1973. No. 417 **[C]**

HEALTH AND PERSONAL SOCIAL SERVICES

General Ophthalmic Services

REGULATIONS, DATED 27TH SEPTEMBER 1973, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER THE HEALTH AND PERSONAL SOCIAL SERVICES (NORTHERN IRELAND) ORDER 1972.

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The Ministry of Health and Social Services (hereinafter referred to as "the Ministry") on behalf of the Secretary of State, 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(a) and of all other powers enabling it in that behalf and in conjunction with the Ministry of Finance hereby makes the following regulations.

(a) S.I. 1972, No. 1265 (N.I. 14).

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) 1973 and shall come into operation on 1st October 1973.

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;

"dispensing optician" means a person or body corporate qualified as a dispensing optician in accordance with regulation 12;

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

"Form OC2" is the form approved by the Ministry and available from the Agency for use by ophthalmic medical practitioners and opticians in connection with the testing of sight and supply of glasses;

"Form OC2A" is the form approved by the Ministry and available from the Agency for use by ophthalmic medical practitioners and opticians in connection with the replacement or repair of glasses;

"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;

"glasses" includes any optical appliance which may be supplied under Article 62 of the Order;

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

"Local Ophthalmic Medical Committee" and "Local Ophthalmic Optical Committee" mean the committees recognised by the Ministry 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 Ministry, 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(c);

"Minister" means the Minister of Health and Social Services;

(b) S.I. 1972, No. 1263 (N.I. 12). (c) S.R. & O. (N.I.) 1938, No. 141.

"ophthalmic medical practitioner" means a medical practitioner having the qualifications prescribed by regulation 10;

"ophthalmic optician" means a person or body corporate qualified as an ophthalmic optician in accordance with regulation 11;

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

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

"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 5;

"supply" in relation to glasses includes replacement;

"the relevant time" means the time of the testing of sight leading to the supply of glasses, or the first such testing of sight;

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

PART II

OPHTHALMIC COMMITTEE

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 carrying out 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 the approval of forms for general ophthalmic services as it thinks fit.

PART III

GENERAL ARRANGEMENTS FOR THE PROVISION OF GENERAL OPHTHALMIC SERVICES

Preparation of statement determining fees etc

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

(*a*) the fees payable by the Agency 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 which may be supplied;

(*c*) the charges to be paid by the Agency in respect of the supply or repair of glasses;

(*d*) the charges to be paid by a person to whom or for whom an ophthalmic or dispensing optician supplies or repairs glasses.

(2) All payments which are due to be made by the Agency under arrangements made under Article 62 of the Order shall be approved by the Committee and be made by the Agency normally within one calendar month of the end of the month in 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

6. The arrangements which a Board is required by Article 62 of the Order to make with ophthalmic medical practitioners and ophthalmic and dispensing opticians for the provision of general ophthalmic services shall incorporate the terms of service contained in Parts I, II and III respectively of Schedule 1 and the statement referred to in regulation 5.

Ophthalmic list

7.—(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 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 and telephone number 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) An ophthalmic medical practitioner, ophthalmic optician, or dispensing optician on 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.

(4) The Agency shall send a copy of the ophthalmic list to the Ministry, each Board, the Local Ophthalmic Medical Committee and the Local Ophthalmic Optical Committee and shall within 14 days inform each of them of any alteration which may from time to time be made therein.

(5) 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.

Applications for inclusion in the ophthalmic list

8.—(1) Any ophthalmic medical practitioner who wishes to have his name included in the ophthalmic list shall apply on a form approved by the Ministry and available from the Board. Application shall be made to the Board in whose area his premises are situated.

(2) Any ophthalmic optician or dispensing optician who wishes to have his name included in the ophthalmic list shall apply on a form approved by the Ministry and available from the Board. Application shall be made to the Board in whose area his premises are situated.

Publication of particulars

9. The Agency shall publish in such manner as appears to it best calculated to inform all persons interested, particulars of the arrangements made by the Boards for the provision of general ophthalmic services including a statement of the places where copies of the terms of service for ophthalmic medical practitioners and ophthalmic and dispensing opticians, and copies of the ophthalmic list may be seen, and any other particulars which the Agency thinks proper.

