Regulations.

Incorporation of Provisions of Regulations, etc.

2. Any provisions of the Regulations or of the statement prepared under Regulation three of the Regulations affecting the rights and obligations of ophthalmic opticians shall be deemed to form part of these terms of service.

Standards of Service

3. In testing sight in accordance with the provisions of the Regulations, the ophthalmic optician shall give proper care and attention and where glasses are necessary shall prescribe for them on Form E.S.C. 2 set out in part IV of this Schedule.

4. Where an ophthalmic optician is of the opinion that a person whose eyes he has examined —

(*a*) does not require glasses, or

(*b*) shows on examination any abnormality of the eyes or otherwise requires treatment outside the scope of the supplementary eye 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 a further examination within six months,

he shall inform the person to that effect and where he considers such action desirable in the interests of that person shall advise the person to consult his general medical practitioner.

5.—(1) In supplying or repairing glasses in accordance with the provisions of the Regulations, an ophthalmic optician shall comply with the terms of the prescription, shall employ proper care and attention and shall proceed with reasonable expedition.

(2) All glasses supplied by or through an ophthalmic optician shall conform to the types and quality set out in the statement referred to in Regulation three of the Regulations.

Premises

6.—(1) The ophthalmic optician shall provide proper and sufficient consulting, fitting and waiting room accommodation and suitable instruments for the testing of sight and the supplying or repairing of glasses.

(2) The ophthalmic optician on receipt of reasonable notice shall admit any medical practitioner being an authorised officer of the Ministry or any authorised officer of the Authority or authorised member of the Committee at all reasonable times to any such accommodation under the control of the optician for the purpose of inspecting that accommodation.

Records

7. In each case in which the ophthalmic optician tests sight or supplies or repairs glasses under the Regulations, he shall keep proper records, and shall, if required to do so produce such records to the Committee or to any medical practitioner being an authorised officer of the Authority or the Ministry.

Remuneration

8.—(1) The ophthalmic optician shall not suggest, demand or accept any fee or remuneration otherwise than under the Regulations in respect of any supplementary eye services provided by him.

Provided that nothing in this sub-paragraph shall deprive the optician of any right to recover a reasonable charge from any person in respect of loss of remunerative time resulting from the failure of that person without sufficient excuse to keep an appointment.

(2) Any remuneration payable under these terms of service to an ophthalmic optician, who is a member, director or employee of a firm or company providing supplementary eye services may be paid by the Authority to the firm or company and normally shall be paid within one month after the receipt of the claim for payment.

Inability of an Ophthalmic Optician to complete Treatment

9. If owing to the death of the person or other cause beyond the control of an ophthalmic optician, the optician is unable to supply the person with glasses which he has undertaken to supply under the Regulations, he shall notify the Committee in writing and he shall be entitled to receive such payment from the Authority as may be approved by the Committee.

Arrangement for the Provision of Services

10.—(1) Where the name of a person, firm or company is included in the ophthalmic list as an ophthalmic optician in addition to the name of any employee, the person, firm or company shall be jointly responsible with such employee for any supplementary eye service provided by the employee.

(2) The ophthalmic optician shall make all necessary arrangements for the provision of supplementary eye services to persons to whom he has undertaken to provide such services.

(3) The ophthalmic optician for the purpose of testing sight shall not employ a person who is not an ophthalmic optician.

(4) The ophthalmic optician shall not without the consent of the Ministry employ for the purposes of supplementary eye services any person who is disqualified under section sixteen of the Act for inclusion in the ophthalmic list.

(5) An employee who is an ophthalmic optician whose name is not on the ophthalmic list shall, in addition to signing with his own name any form or other document issued by him under these terms of service, insert therein, if it does not already appear, the name of his employer.

(6) The ophthalmic optician is responsible for all acts and omissions of an employee whose name is not included in the ophthalmic list.

(7) " An employee " for the purposes of this article includes a deputy, and in the case of a firm or company any member or director.

Advertising

11.—(1) Except as provided in sub-paragraph (2) of this article, an optician shall not advertise that his name is included in the Ophthalmic List or that he provides or is authorised to provide services under the Act.

