1956 No. 41 (S. 1)

The National Health Service (Supplementary Ophthalmic Services) (Scotland) Amendment Regulations, 1956

Made - - - -	12*th January*, 1956
Laid before Parliament	20*th January*, 1956
Coming into Operation	1*st February*, 1956

In exercise of the powers conferred on me by sections 42 and 45 of the National Health Service (Scotland) Act, 1947(a), as amended(b), 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 (Supplementary Ophthalmic Services) (Scotland) Amendment Regulations, 1956, and shall come into operation on the 1st day of February, 1956.

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

3. The National Health Service (Supplementary Ophthalmic Services) (Scotland) Regulations, 1948(d), as amended(e), hereinafter referred to as the principal regulations, shall be further amended as follows:—

(1) In paragraph (4) of regulation 5 the word "and" shall be inserted before the words "the Regional Hospital Board"; the words from "and Boards of Management" to "of the constituent Councils" shall be omitted, and at the end of the paragraph there shall be added the words "and if any Board of Management of a hospital in the area of the constituent Councils shall so request, the Committee shall send them a copy of the said list".

(2) After regulation 5 there shall be inserted the following regulation:—

"5A.—(1) Where a Committee have determined, in accordance with the provisions of this regulation, and after consultation with any appropriate Local Medical Committee in the case of an ophthalmic medical practitioner, or with any appropriate Local Optical Committee, if such exists, in the case of an ophthalmic optician or dispensing optician, that an ophthalmic medical practitioner, or an optician whose name has been included for the preceding six months in the list of ophthalmic medical practitioners, ophthalmic opticians and dispensing opticians undertaking to provide supplementary ophthalmic services in the area of a Council for which the Committee are established,

(*a*) has never provided such services for persons in the area, or

(*b*) has ceased to provide such services for such persons,

the Committee shall remove the name of the ophthalmic medical practitioner or optician from such list.

(a) 10 & 11 Geo. 6. c. 27. (b) 12, 13 & 14 Geo. 6. c. 93; 14 & 15 Geo. 6. c. 31; 15 & 16 Geo. 6 & 1 Eliz. 2. c. 25. (c) 52 & 53 Vict. c. 63. (d) S.I. 1948/1450 (Rev. XV, p. 955: 1948 I, p. 2571). (e) S.I. 1950/1603, 1951/861 (1950 I, p. 1559; 1951 I, p. 1412).

(2) Before making any determination under the last preceding paragraph the Committee shall afford the ophthalmic medical practitioner or optician an opportunity of making representations to the Committee in writing, or, if the practitioner or optician so desires, orally, and notice in writing of his right to make representations shall be sent to the ophthalmic medical practitioner or optician by post at his usual or last known address at least twenty-eight days prior to any determination under this regulation.

(3) Nothing in this regulation shall—

(*a*) prejudice the right of an ophthalmic medical practitioner or optician to have his name included again in the list of persons providing supplementary ophthalmic services in the Committee's area, in accordance with paragraph (*b*) of subsection (3) of section 42 of the National Health Service (Scotland) Act, 1947 ; or

(*b*) affect an ophthalmic medical practitioner or optician who is called up voluntarily or otherwise for National Service under the National Service Act, 1948(**a**), or in any national emergency, and no determination under this regulation shall be made in respect of any such ophthalmic medical practitioner or optician until six months after he has completed his period of service."

(3) For regulation 10 there shall be substituted the following regulation:—

" 10.—(1) Subject as hereinafter provided, the form No. 1 endorsed with the Committee's approval shall authorise the optician to whom it is presented, to supply as part of supplementary ophthalmic services lenses in accordance with the prescription, and such other optical appliances as may be required.

(2) The optician shall supply lenses as part of supplementary ophthalmic services only when they are fitted to a surrounding protective frame, but nothing in these regulations shall prevent him from supplying the lenses fitted to such a frame supplied at the specific request of the applicant otherwise than as part of such services.

