STATUTORY INSTRUMENTS

1972 No. 827 (S.61)

NATIONAL HEALTH SERVICE, SCOTLAND

The National Health Service (Tribunal for General Ophthalmic Services) (Scotland) Regulations 1972

Made - - - -	*24th May* 1972
Laid before Parliament	*6th June* 1972
Coming into Operation	*1st July* 1972

In exercise of the powers conferred on me by sections 43 and 72 of, and the Sixth and Eighth Schedules to, the National Health Service (Scotland) Act 1947(a), 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 (Tribunal for General Ophthalmic Services) (Scotland) Regulations 1972 and shall come into operation on 1st July 1972.

2. (1) In these regulations, unless the context otherwise requires:—

"the Act" means the National Health Service (Scotland) Act 1947;

"ophthalmic medical practitioner" means a medical practitioner having the qualifications prescribed by regulation 3 of the National Health Service (Qualifications for Supplementary Ophthalmic Services) (Scotland) Regulations 1958(b) as amended (c);

"ophthalmic optician" and "dispensing optician" have the same meanings as in section 80(1) of the Act of 1947 as substituted by section 20 of the Health Services and Public Health Act 1968(d);

"ophthalmic list" means a list of ophthalmic medical practitioners, ophthalmic opticians and dispensing opticians prepared by a Joint Ophthalmic Services Committee under regulation 5 of the National Health Service (Supplementary Ophthalmic Services) (Scotland) Regulations 1948(e) as amended(f).

(2) The Interpretation Act 1889(g) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

(a) 1947 c. 27.
(b) S.I. 1958/2048 (1958 II, p. 1562).
(c) The relevant amending instrument is S.I. 1961/973 (1961 II, p. 1896).
(d) 1968 c. 46.
(e) S.I. 1948/1450 (Rev. XV, p. 955: 1948 I, p. 2571).
(f) The relevant amending instrument is S.I. 1956/41 (1956 I, p. 1612).
(g) 1889 c. 63.

3. For the purposes of inquiries relating to ophthalmic medical practitioners, ophthalmic opticians and dispensing opticians the provisions of Parts III and IV of and the Third Schedule to the National Health Service (Medical and Pharmaceutical Service Committees and Tribunal) (Scotland) Regulations 1948**(a)** as amended **(b)** shall have effect subject to the following modifications:

(1) in the said Parts III and IV and the said Third Schedule:

(*a*) any reference to an appellant or respondent or to a practitioner or chemist shall include a reference to an ophthalmic medical practitioner, ophthalmic optician or dispensing optician;

(*b*) any reference to a medical or pharmaceutical list shall include a reference to an ophthalmic list of a Joint Ophthalmic Services Committee; and

(*c*) any reference to general medical services shall include a reference to general ophthalmic services provided under Part IV of the Act.

(2) for sub-paragraphs (*a*) and (*b*) of paragraph (1) of regulation 37 there shall be substituted:—

"(*a*) when the appellant is an ophthalmic medical practitioner, an ophthalmic medical practitioner; or

(*b*) when the appellant is an ophthalmic optician, an ophthalmic optician; or

(*c*) when the appellant is a dispensing optician, a dispensing optician",

and paragraph (3) of the said regulation 37 shall be omitted.

(3) for the last paragraph of Form 2 of the Third Schedule to the said regulations there shall be substituted the following paragraph:—

"Copies of the National Health Service (Medical and Pharmaceutical Service Committees and Tribunal) (Scotland) Regulations 1948, and of the National Health Service (Tribunal for General Ophthalmic Services) (Scotland) Regulations 1972 (which apply the former regulations to inquiries relating to ophthalmic medical practitioners, ophthalmic opticians or dispensing opticians), are enclosed for your information."

4. The provisions of Part IV of the National Health Service (Medical and Pharmaceutical Service Committees and Tribunal) (Scotland) Regulations 1948 as amended **(c)** (being provisions relating to the service of notices) shall with modifications aforesaid apply both to investigations by Joint Ophthalmic Services Committees and ophthalmic investigation committees under Part III of the National Health Service (Joint Ophthalmic Services Committees) (Scotland) Regulations 1972**(d)**, and to inquiries by Tribunals under those regulations

(a) S.I. 1948/1259 (Rev. XV, p. 887: 1948 I, p. 2455).
(b) The relevant amending instrument is S.I. 1964/23 (1964 I, p. 19).
(c) The relevant amending instrument is S.I. 1962/1977 (1962 III, p. 2424).
(d) S.I. 1972/828.

(being inquiries relating to ophthalmic medical practitioners, ophthalmic opticians or dispensing opticians).

5. The National Health Service (Tribunal for Supplementary Ophthalmic Services) (Scotland) Regulations 1948**(a)** are hereby revoked.

Gordon Campbell,

One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh.
24th May 1972.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations replace the National Health Service (Tribunal for Supplementary Ophthalmic Services) (Scotland) Regulations 1948 in consequence of the change in status of the ophthalmic services and of Joint Ophthalmic Services Committees made by the Health Services and Public Health Act 1968. They provide for inquiries by the Tribunal set up under the National Health Service (Scotland) Act 1947 into cases where representations are made that the continued inclusion of a person in an ophthalmic list would be detrimental to the efficiency of the general ophthalmic services.

The Regulations also deal with the way in which notices may be given to persons in the case of these inquiries or in the case of investigations by a Joint Ophthalmic Services Committee or ophthalmic investigation committee.

(a) S.I. 1948/1451 (Rev. XV, p. 975: 1948 I, p. 2593).

SI 1972/827(
ISBN 0-11-020827-7