PART IV

QUALIFICATIONS FOR INCLUSION IN THE OPHTHALMIC LIST

Ophthalmic medical practitioners

10.—(1) In this regulation the expression "the Advisory Committee" means the Advisory Committee appointed by the Minister under Article 25 of the Order after consultation with each Board and such organisation as may be recognised by the Minister as representing medical practitioners, for the purpose of approving any hospital, degree or qualification which is required by this regulation to be approved and of advising the Ministry in accordance with the requirements of this regulation.

(2) A medical practitioner who makes application to the Ministry on the form provided for that purpose and who has—

(*a*) (i) before the 1st day of October 1973 held an appointment with the Northern Ireland Hospitals Authority with the status of consultant ophthalmologist; or

(ii) held an appointment with a Board with the status of consultant ophthalmologist or held for a period of two years an appointment of equivalent status as an ophthalmic surgeon or assistant ophthalmic surgeon on the staff of an ophthalmic hospital or a hospital having a special ophthalmic department approved by the Advisory Committee; or

(*b*) obtained the Diploma in Ophthalmic Medicine and Surgery or the Diploma in Ophthalmology (Conjoint Board) or the Diploma in Ophthalmology (Oxon.) or other higher degree or qualification approved by the Advisory Committee, and held for the period of two years an appointment or appointments in an ophthalmic hospital or the ophthalmic department of a general hospital which has been approved for this purpose by the Advisory Committee, of which period at least six months shall have been spent in a whole-time appointment in a hospital recognised for the teaching of ophthalmology:

Provided that the requirement that a practitioner shall have spent at least six months in a whole-time appointment in a hospital recognised for the teaching of ophthalmology shall not apply to a medical practitioner qualified at least ten years before he applies to the Advisory Committee for consideration of his experience, where the Ministry is advised by the Advisory Committee that the practitioner's experience is such as to make that requirement unnecessary; or

(*c*) before the 1st day of October 1951,

(i) completed an academic or post-graduate course in ophthalmology approved by the Advisory Committee and received a diploma or certificate in respect of such course, or

(ii) held for a period of two years an appointment as an ophthalmic surgeon or assistant ophthalmic surgeon on the staff of an ophthalmic hospital or a hospital having a special ophthalmic department approved for this purpose by the Advisory Committee, or

(iii) held for a period of two years any appointment approved for this purpose by the Advisory Committee affording special opportunities for acquiring the necessary skill and experience of the kind required for the services to be rendered;

and who in the case of a practitioner qualified under sub-paragraph (*a*) or (*b*) of this paragraph, has shown to the satisfaction of the Ministry acting on the advice of the Advisory Committee that he has had adequate, including recent, experience, or in the case of a practitioner qualified under sub-paragraph (*c*) of this paragraph so shows that he had adequate experience immediately prior to the 1st day of October 1951, and has also had recent experience;

shall be a medical practitioner having the prescribed qualifications for the purposes of Article 62 of the Order.

(3) Notwithstanding the foregoing provisions, a medical practitioner whose qualifications for the purpose of providing general ophthalmic services had been and were still approved immediately before the 1st day of October 1951, shall so long as he possesses the qualifications then in force be deemed to have the qualifications required by this regulation.

(4) Notwithstanding the foregoing provisions, a person who has the qualifications prescribed for a medical practitioner for the purpose of providing general ophthalmic services in England and Wales under the National Health Services Act 1946(**d**) or in Scotland under the National Health Services (Scotland) Act 1947(**e**) shall for the purposes of Article 62 of the Order and this regulation be deemed to have the corresponding qualifications prescribed by this regulation.

(5) Every person who makes an application under the foregoing provisions shall be informed by the Ministry as soon as may be practicable of the Ministry's determination in respect of that application and the Ministry shall also inform each Board and the Advisory Committee of each such determination.

Ophthalmic opticians

11. A person or body shall for the purposes of Article 62 of the Order be qualified as an ophthalmic optician if his name or the name of the body, as the case may be, is included in either of the Registers, or in the list, of ophthalmic opticians established under the Opticians Act, 1958(**f**).

Dispensing opticians

12. A person or body shall for the purposes of Article 62 of the Order be qualified as a dispensing optician if his name or the name of the body, as the case may be, is included in the Register or list of dispensing opticians established under the Opticians Act 1958.

(**d**) 9 & 10 Geo. 6. c. 81.
(**e**) 10 & 11 Geo. 6. c. 27.
(**f**) 6 & 7 Eliz. 2. c. 32.