(2) Nothing in this article shall prohibit the display at or on any premises at which an optician carries on his business of a notice supplied by the Committee in the following form —

Northern Ireland Health Services

Ophthalmic Optician qualified to provide services under the Health Services Act (Northern Ireland), 1948, under contract with the Eye Services Committee of the Northern Ireland Hospitals Authority.

(3) For the purposes of this article, the expression " advertise " includes —

(*a*) the publication of a notice in any newspaper or other printed paper issued periodically for public circulation ;
(*b*) the issue of circular letters ;
(*c*) the use of letter headings, bill or account headings, business cards and the like ;
(*d*) the publication of booklets, leaflets and pamphlets ;
(*e*) canvassing in any form ;
(*f*) the making of any public announcements by means of wireless, gramophone records or loud speaker ;
(*g*) the display of any poster, placard, streamer or sign ;
(*h*) the exhibition of any film, slide or announcement at a theatre, cinema or other place of public entertainment or resort.

Withdrawal from Ophthalmic List

12. The ophthalmic optician shall be entitled at any time to give notice to the Committee 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 Committee may agree.

Provided that :—

(i) if representations are made to the Tribunal under section sixteen of the Act that the continued inclusion of an ophthalmic optician in the ophthalmic list would be prejudicial to the efficiency of the supplementary eye services, he shall not, except with the consent of the Ministry and subject to such conditions if any as the Ministry may impose, be

entitled to have his name removed from the list pending the termination of the proceedings on such representations.

(ii) An optician shall make satisfactory arrangements for the completion of any service which he has undertaken under the Regulations.

PART III

TERMS OF SERVICE FOR DISPENSING OPTICIANS

Interpretation

1. In these terms of service, except so far as the context otherwise requires the expression " the Regulations " means the Health Services (Supplementary Eye Services) Regulations, (Northern Ireland), 1948, and other words and expressions have the same meaning as in the Regulations.

Incorporation of provisions of Regulations, etc.

2. Any provisions of the Regulations or of the statement prepared under Regulation three of the Regulations affecting the rights and obligations of dispensing opticians shall be deemed to form part of these terms of service.

Standard of Service

3.—(1) In supplying or repairing glasses in accordance with the provisions of the Regulations, a dispensing optician shall comply with the terms of the prescription, shall employ proper care and attention and shall proceed with reasonable expedition.

(2) All glasses supplied by or through a dispensing optician shall conform to the types and quality set out in the statement referred to in Regulation three of the Regulations.

Premises

4.—(1) The dispensing optician shall provide proper and sufficient accommodation and suitable instruments for the supplying or repairing of glasses.

(2) The dispensing optician on receipt of reasonable notice shall admit any medical practitioner being an authorised officer of the Ministry or an authorised officer of the Authority or an authorised member of the Committee at all reasonable times to any such accommodation under the control of the dispensing optician for the purpose of inspecting that accommodation.

Records

5. In each case in which the dispensing optician supplies or repairs glasses under the Regulations he shall keep proper records and shall, if required to do so, produce such records to the Committee or to any medical practitioner being an authorised officer of the Authority or of the Ministry.

Remuneration

6.—(1) The dispensing optician shall not suggest, demand or accept any fee or remuneration otherwise than under the Regulations in respect of any supplementary eye services provided by him.

Provided that nothing in this sub-paragraph shall deprive the optician of any right to recover a reasonable charge from any person in respect of loss of remunerative time resulting from the failure of that person without sufficient excuse to keep an appointment.

(2) Any remuneration payable under these terms of service to a dispensing optician, who is a member, director, or employee of a firm or company providing supplementary eye services, may be paid by the Authority to the firm or company and normally shall be paid within one month after the receipt of the claim for payment.

Inability of a Dispensing Optician to complete Services

7. If owing to the death of the person or other cause beyond the control of the dispensing optician, the optician is unable to supply him with glasses which he has undertaken to supply under the Regulations, he shall notify the Committee in writing and he shall be entitled to such payment as may be approved by the Committee.

