19. SUPPLEMENTARY OPHTHALMIC SERVICES

The National Health Service (Supplementary Ophthalmic Services) (Scotland) Regulations, 1948

1948 No. 1450 (S. 118)

Made - - - -	*26th June*, 1948
Laid before Parliament	*29th June*, 1948
Coming into Operation	*2nd July*, 1948

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In exercise of the powers conferred on me by sections 42, 45 and 46 of the National Health Service (Scotland) Act, 1947(a), and of all other powers enabling me in that behalf, I hereby make the following regulations:—

PART I

General

Short title and commencement.

1. These regulations may be cited as the National Health Service (Supplementary Ophthalmic Services) (Scotland) Regulations, 1948, and shall come into operation on the second day of July, 1948.

Interpretation.

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

" the Act " means the National Health Service (Scotland) Act, 1947.

" applicant " means a person who wishes to be provided with supplementary ophthalmic services.

" Committee " means a Joint Ophthalmic Services Committee, established in accordance with the National Health Service (Joint Ophthalmic Services Committees) (Scotland) Order, 1948(b).

" Council " means the Executive Council constituted for any area and " constituent Council " means one of the Executive Councils for whose areas a Joint Ophthalmic Services Committee has been established.

" glasses " includes any optical appliance which may be supplied under supplementary ophthalmic services.

" glasses of a special type " means glasses which are of a more expensive type than standard glasses and for which a charge may be made to the person supplied.

" ophthalmic medical practitioner "; " ophthalmic optician " and " dispensing optician " mean persons or firms or companies (whether corporate or unincorporate) having the appropriate qualifications prescribed by the National Health Service (Qualifications for Supplementary Ophthalmic Services) (Scotland) Regulations, 1948(c).

" optician " means an ophthalmic optician or a dispensing optician, being a person or a firm or company (whether corporate or unincorporate).

" replacement " means the supply of glasses in place of glasses which were previously supplied under these regulations and 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.

" supply " in relation to an appliance includes replacement.

" the Tribunal " means the Tribunal constituted under Section 43 of the Act.

(a) 10 & 11 Geo. 6. c. 27. (b) S.I. 1948 No. 1452, p. 2425 above.
(c) S.I. 1948 No. 1383, p. 2590 below.

(2) Any references to a form in the regulations shall include a form substantially to the like effect.

(3) The Interpretation Act, 1889(a), applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

PART II

General arrangements for the provision of Supplementary Ophthalmic Services

Preparation of statement of fees, etc.

3.—(1) The Secretary of State shall after consultation with such organisations as he may recognise as representative of medical practitioners and opticians providing supplementary ophthalmic services cause to be prepared a statement which shall specify:—

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

(*b*) the types and quality of standard glasses and glasses of a special type;

(*c*) a scale of charges for the supply or repair of glasses;

(*d*) the charges which may be made by an optician to persons to whom, at their request, he supplies glasses of a special type or in respect of the repair of any such glasses.

(2) The said statement may be amended from time to time by the Secretary of State after consultation with the aforesaid organisations.

Terms of service for ophthalmic medical practitioners and opticians.

4. The arrangements which a council is required by section 42 of the Act to make with ophthalmic medical practitioners, ophthalmic opticians and dispensing opticians for the provision of supplementary ophthalmic services 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 lists.

5.—(1) The Committee shall prepare a list in three parts, to be called "the ophthalmic list", and these parts of the ophthalmic list shall contain the names of ophthalmic medical practitioners, ophthalmic opticians and dispensing opticians respectively, who have made application to the Committee on the appropriate form set out in the Second Schedule to these regulations or in a form substantially to the like effect.

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

(*a*) the addresses of any place at which they undertake to test sight or supply 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 offices of the constituent Councils and at such other places as appear to the Committee to be convenient for informing all persons interested and shall be kept revised.

(a) 52 & 53 Vict. c. 63.