PART V

EXERCISE OF CHOICE OF PERSON BY WHOM SERVICES ARE TO BE PROVIDED

Exercise of choice

13.—(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 by whom the glasses are to be supplied:

Provided that the right to choose shall be exercised—

(*a*) on behalf of any person under the age of sixteen by either parent, 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 service, by a relative or any person who has the care of such person.

(2) Any right to choose conferred by this 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 Order and of these regulations.

PART VI

METHOD OF OBTAINING GENERAL OPHTHALMIC SERVICES INVOLVING THE TESTING OF SIGHT

Medical recommendation

14.—(1) A person receiving from a doctor a recommendation in writing for general ophthalmic 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 Agency for authority to receive such services and such an authority, signed by the Chief Administrative Officer of the Agency or by another officer of the Agency appointed to act on his behalf, shall confer on the person the same rights as a recommendation given by a doctor.

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

Examination of applicant's eyes

15. An ophthalmic medical practitioner or ophthalmic optician on receiving an application for general ophthalmic services which involves the testing of sight may, on production of the applicant's medical card and if such a recommendation or authority as is mentioned in regulation 14 is produced to him or if the applicant states that he has previously had his sight tested under the general ophthalmic services, make such examination of the applicant's eyes as may be required and shall forthwith—

(*a*) complete and secure the completion, as appropriate, of Parts I, II and V of Form OC2; and

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

Action by the Ophthalmic Committee

16.—(1) Where the Committee, on the receipt of such form and after any such enquiry as it thinks proper, is satisfied that any glasses prescribed therein are not required by way of replacement or, if they are required by way of replacement and the Agency is satisfied that such replacement was not necessitated by an act or omission on the part of the application or (if it occurred when he was under sixteen years of age) of his or of the person having charge of him when it occurred, the Committee shall send to the applicant or where appropriate, to the person acting on his behalf the appropriate detachable part of the form endorsed to the effect that the supply of glasses under the general ophthalmic services is authorised, together with a note informing him that he 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 it thinks proper, is satisfied that the applicant is already in possession of such glasses as are prescribed therein, or if any glasses prescribed therein are required by way of replacement which the Agency is satisfied has been necessitated by an act or omission on the part of the applicant or (if it occurred when he was under sixteen years of age) of him or of the person having charge of him when it occurred, the Committee shall send to him or, where appropriate, to the person acting on his behalf the appropriate detachable part of the form endorsed to the effect that the glasses may be supplied only at the expense of the applicant or, where appropriate, the person acting on his behalf together with a note confirming the Agency's decision. The provisions of paragraphs (2) (except the last sentence) and (3) of regulation 20 shall apply to the case of replacement necessitated by an act or omission on the part of the applicant or (if it occurred when he was under sixteen years of age) of his or of the person having charge of him when it occurred.

Supply of glasses

17.—(1) The form referred to in regulation 16 endorsed with the Committee's approval shall authorise the optician to whom it is presented to supply the glasses in accordance with the prescription:

(2) When the glasses have been supplied to the applicant, the optician shall obtain the applicant's signature where it is required on the form and shall forthwith return the form duly completed to the Committee for payment.

PART VII

METHOD OF OBTAINING GENERAL OPHTHALMIC SERVICES NOT INVOLVING THE TESTING OF SIGHT

Replacement and repairs

18.—(1) Where a person requires general ophthalmic services consisting only of

(*a*) the replacement of glasses, or

(*b*) the repair of glasses whether or not supplied under these regulations, he shall be entitled to apply for such service to an ophthalmic optician or a dispensing optician whose name appears on an ophthalmic list:

Provided that the optician may if he thinks it necessary and shall in the case of a person under the age of sixteen years who has not had his sight tested within the previous twelve months require that person to have his sight tested before providing such a service.

(2) On accepting the application, and on production of the applicant's medical card, the optician shall complete and secure the completion of, Part I and so far as is applicable, Parts II, IV, V and VI of Form OC2A and forward it to the Committee for approval and on receipt of such approval and subject to any decision of the Committee under regulation 20(2) shall proceed to 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 an act or omission on his part or (if it occurred when he was under sixteen years of age) of his or of the person having charge of him when it occurred, and he has signed the undertaking in Part VI 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 Part VII, if applicable, and Part IX 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 VIII

CHARGES PAYABLE BY OR ON BEHALF OF APPLICANTS

Charges for the supply of glasses

19.—(1) Subject to the provisions of this regulation the optician shall be entitled to make and recover from the applicant a charge in accordance with the scales of charges set out in Schedule 3 in respect of the supply of glasses:

Provided that where more than one pair of glasses 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 £0.40.