Arrangements for the provision of Services

8.—(1) When the name of a person, firm or company is included in the ophthalmic list as a dispensing optician in addition to the name of any employee, the person, firm or company shall be jointly responsible with any such employee for any supplementary eye service provided by the employee.

(2) The dispensing optician shall make all necessary arrangements for the fitting and supply of glasses to persons to whom he has undertaken to provide them.

(3) The dispensing optician shall not without the consent of the Ministry employ for the purposes of supplementary eye services any person who is disqualified under section sixteen of the Act for inclusion in the ophthalmic list.

(4) An employee being a dispensing optician whose name is not on the ophthalmic list shall, in addition to signing with his own name any form or other document issued by him under these terms of service, insert therein, if it does not already appear, the name of his employer.

(5) The dispensing optician is responsible for all acts and omissions of an employee whose name is not included in the ophthalmic list.

(6) An employee for the purpose of this article includes a deputy and in the case of a firm or company any member or director.

Advertising

9.—(1) Except as provided in sub-paragraph (2) of this article, an optician shall not advertise that his name is included in the Ophthalmic List or that he provides or is authorised to provide services under the Act.

(2) Nothing in this article shall prohibit the display at or on any premises at which an optician carries on his business of a notice supplied by the Committee in the following form —

Northern Ireland Health Services

Dispensing Optician qualified to provide services under the Health Services Act (Northern Ireland), 1948, under contract with the Eye Services Committee of the Northern Ireland Hospitals Authority.

(3) For the purposes of this article, the expression " advertise " includes —

(*a*) the publication of a notice in any newspaper or other printed paper issued periodically for public circulation ;
(*b*) the issue of circular letters ;
(*c*) the use of letter headings, bill or account headings, business cards and the like ;
(*d*) the publication of booklets, leaflets and pamphlets ;
(*e*) canvassing in any form ;
(*f*) the making of any public announcements by means of wireless, gramophone records or loud speaker ;
(*g*) the display of any poster, placard, streamer or sign ;
(*h*) the exhibition of any film, slide or announcement at a theatre, cinema or other place of public entertainment or resort.

Withdrawal from Ophthalmic List

10. The dispensing optician shall be entitled at any time to give notice to the Committee 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 Committee may agree.

Provided that :—

(i) if representations are made to the Tribunal under section sixteen of the Act that the continued inclusion of a dispensing optician in the ophthalmic list would be prejudicial to the efficiency of the supplementary eye services, he shall not except with the consent of the Ministry and subject to such conditions if any as the Ministry may impose, be entitled to have his name removed from the list pending the termination of the proceedings on such representations.

(ii) An optician shall make satisfactory arrangements for the completion of any service which he has undertaken under the Regulations.

PART IV

FORMS E.S.C. 2.

HEALTH SERVICES ACT (N.I.), 1948

SUPPLEMENTARY EYE SERVICES

SIGHT TESTING AND SUPPLY OF GLASSES

Notes on the use of Forms E.S.C. 2.

Parts I, II, IV and V should be completed as indicated in the left hand margin of each part. The ophthalmic medical practitioner or ophthalmic optician should then send the form to the Eye Services Committee, c/o Northern Ireland Hospitals Authority, 58, Howard Street, Belfast.

A medical recommendation (form E.S.C.1) or an authority given by the Eye Services Committee must be attached if the applicant has not previously been supplied with glasses under the Supplementary Eye Services.

The forms in this pad should not be used for replacements or repairs within two years of the supply of the glasses ; forms E.S.C. 2A should be used instead. If, after two years, only replacements or repairs are required a note to this effect should be entered by the optician in the " Remarks " panel of Part II.

If the Eye Services Committee approve the supply of glasses they will send the form to the applicant—after detaching the lower part— with a note of their approval. The applicant may take the form to any ophthalmic or dispensing optician for the supply of the glasses. The optician to whom the form is presented should complete, or have completed, Parts VII, VIII (if appropriate) and IX, and then send it to the Committee.

In signing his name, an optician employed by a person or firm whose name is also on the list of persons providing supplementary eye services should enter his employer's name in the space following the words " on behalf of ". Other opticians should delete the words in square brackets.