(4) The Committee shall send a copy of the ophthalmic list to the constituent Councils and to the Secretary of State and shall within seven days inform each of them of any alteration which may from time to time be made therein. The Committee shall also send a copy of the list to the Local Medical Committees, the local health authorities, the Regional Hospital Board, and Boards of Management of hospitals in the areas of the constituent Councils and at intervals of not more than three months shall notify each of those bodies of any alteration made therein.

Publication of particulars.

6. 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 medical practitioners and opticians and copies of the ophthalmic list may be seen, and any other particulars which the Committee think should be published.

PART III

Method of obtaining Supplementary Ophthalmic Services involving the testing of sight

Medical recommendations.

7.—(1) An applicant receiving from a medical practitioner a recommendation in writing that his sight be tested (in these regulations referred to as a " recommendation ") may present this recommendation to any ophthalmic medical practitioner or ophthalmic optician whose name is included in an ophthalmic list.

(2) If an applicant is unable or unwilling on conscientious grounds to obtain such a recommendation he may apply to the Committee for authority for the testing of his sight and such an authority granted by the Committee shall be deemed to be a recommendation for the purpose of these regulations.

(3) If an applicant has previously received supplementary ophthalmic services involving a testing of the sight he shall be entitled to receive such services without producing a recommendation.

Examination of eyes.

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

(1) see that Part I of the Form No. 1 in the Third Schedule hereto (in this part of these regulations referred to as " the form ") is completed by or on behalf of the applicant;

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

(3) send the form to the Committee with a recommendation if this was produced to him.

Action by the Committee.

9.—(1) Where the Committee, on the receipt of such form and after any such enquiry as they think proper, are satisfied 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 on the part of the applicant, they shall

send to the applicant the appropriate part of the form endorsed to the effect that the supply of glasses under the supplementary ophthalmic services is authorised, together with a letter 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 on the part of the applicant, they shall send him the appropriate part of the form endorsed to the effect that the glasses will not be supplied at the cost of any Council, together with a letter confirming this endorsement. The provisions of paragraphs (2) (except the last sentence) and (3) of regulation 12 shall apply to the case of replacement necessitated by lack of care.

Supply of glasses.

10.—(1) An optician to whom an applicant presents the form which he has received from the Committee under paragraph (1) of the foregoing regulation shall thereby be authorised to supply glasses conforming to the prescription contained in the form: Provided that glasses shall not be supplied until enquiry has been made whether the applicant is in possession of a frame for glasses which has been supplied under these regulations.

(2) If on enquiry it is ascertained that the applicant possesses such a frame, and it may appropriately be used for the supply of glasses under this regulation, it shall be so used.

(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.

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

Part IV

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

Replacement or repairs.

11.—(1) Where an applicant requires supplementary ophthalmic services which do not involve the testing of sight by reason of the fact that

(*a*) the services consist of the replacement of glasses, or

(*b*) the services consist 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 an ophthalmic list.

(2) On receiving such an application an 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 Form No. 2 set out in the Third Schedule to these regulations or a form substantially to the like effect

(in this Part of these regulations referred to as "the form") and send it to the Committee for approval and if the Committee approve and subject to any decision of the Committee under paragraph (2) of the next following regulation may provide the required service: Provided that an optician may provide such service without waiting for the Committee's approval—

(*a*) If the form contains an admission signed by the applicant that the service is necessitated by lack of care on his part, and an undertaking signed by the applicant to pay a charge of such amount as is specified in the statement prepared under regulation 3 of these regulations for replacements 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 specified in the statement prepared under regulation 3 of these regulations.

(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 send the form to the Committee.

(4) When an 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.

12.—(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 any Council.

(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 have 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 if the Committee's decision is that the replacement or repair is necessitated by lack of care on the part of the applicant, the Committee shall indicate to the optician and the applicant that the charges will be payable by the applicant and not by any Council.