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

(4) Except where children's glasses are supplied, the optician shall return the form to the Committee for payment with Part VIII thereof duly completed."

(4) For regulation 12 (which provides for charges to be made for replacements and repairs of glasses due to lack of care) there shall be substituted the following regulation:—

" 12.—(1) Where in the case of the repair of glasses or in the case of the replacement of glasses (other than frames to which the provisions of the National Health Service Act, 1951(**b**), apply),

(*a*) it is admitted that the service is necessitated by lack of care on the part of the applicant, or

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(**a**) 11 & 12 Geo. 6. c. 64. (**b**) 14 & 15 Geo. 6. c. 31.

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

the appropriate charges shall be recoverable from the applicant and not from the Council :

Provided that if it appears to the Committee that the payment by the applicant would involve undue hardship they may determine (whether or not the glasses repaired or provided by way of replacement are of a special type) that the whole or any part of the said charges shall be payable by the 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.

(3) Where it has been admitted or determined as aforesaid that the replacement or repair of glasses is necessitated by lack of care, the Committee shall, on returning the form to the optician, note the fact on the form and indicate that the charges, or such part of the charges as will not, under the preceding provisions of this regulation, fall on the Council, will be payable by the applicant. They shall also inform the applicant of any determination under this regulation.

(4) 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 paragraph (2) of this regulation that the replacement or repair is not so necessitated.

(5) 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 if it is decided that the service is not 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."

(5) For regulation 13 (which provides for payments to be made for glasses of a special type) there shall be substituted the following regulation :—

" 13.—(1) Subject to the provisions of the last preceding regulation and of the National Health Service Act, 1951, 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 :

Provided that, in the case of the replacement or repair of such glasses, if the Committee determine that in view of the circumstances of the

person a smaller amount should be payable by him, and give notice in writing of their determination to the optician, the sum payable by that person shall not exceed such smaller amount.

(2) In a case to which the proviso to 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 special type, together with a sum representing the difference between the amount specified as aforesaid and the said smaller amount."

(6) In paragraph 7 of Part II of the First Schedule the words "any medical practitioner who is" shall be omitted.

(7) In the Third Schedule for Form No. 1 there shall be substituted the form set forth in the Schedule to these regulations.

4. The National Health Service (General Dental and Supplementary Ophthalmic Services) (Scotland) Regulations, 1951(a), shall be amended as follows:—

In sub-paragraph (*a*) of paragraph (2) of regulation 5, for the words "on a form to be provided for the purpose by the Committee" there shall be substituted the words "in Part VIII of Form No. 1 in the Third Schedule to the principal regulations".

Dated this 12th day of January, 1956.

James Stuart,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

(a) S.I. 1951/861 (1951 I, p. 1412).

SCHEDULE

FORM No. 1

NATIONAL HEALTH SERVICE, SCOTLAND
SUPPLEMENTARY OPHTHALMIC SERVICES
SIGHT TESTING AND SUPPLY OF GLASSES

E.C. Cipher Serial No.

PART I

To be completed by or on behalf of the applicant (i.e., the person whose sight is to be tested)

Full Christian Names and Surname of Applicant (block letters) Mr. / Mrs. / Miss	National Health Service Number	Date of Birth
Present Address	Permanent Home Address (if different from present address)	
Approximate date on which sight was last tested	Previous surname if changed since last test	

Has the applicant been supplied with glasses through the National Health Service? (Enter Yes or No) .....

If Yes, state name and address of the person who last tested sight .....

(N.B.—A FALSE STATEMENT MADE WITH FRAUDULENT INTENT MAY LEAD TO LEGAL PROCEEDINGS)

I certify that the particulars contained in Part I are true to the best of my knowledge and belief

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

Date

PART II
To be completed by the Ophthalmic Medical Practitioner or the Ophthalmic Optician and sent to the Joint Ophthalmic Services Committee after Parts IV and V have been completed

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

Remarks

Name and Address of Ophthalmic Medical Practitioner or Ophthalmic Optician (Rubber stamp or block letters)

The Applicant requires glasses 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

E.C. Cipher
Serial No.