FORM E.S.C. 2.

HEALTH SERVICES ACT (N.I.) 1948

SUPPLEMENTARY EYE SERVICES

SIGHT TESTING AND SUPPLY OF GLASSES

PART I

To be completed by or on behalf of the Applicant.

SURNAME (in Block Letters)	MR., MRS., MISS, etc.	NATIONAL REGISTRATION IDENTITY NUMBER

CHRISTIAN NAMES — AGE

PRESENT ADDRESS

PERMANENT ADDRESS (if different from present address)

NAME AND ADDRESS OF OPTICIAN WHO SUPPLIED PREVIOUS GLASSES

APPROXIMATE DATE ON WHICH PREVIOUS GLASSES WERE SUPPLIED

PART II.

To be completed by an ophthalmic medical practitioner or by an ophthalmic optician and sent to the Eye Services Committee after Parts IV and V have been completed.

RIGHT						LEFT				
Sph.	Cyl.	Axis	Prism	Base		Sph.	Cyl.	Axis	Prism	Base
					DISTANCE					
					READING					

REMARKS

The Applicant requires glasses as prescribed above *

The Applicant does not require glasses for the reasons opposite *

Signature of ophthalmic medical practitioner or

Signature of ophthalmic optician [jointly on his own behalf and on behalf of

.....

.....]

Signature.....

E.S.C. List No.....

Date.....

Name and Address of ophthalmic medical practitioner or ophthalmic optician to whom payment should be made (*Rubber Stamp or Block Letters*)

PART III.

For official use

APPROVED

Form E.S.C. 2—Continued.

PLEASE DO NOT DETACH THIS PART OF THE FORM.

PART IV. *To be completed by or on behalf of the Applicant.*

My sight * / The Applicant's sight * Has been tested to-day — I have not * / The Applicant has not * been supplied with glasses since July, 1948.

Signature of Applicant..... *Date*.....
(or, in the case of a child or an invalid, the signature of a parent, guardian or other person in charge).

PART V. *To be completed by the ophthalmic medical practitioner or the ophthalmic optician.*

Name and Address of ophthalmic medical practitioner or ophthalmic optician to whom payment should be made.
(*Rubber Stamp or Block Letters*).

I have tested the Applicant's sight and I accordingly claim payment of £ : :

Signature of ophthalmic medical practitioner or
Signature of ophthalmic optician [jointly on his own behalf and on behalf of.....
.....
.....]

Signature.....

E.S.C. List No. .....

Date.....

PART VI. *For official use*

Authorised for payment

* Delete if not applicable

PART VII. *To be completed by the optician who supplies the glasses and sent to the Eye Services Committee after Part VIII (if applicable) and Part IX have been completed as indicated below.*

Details of the glasses supplied to the Applicant to the prescription overleaf

Description of frames

Description of lenses

Name and Address of optician to whom payment should be made.
(*Rubber Stamp or Block Letters*).

I have supplied the Applicant with the glasses described above and I claim payment of £ : : from the Eye Services Committee. This sum does not include any amount due from the Applicant.
Signature of optician [jointly on his own behalf or on behalf of.....
.....
.....]

Signature .....
E.S.C. List No. .....
Date.....

Form E.S.C. 2—Continued.

PART VIII. *If glasses of a special type are supplied at the request of the applicant to be completed* (a) *by the optician and* (b) *by or on behalf of the Applicant.*	(*a*) My charge to the applicant in addition to the charge to the Eye Services Committee is £ : : Signature of supplier, [jointly on his own behalf and on behalf of ....] Signature..... Date.....	(*b*) I expressly desired to be supplied with glasses of the special type described above and I undertake to pay the supplier £ : : Signature of Applicant ..... (or in the case of a child or an invalid, the signature of a parent, guardian or other person in charge). Date.....
PART IX. *To be completed by or on behalf of the Applicant.*	I have been * _____ supplied with the glasses described above The Applicant has been * Signature of Applicant..... Date ..... (or in the case of a child or invalid, the signature of a parent, guardian or other person in charge). * Delete if not applicable.	
PART X. *For official use.*	Amount authorised £ : : Authorised for payment	

THIS PART OF THE FORM TO BE LEFT BLANK.