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

(4) Where under paragraph (2) of the last foregoing 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 on the part of the applicant and if a claim for

the repayment of the deposit is made to them within three months after the date of the receipt for the deposit or such longer period as the Committee may in special circumstances allow, the Council in whose area the premises of the optician concerned are situated shall pay to the applicant who made the deposit a sum equal to the amount thereof.

Glasses of a special type.

13.—(1) Where an optician has agreed at an applicant's request to supply, as part of the supplementary ophthalmic services, any glasses of a special type or to repair such glasses, he may require the applicant to pay in respect thereof a charge not exceeding such amount as is specified in the statement prepared under regulation 3 of these Regulations.

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

PART VI

Choice of Person by whom Supplementary Ophthalmic Services are to be provided

Choice on behalf of children or infirm persons.

14.—(1) The right to choose the person by whom supplementary ophthalmic services are to be provided shall be exercised

(*a*) on behalf of any child 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 sickness or other infirmity is incapable of exercising the right to choose by a relative or any person who has the care of such person.

(2) If under the foregoing paragraph the right to choose is exercised on behalf of an applicant by another person, the signature of that person shall for any purpose of these regulations be deemed to be the signature of the applicant.

Arthur Woodburn,
One of His Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
26th June, 1948.

FIRST SCHEDULE

PART I

Terms of Service for Ophthalmic Medical Practitioners

Interpretation.

1. In these terms of service, unless the context otherwise requires, the expression " the regulations " means the National Health Service (Supplementary Ophthalmic Services) (Scotland) Regulations, 1948, and other words and expressions have the same meaning as in the regulations.

Incorporation of provisions of regulations, etc.

2. Any provision of the regulations or of Part III of the National Health Service (Joint Ophthalmic Services Committees) (Scotland) Order, 1948, or of the statement prepared under regulation 3 of the regulations which affect the rights and obligations of ophthalmic medical 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, an ophthalmic medical practitioner shall give proper care and attention and where glasses are required shall give the necessary prescription on Form No. 1 set out in the Third Schedule to the regulations.

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 ophthalmic services, or

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

(*d*) should revisit him for a further examination within six months

he shall so inform his general medical practitioner.

Premises.

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

(2) An ophthalmic medical practitioner on receipt of a written request shall admit any medical practitioner being an authorised officer of the Secretary of State or any authorised member or officer of the Committee at all reasonable times to any consulting or waiting room under the control of the ophthalmic medical practitioner for the purpose of inspecting the said consulting or waiting room.

Records.

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

Remuneration.

7. An ophthalmic medical practitioner shall not suggest, demand or accept any fee or remuneration otherwise than under the regulations in respect of any supplementary ophthalmic services provided by him provided that nothing in this paragraph shall deprive the ophthalmic medical 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.

8.—(1) The testing of sight shall be carried out by an ophthalmic medical practitioner personally, except where he is prevented by reason of other professional duties, temporary absence from home or other reasonable cause, in which case he may employ a deputy who is an ophthalmic medical practitioner.

(2) An ophthalmic medical practitioner shall not, without the consent of the Secretary of State, employ as a deputy any practitioner who is disqualified under section 43 of the Act for inclusion in the ophthalmic list of the Committee.

(3) A deputy 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 ophthalmic medical practitioner for whom he is acting as deputy.

(4) An ophthalmic medical practitioner is responsible for all acts and omissions of any practitioner acting as his deputy in relation to the ophthalmic medical practitioner's obligations under these terms of service.

Revision of terms of service.

9.—(1) The Committee may, subject to the approval of the Secretary of State, alter the terms of service as from such date as the Secretary of State may approve by giving notice of the proposed alterations to each ophthalmic medical practitioner whose name is included in their ophthalmic list.

(2) Except in the case of an alteration which results from the coming into operation of any Act of Parliament or from an amendment of the regulations, or of the statement prepared under regulation 3 of the regulations, the alteration shall not come into operation within a period of three months from the date of the issue of the notice.

Withdrawal from ophthalmic list.