(2)(*a*) The optician shall secure, on a form to be provided for the purposes by the Committee, an acknowledgement by the person to be supplied with glasses, 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 acknowledgement to the Committee.

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

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

(4) The replacement of glasses which are required solely by reason of the loss or destruction of, or damage sustained by, glasses previously possessed by a person and supplied to him under general ophthalmic services shall be deemed not to constitute the supply of glasses within the meaning of this regulation.

(5) No charge shall be made under this regulation for the supply of lenses if:—

(*a*) the person for whom the glasses are 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 of the glasses are of any description specified in the statement of fees and charges.

(6) It shall be a condition of exemption under paragraph (5) from a charge payable under paragraph (1) in respect of the supply of lenses—

(*a*) that the date of birth stated in Part 1 of Form OC2 shall indicate that the person for whom the lenses are supplied was at the relevant time aged ten or more and under sixteen; or

(*b*) in a case where the age of the person is indicated in the said Part 1 to be sixteen years or more, that a certificate, given on behalf of an Education and Library Board or by or on behalf of the headmaster or proprietor of a school, is submitted to the optician supplying the glasses at the same time as the said form is presented, certifying that the person for whom the lenses are to be supplied was at the relevant time receiving full-time school education.

(7) This regulation shall not apply to the supply of glasses to children who have not yet attained the age of 16 years or to children who have attained that age and are receiving full-time school education where the standard type of children's frame as described in the statement of fees and charges is used.

Charges for replacement and repairs necessitated by an act or omission on part of applicant

20.—(1) Where in the case of replacement or repair of glasses—

(*a*) it is admitted that the service is necessitated by an act or omission on the part of the applicant or (if it occurred when he was under sixteen years of age) of his or of the person having charge of him when it occurred, or

(*b*) it is determined in accordance with the following provisions of this regulation that the service is so necessitated,

the appropriate charges shall, subject as hereinafter provided, be recoverable from the applicant or such person acting on his behalf.

(2) Where the Agency has reason to believe that the replacement or repair is necessitated by an act or omission on the part of the applicant or (if it occurred when he was under sixteen years of age) of his or of the person having charge of him when it occurred, but such an act or omission has not been admitted by him, it shall consider any written representations made by the applicant, or by the person having charge of him (if he is under 16 years of age) with reference thereto, or if, in its opinion the circumstances so require it 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. Its decision shall be communicated in writing to the optician and the applicant or, where appropriate, to the person having charge of him and the Agency shall in returning the form indicate on the form if its decision is that there has been such an act or omission as aforesaid that the charges will be payable by or on behalf of the applicant and not by the Agency:

Provided that, if it appears to the Agency from any further representations made by or on behalf of the applicant that the payment of the charge so determined to be payable by him would involve undue hardship, the Agency, may apportion the said charge between the applicant or, where appropriate, the person acting on his behalf, and the Agency in such proportion as the Agency shall think fit.

(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 an act or omission on the part of the application or (if it occurred when he was under sixteen years of age) of his or of the person having charge of him when it occurred unless he satisfies the Agency by such representations as aforesaid that the replacement or repair is not so necessitated.

(4) Where under regulation 18(2) 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 an act or omission on the part of the applicant or (if it occurred when he was under sixteen years of age) of his or of the person having charge of him when it occurred, the Agency shall, if a claim for repayment of the deposit is made to it within three months after the payment thereof or such longer period as the Agency may in special circumstances allow, pay to the person who made the deposit a sum equal to the amount thereof.

Charges for glasses of a special type

21. Where an optician has agreed at an applicant's request to supply, as part of the general ophthalmic 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 5 and the fee payable by the Agency shall, subject to the provisions of regulation 20 be the appropriate charge specified in the said statement for the supply or repair of glasses of a special type.

PART IX

SCHOOL CHILDREN

Supply of glasses to school children, including replacements and repairs

22.—(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 pupils in attendance at any school which is a grant-aided school for the purposes of the Education and Libraries (Northern Ireland) Order 1972.

(2) In this Part of the regulations the expression "ophthalmic surgeon" 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 glasses 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:—

(*a*) to any ophthalmic surgeon referred to in para (2), 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 examined by any ophthalmic medical practitioner or any ophthalmic optician providing general ophthalmic services, and thereafter the provisions of Part VI of these regulations shall apply.