PART V.

FORMS E.S.C. 2A.

HEALTH SERVICES ACT (N.I.), 1948

SUPPLEMENTARY EYE SERVICES

REPLACEMENT OR REPAIR OF GLASSES WITHIN TWO YEARS OF SUPPLY

Notes on the use of Forms E.S.C. 2A

1. Use these forms *only for replacement or repair of glasses within two years of supply.* Otherwise use Form E.S.C. 2.

2. Action to be taken where :—

Applicant ADMITS personal carelessness.	Applicant does not admit personal carelessness but PAYS A DEPOSIT equal to the appropriate charge.	Applicant does not admit personal carelessness and is NOT WILLING TO PAY A DEPOSIT equal to the appropriate charge.
(*a*) replacement or repair is undertaken at once at applicant's expense.	(*a*) replacement or repair is undertaken at once.	(*a*) replacement or repair must await the decision of the Eye Services Committee.
(*b*) Form E.S.C. 2A herein is completed as follows :— (i) Parts I and IIb (if appropriate) by applicant. (ii) Parts IIa and IIIa by optician. (iii) Parts IIIb by applicant. (iv) Parts IV and VII by optician. (v) Part VIII by applicant.	(*b*) optician issues a receipt on Form E.S.C. 6.	(*b*) Form E.S.C. 2A is completed as follows :— (i) Parts I and IIb (if appropriate) by applicant. (ii) Parts IIa, IV and Va by optician.
(*c*) Optician refers Form to Eye Services Committee.	(*c*) Form E.S.C. 2A herein is completed as follows : (i) Parts I and IIb (if appropriate) by applicant. (ii) Part IIa (if appropriate), IV, V (*b*) and VII by optician. (iii) Part VIII by applicant.	(*c*) Optician refers Form to Eye Services Committee, together with a written statement by the applicant of the cause of loss or damage.
	(*d*) Optician refers Form to Eye Services Committee.	(*d*) Eye Services Committee refers Form back to optician with decision.
		(*e*) WHERE APPLICANT HAS TO PAY. (1) *Form* E.S.C. 2A *is further completed as follows* :— (i) Part IIIa by optician. (ii) Part IIIb by applicant (iii) Part VII by optician. (iv) Part VIII by applicant (2) *Optician returns Form to Eye Services Committee.*
		(*f*) WHERE N.I. HOSPITALS AUTHORITY AGREES TO BEAR THE COST — (1) Form E.S.C. 2A is further completed as follows- (i) Part VII by optician. (ii) Part VIII by applicant (2) Optician re-submits Form to Eye Services Committee.

NOTE :—In completing Form E.S.C. 2A, an optician, who is employed by a person or firm and whose name is also on the list of persons providing supplementary eye services, should enter his employer's name in the space following the words "on behalf of." Other opticians should delete the words in square brackets.

FORM E.S.C. 2A.

HEALTH SERVICES ACT (N.I.), 1948.

SUPPLEMENTARY EYE SERVICES.

REPLACEMENT OR REPAIR OF GLASSES WITHIN TWO YEARS OF SUPPLY.

PART I. *To be completed by or on behalf of the Applicant.*	SURNAME (in Block Letters)	MR., MRS., MISS, etc.	NATIONAL REGISTRATION IDENTITY NUMBER
	CHRISTIAN NAMES		AGE
	PRESENT ADDRESS	PERMANENT ADDRESS (if different from present address)	
	NAME AND ADDRESS OF OPTICIAN WHO SUPPLIED THE GLASSES	APPROXIMATE DATE ON WHICH THE GLASSES WERE SUPPLIED	
	The loss or damage was * caused by personal carelessness † was not *		
	Signature of Applicant..... (or, in the case of a child or an invalid, the signature of a parent, guardian or other person in charge).	*Date*.....	

* Delete if not applicable.