10. An ophthalmic medical 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 allow:

Provided that if representations are made to the Tribunal under section 43 of the Act that the continued inclusion of an ophthalmic medical practitioner in the ophthalmic list would be prejudicial to the efficiency of the supplementary ophthalmic services, he shall not, except with the consent of the Secretary of State and subject to such conditions as the Secretary of State may impose, be entitled to withdraw his name from the list pending the termination of the proceedings on such representations.

Issue of notices to the ophthalmic medical practitioner.

11. Any notice which an Executive Council or Committee is required or authorised by these terms of service to give to the ophthalmic medical practitioner shall be sufficiently given if it has been addressed to him and sent by post or delivered to or at the address which he has last notified to the Committee as being his address.

Part II

Terms of Service for Ophthalmic Opticians

Interpretation.

1. In these terms of service, unless the context otherwise requires, the expression "the regulations" means the National Health Service (Supplementary Ophthalmic Services) Regulations, 1948, and other words and expressions have the same meaning as in the regulations.

Incorporation of provisions of regulations, etc

2. Any provision of the regulations or of Part III of the National Health Service (Joint Ophthalmic Services Committees) (Scotland) Order, 1948 or of the statement prepared under regulation 3 of the regulations which affect the rights and obligations of ophthalmic opticians 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, an ophthalmic optician shall give proper care and attention and where glasses are required shall give the necessary prescription on Form No. 1 set out in the Third Schedule to the regulations.

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 ophthalmic services, or

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

(*d*) should revisit him for a further examination within six months

he shall so inform his general medical practitioner.

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

(2) All glasses supplied by or through an ophthalmic optician under the regulations shall conform to the types and quality set out in the statement prepared under regulation 3 of the regulations.

Premises.

6.—(1) An ophthalmic optician shall provide proper and sufficient consulting and waiting room accommodation and shall use suitable instruments in testing sight and supplying or repairing glasses.

(2) An ophthalmic optician on receipt of a written request shall admit an authorised officer of the Secretary of State or any authorised member or officer of the Committee at all reasonable times to any consulting or waiting room under the control of the optician for the purpose of inspecting the said consulting or waiting room.

Records.

7. In each case in which an ophthalmic optician tests sight or supplies or repairs glasses under these regulations, he shall keep proper records, and shall, if required to do so, produce such records to any medical practitioner who is an authorised officer of the Secretary of State or to the Committee.

Remuneration.

8.—(1) Except as otherwise provided in the regulations, an ophthalmic optician shall not suggest, demand or accept any fee or remuneration otherwise than under the regulations in respect of any supplementary ophthalmic services provided by him; Provided that nothing in this paragraph shall deprive the ophthalmic medical 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.

(2) Any remuneration payable under these terms of service to an ophthalmic optician, being a member, director or employee of a firm or company providing supplementary ophthalmic services may be paid by a Council to the firm or company.

Inability of an ophthalmic optician to complete service.

9. If owing to any cause beyond the control of an ophthalmic optician, the optician is unable to supply the applicant 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.

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 ophthalmic services provided by the employee.

(2) An ophthalmic optician shall make all necessary arrangements for the provision of supplementary 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 any part of the test to be performed under his continuous personal supervision by a person who has passed all the necessary examinations for any of the diplomas or certificates specified in sub-paragraph (*a*) of regulation 4 of the National Health Service (Qualifications for Supplementary Ophthalmic Services) (Scotland) Regulations, 1948, but is not qualified in terms of these regulations by reason only that he has not had the requisite experience.

(4) An ophthalmic optician shall not without the consent of the Secretary of State employ for the purposes of providing supplementary ophthalmic services any person who is disqualified under section 43 of the Act for inclusion in the ophthalmic list of the Committee.

(5) An employee being 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) An 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 clause includes a deputy, and in the case of a firm or company includes any member or director.

Advertising.