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

My Sight / The Applicant's sight } (Delete whichever is not applicable) has been tested to-day

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

(or in the case of a child or an invalid, the signature of parent, guardian or other person in charge)

PART V
To be completed by the Ophthalmic Medical Practitioner or the Ophthalmic Optician

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

(Rubber stamp or block letters)

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

Signature of Ophthalmic Medical Practitioner or Signature of Ophthalmic Optician [jointly on his own behalf and on behalf of .....]
Signature.....
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 Joint Ophthalmic Services Committee after Parts VIII, IX and X have been completed as indicated below

Details of glasses supplied to the Applicant to the prescription overleaf

Description of lenses

Distance

Reading

Description of frames (if supplied)

Distance

Reading

	Statement of Fees Charge to J.O.S.C.		Charge to Applicant
	Distance (1)	Reading (2)	(3)
	£ s. d.	£ s. d.	£ s. d.
Act lens charge			
Lens right			
Lens left			
	—	—	
Extras			
Frames			
Case			
Dispensing Fee			
Totals			
Total of Columns (1) and (2) *less* Act lens charge			£ : :

PART VIII

To be completed by or on behalf of the applicant

I desire to be supplied with the glasses described and detailed above and I undertake to pay the Optician the total sum of £ : : .

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

(or in the case of a child or an invalid, the signature of parent, guardian or other person in charge)

PART IX To be completed by the Optician who supplies the glasses	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 Joint 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 ..... Reference No..... Date.....

PART X To be completed by or on behalf of the applicant	I have been The Applicant has been } (Delete whichever is not applicable) supplied with the glasses described above. Signature of Applicant..... Date..... (or in the case of a child or an invalid, the signature of parent, guardian or other person in charge)

PART XI For Official Use	Amount £ : : Authorised for Payment		

EXPLANATORY NOTE

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

These regulations amend the National Health Service (Supplementary Ophthalmic Services) (Scotland) Regulations, 1948. The main changes are:—

(1) They provide a procedure for the removal of the name of an ophthalmic medical practitioner, ophthalmic optician or dispensing optician from the ophthalmic list of a Joint Ophthalmic Services Committee where such practitioner or optician has never provided supplementary ophthalmic services or has ceased to provide such services.

(2) They enable applicants to have lenses supplied under the service with suitable privately purchased frames if they so desire.

(3) They enable a Joint Ophthalmic Services Committee in hardship cases to determine that the whole or any part of the charges for repairs or for certain replacements of glasses caused by lack of care, shall be paid by the Executive Council, whether or not the glasses are of a special type.

(4) They prescribe a revised form to be used in connection with testing of sight and supply of glasses.

These regulations also make a minor consequential amendment of the National Health Service (General Dental and Supplementary Ophthalmic Services) (Scotland) Regulations, 1951, relating to the acknowledgment by the person to be supplied with glasses of his obligation to pay the statutory charge.

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3. GENERAL PROVISIONS

1956 No. 322 (S. 6)

The National Health Service (Travelling Allowances, etc.) (Scotland) Amendment Regulations, 1956

Made - - - -	*5th March,* 1956
Laid before Parliament	*12th March,* 1956
Coming into Operation	*15th March,* 1956

In exercise of the powers conferred on me by the following provisions of the National Health Service (Scotland) Act, 1947(a), as amended by Part II of the Schedule to the National Health Service (Amendment) Act, 1949(b), namely—

(*a*) section (2) of section 39,

(*b*) paragraph 2 of the First Schedule,

(*c*) paragraph 3 of the Second Schedule,

(*d*) paragraph 2 of Part IV of the Fourth Schedule,

(*e*) paragraph 4 of the Sixth Schedule,

(a) 10 & 11 Geo. 6. c. 27. (b) 12, 13 & 14 Geo. 6. c. 93.