† PERSONAL CARELESSNESS —

If the loss or damage is due to personal carelessness, the applicant is responsible for the full cost of replacement or repair.

WHERE PERSONAL CARELESSNESS IS ADMITTED the optician may proceed at once to replace or repair the glasses at the applicant's expense.

WHERE PERSONAL CARELESSNESS IS NOT ADMITTED it will nevertheless be assumed to have occurred if replacements or repairs are required within two years of the supply of the glasses and the applicant will be held responsible for the cost unless he can show to the satisfaction of the Eye Services Committee that there was no such carelessness. If the glasses are required urgently and the applicant pays a deposit **equal to the appropriate charge,** the optician may proceed at once with the work, giving the applicant a receipt. The back of the receipt is to be used by the applicant when applying for a refund of the deposit. If the applicant does not wish to pay a deposit, the optician will, before carrying out the work, ask him for a written statement of the cause of the loss or damage and submit it with this form (after Parts I, II (if appropriate), IV and V (*a*) have been completed) to the Eye Services Committee for a decision.

Form E.S.C. 2A—*Continued.*

PART II. *If glasses of a special type are to be replaced or if special types of parts are to be fitted at the request of the applicant to be completed :—* (a) *by the optician.* (b) *by or on behalf of the applicant.*	(*a*) My charge to the applicant in addition to the charge, if any, to the E.S.C. is £ : : for glasses of a special type replaced or special types of parts fitted at the request of the applicant. Signature of optician [jointly on his own behalf and on behalf of .....] Signature ..... E.S.C. List No. ..... Date.....	(*b*) I undertake to pay the optician £ : : for glasses of a special type replaced; or special types of parts fitted at my request. Signature of applicant ..... (or in the case of a child or invalid, the signature of a parent or guardian or other person in charge.) Date.....
PART III. *If personal carelessness is admitted or determined, to be completed :—* (a) *by the optician.* (b) *by or on behalf of the applicant.*	(*a*) My charge to the applicant for replacement or repairs necessitated by his personal carelessness is £ : : Signature of optician [jointly on his own behalf and on behalf of .....] Signature..... E.S.C. List No. ..... Date.....	(*b*) I undertake to pay the optician £ : : for replacements or repairs necessitated by my personal carelessness. Signature of applicant..... (or in the case of a child, or invalid, the signature of a parent or guardian or other person in charge). Date.....

PART IV. PRESCRIPTION (where appropriate).

RIGHT						LEFT				
Sph.	Cyl.	Axis	Prism	Base		Sph.	Cyl.	Axis	Prism	Base
					DISTANCE					
					READING					

DETAILS OF REPLACEMENTS OR REPAIRS	NAME AND ADDRESS OF OPTICIAN TO WHOM PAYMENT SHOULD BE MADE. (Rubber Stamp or Block Letters).
Description of frames (if supplied) Description of lenses	

PART V. *If personal carelessness is not admitted. To be completed by the optician.*

(*a*) I submit this form to the Eye Services Committee for a decision *.
(*b*) The applicant has paid £ : : as a deposit *

Signature of optician [jointly on his own behalf and on behalf of .....]

Signature..... Date .....

E.S.C. List No.....

Form E.S.C. 2A—*Continued.*

PART VI. *For official use.*	
PART VII. *To be completed by the optician.*	I have supplied the replacements or carried out the repairs described in Part IV above (and I claim payment of £ : : from the Eye Services Committee.* This sum does not include any amount due from the applicant). Signature of optician [jointly on his own behalf and on behalf of .....] Signature..... Date ..... E.S.C. (N.I.) List No.....
PART VIII. *To be completed by or on behalf of the applicant.*	The replacements have been supplied or the repairs have been carried out as described in Part IV above. Signature of applicant..... Date..... (or in the case of a child or invalid, the signature of a parent, guardian or other person in charge.)
PART IX. *For official use*	Amount authorised £ : : Authorised payment

* Delete if not applicable.

PART VI

FORM E.S.C. 11

SUPPLEMENTARY EYE SERVICES

REPLACEMENT OR REPAIR OF GLASSES FOR SCHOOLCHILDREN

PART I. — *To be completed by the parent or guardian.*

Name of child .....