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

(2) Nothing in this paragraph shall prohibit the display at or on any premises at which the optician provides supplementary ophthalmic services of a notice supplied by the Committee in the following form:

National Health Service

Ophthalmic Optician qualified to provide services under the National Health Service (Scotland) Act, 1947,

under contract with the.....
Joint Ophthalmic Services Committee.

(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 and the like.

(*d*) the publication of booklets, leaflets and pamphlets.

(*e*) canvassing in any form.

(*f*) the making of any public announcement by means of wireless, gramophone records or loudspeaker.

(*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.

Fair wages.

12. An ophthalmic optician shall, in respect of the categories of staff whose wages and conditions of work are approved by the Joint Industrial Council for the Ophthalmic Optical Industry, pay rates of wages and observe conditions not less favourable than those for the time being so approved.

Revision of terms of service.

13.—(1) The Committee may, subject to the approval of the Secretary of State, alter the terms of service as from such date as the Secretary of State may approve by giving notice of the proposed alterations to each ophthalmic optician whose name is included in their ophthalmic list.

(2) Except in the case of an alteration which results from the coming into operation of any Act of Parliament or from an amendment of the regulations or of the statement prepared under regulation 3 of the regulations the alteration shall not come into operation within a period of three months from the date of the issue of the notice.

Withdrawal from ophthalmic list.

14. 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 allow:

Provided that:—

(i) if representations are made to the Tribunal under section 43 of the Act that the continued inclusion of the name of an ophthalmic optician in the ophthalmic list would be prejudicial to the efficiency of the supplementary ophthalmic services, he shall not, except with the consent of the Secretary of State and subject to such conditions as the

Secretary of State may impose, be entitled to withdraw his name 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.

Issue of Notices to ophthalmic opticians.

15. Any notice which Council or Committee is required or authorised by these terms of service to give to an ophthalmic optician shall be sufficiently given if it has been addressed to him and sent by post or delivered to or at the address which he has last notified to the Committee as being his address.

PART III

Terms of Service for Dispensing Opticians

Interpretation.

In these terms of service, unless the context otherwise requires, the expression " the regulations " means the National Health Service (Supplementary Ophthalmic Services) (Scotland) Regulations, 1948, and other words and expressions have the same meaning as in the regulations.

Incorporation of Provisions of Regulations, etc.

2. Any provision of the regulations or of Part III of the National Health Service (Joint Ophthalmic Services Committees) (Scotland) Order, 1948, or of the statement prepared under regulation 3 of the regulations which affects 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 employ proper care and attention and proceed with reasonable expedition.

(2) All glasses supplied by or through a dispensing optician under the regulations shall conform to the types and quality set out in the statement referred to in regulation 3 of the regulations.

Premises.

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

(2) The dispensing optician on receipt of a written request shall admit an authorised officer of the Secretary of State or an authorised member or officer of the Committee at all reasonable times to any such accommodation under the control of the dispensing optician for the purpose of inspecting the said accommodation.

Records.

5. In each case in which the dispensing optician supplies or repairs glasses under these regulations he shall keep proper records and shall, if required to do so, produce such records to any medical practitioner who is an authorised officer of the Secretary of State or to the Committee.

Remuneration.

6.—(1) A dispensing optician shall not suggest, demand or accept any fee or remuneration otherwise than under the regulations in respect of any supplementary 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, who is a member, director, or employee of a firm or company providing supplementary ophthalmic services, may be paid by a council to the firm or company.

Inability of a dispensing optician to complete treatment.

7. If owing to any cause beyond the control of a dispensing optician, the optician is unable to supply the applicant 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 ophthalmic services provided by the employee.

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

(3) A dispensing optician shall not without the consent of the Secretary of State employ for the purposes of supplementary ophthalmic services any person who is disqualified under section 43 of the Act for inclusion in the ophthalmic list of the Committee.

(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) A 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 clause 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 paragraph a dispensing optician shall not advertise either directly or by implication that his name is included in an ophthalmic list, or that he provides or is authorised to provide services under the Act.