(4) Where on the examination of the eyes of a pupil, an ophthalmic surgeon is of the opinion that the pupil needs to be supplied with glasses, he shall issue a prescription for them in Form OC2 completing Parts I, II and V of the form, and if the glasses are needed by way of replacement, record in Part II the circumstances in which replacement is required and send the form to the Agency.

(5) On receiving the form the Agency, if satisfied that the pupil is not already in possession of lenses conforming to the prescription, shall deliver or send the appropriate 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 general ophthalmic services.

(6) Where, 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 shall, after completing Part I, the "Remarks" panel in Part II and Part V of Form OC2 forward it to the Agency.

(7) The Agency shall pay to the ophthalmic surgeon the appropriate fee specified in the statement prepared under regulation 5 in respect of the testing of the pupil's sight.

(8) The provisions of regulation 17 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 a Board may furnish him with authority to obtain the service from any optician providing general ophthalmic services by completing Part III of Form OC2A and, where necessary Part IV. Part I of the form shall 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.

(10) On the presentation to him of the said authority, the optician may replace or repair the glasses and shall complete and secure the completion of Part IV (if not already completed), Part VI (if applicable), Part VII, Part VIII and Part IX of the form and forward it to the Agency for payment.

(11) Regulations 19 and 21 shall apply to the supply or to the replacement or repair of glasses under this Part.

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

PART X

NOTICES

Power to dispense with requirements as to notices

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

PART XI

Revocation

24. The regulations named in Schedule 4 are hereby revoked.

Sealed with the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 19th day of September 1973.

(L.S.) *F. A. Elliott,*
Assistant Secretary.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 27th day of September 1973.

(L.S.) *C. F. Darling,*
Assistant Secretary.

SCHEDULE 1 Regulation 6

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 following expressions have the respective meanings hereby assigned to them:—

"practitioner" means ophthalmic medical practitioner;

"the regulations" means the Health and Personal Social Services (General Ophthalmic Services) Regulations (Northern Ireland) 1973;

and other words and expressions have the same meaning as in the regulations.

Incorporation of provisions of regulations, etc.

2. Any provisions of the Order, the regulations, the Health and Personal Social Services (Services Committee) Regulations (Northern Ireland) 1973(g) or of the statement prepared under regulation 5 affecting the rights, duties and obligations of practitioners shall be deemed to form part of these terms of service.

Standard of service

3. In testing sight in accordance with the provisions of the regulations, the ophthalmic medical practitioner shall give proper care and attention and where glasses are necessary shall prescribe for them on Form OC2.

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

(*a*) does not require glasses, or

(*b*) has an 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 by the provision of corrective lenses, or

(*d*) should be re-examined 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 doctor.

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 authorised officer of the Ministry, or the Agency or any 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 any authorised officer of the Ministry or the Agency or any authorised member of the Committee.

Remuneration

7. The practitioner shall not suggest, demand or accept any fee or remuneration otherwise than under the regulations in respect of any general ophthalmic services provided by him:

(g) S.R. & O. (N.I.) 1973, No. 416.

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 paragraph 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 Agency of any standing arrangements for that purpose.

(3) A practitioner shall not for the purposes of providing general ophthalmic 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 Schedule 11 to the Order 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 shall be 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 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 if representations are made to the Tribunal under Schedule 11 to the Order to the effect that the continued inclusion of a practitioner in the ophthalmic list would be prejudicial to the efficiency of the general ophthalmic 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 and Personal Social Services (General Ophthalmic Services) Regulations (Northern Ireland) 1973 and other words and expressions have the same meaning as in the regulations.

Incorporation of provisions of regulations, etc.

2. Any provisions of the Order, the regulations, the Health and Personal Social Services (Services Committee) Regulations (Northern Ireland) 1973 or of the statement prepared under regulation 5 affecting the rights, duties and obligations of ophthalmic opticians shall be deemed to form part of these terms of services.

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 0C2.

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

(*a*) does not require glasses, or

(*b*) has an 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 by the provision of corrective lenses, or

(*d*) should be re-examined 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 doctor.

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 promptness.

(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 5.

(3) The ophthalmic optician shall not give, promise or offer any gift or reward (whether by way of a share of, or a dividend on, the profits of the business or by way of discount or rebate or otherwise) as an inducement to any person to apply, or in consideration of any person applying for general ophthalmic services.