Address .....

National Registration Identity No. .....

Cause of loss or damage of glasses .....

Signed .....

Date .....

PART II. — *To be completed by the medical officer or ophthalmic surgeon or other duly authorised officer of the Health Authority.*

To an Optician providing Supplementary Eye Services :

You are authorised to proceed with the $\frac{\text{replacement}*}{\text{repair}*}$ of the glasses of the above named child without seeking the prior approval of the Eye Services Committee and without asking for the payment of a deposit by the parent or guardian, provided you submit this form to the Eye Services Committee with your claim for payment after completion of the work.

Signature.....

On behalf of.....Health Authority.

Date .....

* Delete whichever is not applicable.

FORM S.E.S. 5

PART VII

FORM OF APPLICATION FOR INCLUSION IN THE OPHTHALMIC LIST

A. OPHTHALMIC MEDICAL PRACTITIONERS

To the Secretary, Northern Ireland Hospitals Authority,
Friends' Provident Buildings,
58 Howard Street, Belfast.

I .....

of .....

being a medical practitioner having the qualifications prescribed for the purposes of Section 22 of the Health Services Act (Northern Ireland), 1948, undertake under the arrangements for Supplementary Eye Services to test sight on the terms prescribed in the Health Services (Supplementary Eye Services) Regulations (Northern Ireland), 1948, and apply to have my name included in the Ophthalmic List.

Particulars of my usual surgery hours are given below :—

Address of Surgery	*Days and hours of attendance*
.....	.....
.....	.....

To be completed where appropriate { I am practising in partnership with ..... of ..... / I am acting as assistant to ..... of ..... }

Signed .....

Ministry of Health and Local Government Serial No.

Witness .....

.....

Date .....

FORM S.E.S. 15

FORM OF APPLICATION FOR INCLUSION IN THE OPHTHALMIC LIST

B. OPHTHALMIC OPTICIANS

To the Secretary, Northern Ireland Hospitals Authority,
Friends' Provident Buildings,
58 Howard Street, Belfast.

I (We) .....

of .....

an ophthalmic optician (or firm or company of ophthalmic opticians) having the qualifications prescribed for the purposes of Section 22 of the Health Services Act (Northern Ireland), 1948, undertake under the arrangements for Supplementary Eye Services to test sight and supply glasses on the terms prescribed in the Health Services (Supplementary Eye Services) Regulations (Northern Ireland), 1948, and apply to have my (our) name(s) included in the Ophthalmic List. My (our) consulting rooms or other premises for this purpose and usual hours of service are :—

Form S.E.S.15—*Continued.*

	Address(es) of Consulting Rooms or other premises	*Days and Hours of Service* Days	Hours
(a)	.....	.....	
(b)	.....	.....	
(c)	.....	.....	
(d)	.....	.....	

I am employed by.....

of .....

To be completed where appropriate.

* [The ophthalmic optician(s) having the prescribed qualifications who is (are) in charge at this (these) address(es) is (are) —

(a) .....

(b) .....

(c) .....

(d) .....]

I do (do not) carry on other business at the above premises.

If another business is carried on please state nature of business and at which premises.

Signed .....

Ministry of Health and Local Government Serial No.

Witness .....

.....

Date.....

* To be completed only where application is being made by a firm or company.

FORM S.E.S. 16

FORM OF APPLICATION FOR INCLUSION IN THE OPHTHALMIC LIST

C. DISPENSING OPTICIANS

To the Secretary, Northern Ireland Hospitals Authority,
Friends' Provident Buildings,
58 Howard Street, Belfast.

I (We) .....

of .....

a dispensing optician (or firm or company of dispensing opticians) having the qualifications prescribed for the purposes of Section 22 of the Health Services Act (Northern Ireland), 1948, undertake under the arrangements for Supplementary Eye Services to supply glasses on the terms prescribed in the Health Services (Supplementary Eye Services) Regulations (Northern Ireland), 1948, and apply to have my (our) name(s) included in the Ophthalmic List.