(2) Nothing in this regulation shall prohibit the display at or on any premises at which the optician provides supplementary ophthalmic services of a notice supplied by the Committee in the following form—

National Health Service

Dispensing Optician qualified to provide services under the National Health Service (Scotland) Act, 1947, under contract with the ..... Joint Ophthalmic Service Committee.

(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, and the like;
(*d*) the publication of booklets, leaflets and pamphlets;
(*e*) canvassing in any form;
(*f*) the making of any public announcement by means of wireless, gramophone records or loudspeaker;
(*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.

Fair wages.

10. A dispensing optician shall, in respect of the categories of staff whose wages and conditions of work are approved by the Joint Industrial Council for the Dispensing, Optical Industry, pay rates of wages and observe conditions not less favourable than those for the time being so approved.

Revision of terms of service.

11.—(1) The Committee may, subject to the approval of the Secretary of State, alter the terms of service as from such date as the Secretary of State may approve by giving notice of the proposed alterations to each dispensing optician.

(2) Except in the case of an alteration which results from the coming into operation of any Act of Parliament or from an amendment of the regulations or of the statement prepared under regulation 3 of the regulations the alteration shall not come into operation within a period of three months from the date of the issue of the notice.

Withdrawal from ophthalmic list.

12. A 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 allow.

Provided that:—

(i) if representations are made to the Tribunal under section 43 of the Act that the continued inclusion of the name of a dispensing optician in the ophthalmic list would be prejudicial to the efficiency of the supplementary ophthalmic services, he shall not, except with the consent of the Secretary of State and subject to such conditions as the Secretary of State may impose, be entitled to withdraw his name 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.

Issue of notices to dispensing opticians.

13. Any notice which Council or Committee is required or authorised by these terms of service to give to the dispensing optician shall be sufficiently given if it has been addressed to him and sent by post or delivered to or at the address which he has last notified to the Committee as being his address.

SECOND SCHEDULE

Forms of Application for Inclusion in an Ophthalmic List

I. *Ophthalmic Medical Practitioners*

To the Joint Ophthalmic Services Committee.

I.....

of .....

having the qualifications prescribed for an ophthalmic medical practitioner for the purposes of Part IV of the National Health Service (Scotland) Act, 1947, undertake to test sight in accordance with the relative terms of service applicable to Supplementary Ophthalmic Services which are in operation in the Committee's area, and apply to have my name included in the Committee's Ophthalmic List.

The address of my consulting room for this purpose and my usual hours of service thereat are:—

Address of Consulting Room	*Days and Hours of Service*	
	Days	*Hours*
.....	.....	.....
.....	.....	.....

Signed.....

Number assigned to the signatory by the Central Professional Committee .....

Date.....

When completed, this form should be sent to the office of the local Executive Council (i.e., the Council for the area in which the practitioner's consulting room is situated).

II. *Ophthalmic Opticians*

To the Joint Ophthalmic Services Committee.

A. I (We).....

of .....

having the qualifications prescribed for an ophthalmic optician (or a firm or company) for the purposes of Part IV of the National Health Service (Scotland) Act, 1947, undertake to test sight and supply glasses in accordance with the relative terms of service applicable to Supplementary Ophthalmic Services which are in operation in the Committee's area, and apply to have my (our) name(s) included in the Committee's Ophthalmic List.

The address(es) of my (our) consulting rooms for this purpose and my (our) usual hours of service thereat are:—

Address(es) of Consulting Rooms	*Days and Hours of Service* *Days*	*Hours*
.....	.....	.....
.....	.....	.....

B. The ophthalmic optician(s) having the prescribed qualifications who is (are) in charge at this (these) address(es) is (are) as follows:—

Part B to be completed only by an employer of opticians.

Address(es)	*Optician in Charge*
.....	.....
.....	.....
.....	.....

C. I am employed by.....
of .....

Part C to be completed only by an ophthalmic optician who is an employee.

Signed.....

Number assigned to the signatory by the Central Professional Committee .....

Date.....