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 and repairing of glasses.

(2) The ophthalmic optician on receipt of reasonable notice shall admit any authorised officer of the Ministry, Agency or any 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 any authorised officer of the Ministry or the Agency or authorised member of the Committee.

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 general ophthalmic 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, being a person who is a director or employee of a body corporate providing general ophthalmic services, may be paid by the Agency to the body corporate.

Inability of an ophthalmic optician to complete treatment

9. Where owing to the death of the applicant or for any other cause beyond the control of the ophthalmic optician he 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 Agency as may be approved by the Committee.

Arrangement for the provision of services

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

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

(3) The ophthalmic optician for the purpose of testing sight shall employ only a person who is an 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.

(4) The ophthalmic optician shall not without the consent of the Ministry employ for the purposes of general ophthalmic services any person who is disqualified under Schedule 11 to the Order 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 shall be 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 paragraph includes a deputy and in the case of a body corporate, a director.

Advertising

11.—(1) Except as provided in sub-paragraph (2) 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 Order.

(2) Nothing in this paragraph shall prohibit the display at or on any premises at which an optician carries on his business of a notice provided for the purpose by the Agency.

(3) For the purposes of this paragraph 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 radio, television, gramophone records or public address system;

(*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 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—

(i) if representations are made to the Tribunal under Schedule 11 to the Order that the continued inclusion of the name of an ophthalmic optician in the ophthalmic list would be prejudicial to the efficiency of the general ophthalmic services, he shall not, except with the consent of the Ministry and subject to such conditions if any as the Ministry may impose, be 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 and Personal Social Services (General Ophthalmic Services) Regulations (Northern Ireland) 1973, and other words and expressions have the same meaning as in the regulations.

Incorporation of provisions of regulations, etc.

2. Any provisions of the Order, the regulations, the Health and Personal Social Services (Services Committees) Regulations (Northern Ireland) 1973, or of the statement prepared under regulation 5 affecting the rights, duties 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 promptness.

(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 5.

4. The dispensing optician shall not give, promise or offer any gift or reward (whether by way of a share of, or a dividend on, the profits of the business or by way of discount or rebate or otherwise) as an inducement to any person to apply, or in consideration of any person applying, for general ophthalmic services.

Premises

5.—(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 authorised officer of the Ministry, the Agency or any authorised member of the Committee, at all reasonable times to any such accommodation under the control of the dispensing optician for the purposes of inspecting that accommodation.

Records

6. 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 any authorised officer of the Ministry or the Agency or any authorised member of the Committee

Remuneration

7.—(1) The dispensing optician shall not suggest, demand or accept any fee or remuneration otherwise than under the regulations in respect of any general ophthalmic 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, being a person who is a director or employee of a body corporate providing general ophthalmic services, may be paid by the Agency to the body corporate.

Inability of a dispensing optician to complete services

8. Where owing to the death of the applicant or for any 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

9.—(1) Where the name of a person or body corporate is included in the ophthalmic list as a dispensing optician in addition to the name of any employee, the person or body corporate shall be jointly responsible with any such employee for any general ophthalmic 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 general ophthalmic services any person who is disqualified under Schedule 11 to the Order 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 shall be responsible for all acts and omissions of an employee whose name is not included in the ophthalmic list.

(6) An employee for the purposes of this paragraph includes a deputy and, in the case of a body corporate, a director.

Advertising

10.—(1) Except as provided in sub-paragraph (2) 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 Order.

(2) Nothing in this paragraph shall prohibit the display at or on any premises at which an optician carries on his business of a notice provided for the purpose by the Agency.

(3) For the purposes of this paragraph, 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 radio, television, gramophone records or public address system;

(*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

11. The dispensing optician shall be entitled at any time to give notice 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—

(i) if representations are made to the Tribunal under Schedule 11 to the Order that the continued inclusion of the name of a dispensing optician in the ophthalmic list would be prejudicial to the efficiency of the general ophthalmic 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 representation;

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

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 after consultation with the organisations or bodies referred to in paragraph (1) and, if necessary, with the Committee 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 19