Form S.E.S. 16—*Continued.*

My (our) premises and usual hours of service are :—

	Address(es) of Premises	*Days and Hours of Service*	
		Days	*Hours*
(a)	.....	.....	
(b)	.....	.....	
(c)	.....	.....	
(d)	.....	.....	

I am employed by.....

of .....

To be completed where appropriate.

* [The dispensing optician(s) having the prescribed qualifications who is (are) in charge at this (these) address(es) is (are)—

(a) .....

(b) .....

(c) .....

(d) .....]

I do (do not) carry on other business at the above premises.

If another business is carried on please state nature of business and at which premises.

Signed .....

Ministry of Health and Local Government Serial No.

Witness .....

.....

Date.....

* To be completed only where application is being made by a firm or company.

SECOND SCHEDULE

Rules of Procedure under Regulation Eighteen

Procedure

1. Where under the provisions of the Regulations any question or matter is required to be investigated by the Committee, the following procedure shall be adopted :—

(*a*) If in the opinion of the chairman of the Committee the statement made by the complainant discloses no prima facie ground of complaint, or is frivolous or vexatious, the secretary shall so inform the complainant. If no further statement is submitted by the complainant within seven days after he has been so informed, or if the statement so submitted does not in the opinion of the chairman render a hearing of the case necessary, he shall have power to dispense with a hearing and the Committee shall report on the matter forthwith.

(*b*) The secretary shall, as soon as practicable, send to the chairman of the Committee and to the ophthalmic medical practitioner or optician concerned a copy of the complainant's statement and any ensuing correspondence on the matter and the practitioner or opitcian shall be entitled to reply thereto.

(*c*) Except in cases dealt with under paragraph (*a*) without a hearing the secretary shall give to both parties not less than fourteen days notice of the meeting at which the case will be heard.

(*d*) The chairman of the Committee, may, upon the application of either party, postpone the hearing if he is satisfied that the attendance of the party or any witness on the date fixed for the hearing is not reasonably practicable, or if for any other reason he thinks fit.

(*e*) The complainant may subject to the consent of the chairman withdraw his statement of complaint at any stage of the proceedings.

(*f*) The secretary shall three clear days before the hearing supply to each member of the Committee copies of the statement and the reply, if any, thereto, and of any further correspondence relating to the matter which has taken place between the secretary and either party.

(*g*) Both parties shall be entitled to be present at the hearing and to give and call such evidence as the Committee may think relevant to the matters at issue, and either party may put questions relevant to the matter in dispute to the other party or to any witness called by him. Subject as aforesaid, the procedure at the hearing shall be such as the Committee may determine.

(*h*) If either party fails to appear at the hearing, and the Committee are satisfied that his absence is due to illness or other reasonable cause, or if for any other reason the Committee think fit, they may adjourn the hearing.

(*i*) If in the course of a hearing the complainant introduces any issue which in the opinion of the chairman was not sufficiently disclosed in the written statement or statements sent to the respondent, it shall be within the discretion of the chairman to admit or exclude such issue as he thinks fit, but if the issue is admitted, the hearing shall be adjourned if the respondent desires an opportunity of producing further evidence, and desires an adjournment for that purpose.

(*j*) Notwithstanding any provision of the Standing Orders of the Authority or of the Committee the chairman, one lay member and one professional member of the Committee shall form a quorum of the Committee at any hearing.

Adjourned Meetings

2. Where a case has been opened before the Committee and the meeting is adjourned for the purpose of hearing further evidence or of preparing or considering the report, a member of the Committee who was not present at the meeting shall not be entitled to be present or take part in the proceedings at the adjourned meeting, and it shall not be necessary for the secretary to send him notice of such meeting.

Interpretation

3. In these rules, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them :—

" chairman " includes a vice-chairman or deputy chairman acting in his place ;

" lay member " means a member of the Committee who is not a medical practitioner or an ophthalmic or dispensing optician ;

" professional member " means a member of the Committee belonging to the same branch of the service as the respondent ;

" secretary " means the secretary of the Authority or, in his absence, any duly authorised officer acting in his stead.