When completed, this form should be sent to the office of the local Executive Council (i.e., the Council for the area in which the optician's premises are situated).

III. *Dispensing Opticians*

To the Joint Ophthalmic Services Committee.

A. I (We).....
of .....
having the qualifications prescribed for a dispensing optician for the purposes of Part IV of the National Health Service (Scotland) Act, 1947, undertake to supply glasses in accordance with the relative terms of service in operation in the Committee's area and apply to have my (our) name included in the Committee's Ophthalmic List.

The address(es) of my (our) premises and my (our) usual hours of service thereat are:—

Address(es) of Premises	*Days and Hours of Service* *Days*	*Hours*
.....	.....	.....
.....	.....	.....

B. The dispensing optician(s) having the prescribed qualifications who is (are) in charge at this (these) address(es) is (are) as follows:—

Part B to be completed only by an employer of opticians.

Address	*Optician in Charge*
.....	.....
.....	.....
.....	.....

C. I am employed by.....
of .....

Part C to be completed only by a dispensing optician who is an employee.

Signed.....

Number assigned to the signatory by the Central Professional Committee .....

Date.....

When completed, this form should be sent to the office of the local Executive Council (i.e., the Council for the area in which the optician's premises are situated).

THIRD SCHEDULE

Forms to be used in connection with testing of sight and supply or Repair of glasses.

FORM NO. 1.

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 Home Address (If different from present address)	
Name and Address of Optician who supplied previous glasses (If any)	Approximate date on which your sight was last tested	

PART II — To be completed by an Ophthalmic Medical Practitioner or by an Ophthalmic Optician and sent to the Ophthalmic Services Committee (See notes on cover) after parts IV and V have been completed

Right						Left				
Sph.	Cyl.	Axis	Prism	Base		Sph.	Cyl.	Axis	Prism	Base
					Distance					
					Reading					

Remarks

Name and Address of Ophthalmic Medical Practitioner or Ophthalmic Optician to whom payment should be made

(Rubber Stamp or Block Letters)

The Applicant requires lenses as prescribed above.

Signature of Ophthalmic Medical Practitioner or signature of Ophthalmic Optician [jointly on his own behalf and on behalf of.....]

Signature.....

Reference No.....

Date.....

PART III — For Official Use

Approved

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 who has care of him).

* Delete whichever is not applicable

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.....

Reference No.....

Date.....

PART VI — For Official Use

Authorised for Payment

PART VII

To be Completed by the Optician who supplies the glasses and sent to the Ophthalmic Services Committee (See notes on Cover) 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 (if supplied)

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 Ophthalmic Services Committee. This sum does not include any amount due from the Applicant

Signature of Optician [jointly on his own behalf and on the behalf of

.....

.....]

Signature.....

Reference No..... .....

Date.....

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 Ophthalmic Services Committee is £ : :

Signature of Optician [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 who has care of him).

Date.....

PART IX

To be Completed by or on behalf of the Applicant

I have been*
The Applicant has been* supplied with the glasses described above

Signature of Applicant..... Date.....

(or in the case of a child or an invalid, the signature of a parent, guardian or other person who has care of him).

* Delete whichever is not applicable

PART X

For Official Use

Amount authorised

£ : : :

Authorised for Payment

FORM NO. 2.

REPLACEMENT OF LOST GLASSES OR REPAIR OF DAMAGED GLASSES WITHIN TWO YEARS OF A SIGHT TEST

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 Home Address (If different from present address)

Name and address of optician who supplied the glasses	Approximate date on which sight was last tested

The loss or damage was * / was not * caused by personal carelessness ‡

Signature of applicant ..... Date .....

(or in the case of a child or invalid, the signature of a parent, guardian or other person who has care of him)

* Delete if not applicable

‡ **Notes for the guidance of the Applicant**

You will normally have to pay the cost of replacing or repairing glasses lost or damaged unless you can show, to the satisfaction of the Ophthalmic Services Committee, that the loss or damage was not caused by personal carelessness.