Lenses

PART I

GLASS SINGLE VISION (EXCLUDING LENTICULAR) LENSES—CHARGE PER LENS

Spherical Power (Plus or Minus)	*Plano or Spherical*	*Cylindrical or Sphero-Cylindrical Cylindrical Power*	
		Not exceeding 2.00 Dioptres	*Exceeding 2.00 Dioptres*
	£	£	£
Plano to 2.00 Dioptres	1.20	1.30	1.35
2.25 to 6.00 Dioptres	1.20	1.35	1.35
6.25 to 10.00 Dioptres	1.55	1.80	1.80
Exceeding 10.00 Dioptres	1.95	2.10	2.10

PART II

GLASS BIFOCAL (EXCLUDING LENTICULAR) LENSES—CHARGE PER LENS

Type	*Plano or Spherical*	*Cylindrical or Sphero-Cylindrical*
	£	£
Fused or Cemented	2.45	2.75
Solid (38 mm segment)	2.80	3.10
Solid (other segments)	3.40	3.50

PART III

PLASTICS BIFOCAL (EXCLUDING LENTICULAR) LENSES—CHARGE PER LENS

Spherical Power	*Plano or Spherical*	*Cylindrical or Sphero-Cylindrical Cylindrical Power*	
		Not exceeding 2.00 Dioptres	Exceeding 2.00 Dioptres
	£	£	£
Not exceeding 4.00 Dioptres	2.90	3.15	3.50
Exceeding 4.00 Dioptres but not exceeding 9.00 Dioptres	3.10	3.35	3.50
Exceeding 9.00 Dioptres	3.30	3.35	3.50

PART IV

LENTICULAR LENSES—CHARGE PER LENS

Type (and Spherical Power)	*Plano or Spherical*	*Cylindrical or Sphero-Cylindrical Cylindrical Power*		
		Not exceeding 2.00 *Dioptres*	*Exceeding* 2.00 *Dioptres but not exceeding* 4.00 *Dioptres*	*Exceeding* 4.00 *Dioptres*
SINGLE VISION:—	£	£	£	£
Concave: Glass	2.25	2.40	2.40	2.40
Concave: Plastics Not exceeding 13.00 Dioptres	2.30	2.45	2.60	2.75
Exceeding 13.00 Dioptres	2.75	2.95	3.05	3.20
Convex (Glass or Plastics)	2.60	2.75	2.80	3.10
BIFOCAL	3.50	3.50	3.50	3.50

PART V

OTHER LENSES—CHARGE PER LENS

Type	Of Any Description
	£
Frosted	1.25
Chavasse	1.25
Multifocal	3.50
Varifocal	3.50
Aspherical	3.50
Contact	3.85

PART VI

Frames	The current cost, specified in the Statement of Fees and Charges, is payable by the person supplied.

NOTE:

The above tables do not in any way alter the range of lenses available through the General Ophthalmic Services, as set out in the Statement of Fees and Charges.

SCHEDULE 4 Regulation 25

Regulations Revoked

Health Services (Supplementary Eye Services) Regulations (Northern Ireland) 1948(**h**).

Health Services (Supplementary Eye Services) (Amendment) Regulations (Northern Ireland) 1950(**i**).

Health Services (Supplementary Eye Services) Regulations (Northern Ireland) 1952(**j**).

Health Services (Supplementary Eye Services) Regulations (Northern Ireland) 1955(**k**).

Health Services (Supplementary Eye Services) (Charges) Regulations (Northern Ireland) 1961(**l**).

Health Services (Supplementary Eye Services) Regulations (Northern Ireland) 1961(**m**).

Health Services (Supplementary Eye Services) Regulations (Northern Ireland) 1963(**n**).

Health Services (Supplementary Eye Services) (Charges) (Amendment) Regulations (Northern Ireland) 1969(**o**).

Regulation 6 of the Health Services (Charges) Regulations (Northern Ireland) 1971(**p**).

EXPLANATORY NOTE

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

These Regulations consolidate with minor amendments the Regulations relating to general eye services revoked by Schedule 4.

(**h**) S.R. & O. (N.I.) 1948, No. 166.
(**i**) S.R. & O. (N.I.) 1950, No. 146.
(**j**) S.R. & O. (N.I.) 1952, No. 20.
(**k**) S.R. & O. (N.I.) 1955, No. 156.
(**l**) S.R. & O. (N.I.) 1961, No. 118.
(**m**) S.R. & O. (N.I.) 1961, No. 123.
(**n**) S.R. & O. (N.I.) 1963, No. 123.
(**o**) S.R. & O. (N.I.) 1969, No. 198.
(**p**) S.R. & O. (N.I.) 1971, No. 93.