If you admit personal carelessness the optician may proceed at once with the work at your expense.

If you do not admit personal carelessness the optician cannot proceed at once with the work unless you pay him a deposit equal to the full cost of replacement or repair. The back of the receipt which the optician will give you in acknowledgement of the deposit may be used by you to ask the Ophthalmic Services Committee whether they will refund the amount you have paid. If you do not wish to pay a deposit, the approval of the Committee must be obtained before the work can be undertaken without charge. In this case the optician will ask you for a written statement of the cause of the loss or damage, and he will send your statement with this form to the Ophthalmic Services Committee who will notify you of their decision.

PART II

If glasses of a special type are to be replaced or if parts of a special type 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 O.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 .....

Reference 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, guardian or other person who has care of him.)

.....

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 personal carelessness is £ : :

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

.....]

Signature .....

Reference No. .....

Date .....

(b) I undertake to pay the optician £ : : . for replacement or repairs necessitated by personal carelessness.

Signature of applicant (or in the case of a child or invalid, the signature of a parent, guardian or other person who has care of him.)

.....

Date .....

PART IV

To be completed by the optician

PRESCRIPTION (where appropriate)

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

DETAILS OF REPLACEMENT OR REPAIRS
Description of frames (if supplied)

Description of lenses

NAME AND ADDRESS OF OPTICIAN TO WHOM PAYMENT SHOULD BE MADE
(Rubber stamp or block letters)

PART V

IF PERSONAL CARELESSNESS IS NOT ADMITTED

To be completed by the optician

I submit this form to the Ophthalmic Services Committee for a decision *

The applicant has paid £ : : as a deposit *

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

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

Reference No .....

* Delete if not applicable

PART VI

For official use

PART VII

To be completed by the optician

I have supplied the replacement or carried out the repairs described in Part IV above (and I claim payment of £ : : from the Ophthalmic 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 .....

Reference No. .....

* Delete words in brackets if not applicable

PART VIII

To be completed by or on behalf of the applicant

* The glasses have been replaced
* 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 who has care of him).

* Delete whichever is not applicable

PART IX

For official use

Amount authorised

£ : : .

Authorised for payment

EXPLANATORY NOTE

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

The regulations provide for the preparation by Joint Ophthalmic Services Committees of lists of ophthalmic medical practitioners and ophthalmic and dispensing opticians who undertake to provide supplementary ophthalmic services; and for the arrangements which Executive Councils are required under Part IV of the National Health Service (Scotland) Act, 1947, to make with ophthalmic medical practitioners and ophthalmic and dispensing opticians for the provision of supplementary ophthalmic services. The terms of service for ophthalmic medical practitioners and ophthalmic and dispensing opticians are included as Schedules to the regulations.

The National Health Service (Qualifications for Supplementary Ophthalmic Services) (Scotland) Regulations, 1948

1948 No. 1383 (S. 108)

Made - - - -	*22nd June*, 1948
Laid before Parliament	*24th June*, 1948
Coming into Operation	*30th June*, 1948

In exercise of the powers conferred on me by Sections 42 and 80 of the 10 & 11 Geo. 6. c. 27. National Health Service (Scotland) Act, 1947, and of all other powers enabling me in that behalf, I hereby make the following regulations:—

1. These regulations may be cited as the National Health Service (Qualifications for Supplementary Ophthalmic Services) (Scotland) Regulations, 1948, and shall come into operation on the thirtieth day of June, 1948.

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

" the Act " means the National Health Service (Scotland) Act, 1947.

" the appropriate committee " means any committee recognised by the Secretary of State for the purpose of approving the qualifications set out in these regulations for medical practitioners, ophthalmic opticians or dispensing opticians respectively.

52 & 53 Vict. c. 63. (2) The Interpretation Act, 1889, applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

3. For the purpose of Part IV of, and the Eighth Schedule to, the Act the expression " medical practitioner having the prescribed qualifications " means a medical practitioner who has—