SCOTTISH STATUTORY INSTRUMENTS

2004 No. 169

NATIONAL HEALTH SERVICE

The National Health Service (General Ophthalmic Services) (Scotland) Amendment (No. 3) Regulations 2004

Made - - - - 30th March 2004
Laid before the Scottish Parliament - - - - 31st March 2004
Coming into force in accordance with regulation 1(2) and (3)

The Scottish Ministers, in exercise of the powers conferred by sections 26, 105(7) and 108(1) of the National Health Service (Scotland) Act 1978(**1**) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the National Health Service (General Ophthalmic Services) (Scotland) Amendment (No. 3) Regulations 2004.

(2) Subject to paragraph (3) these Regulations shall come into force on 1st April 2004.

(3) Regulation 2(5) shall come into force on 6th April 2004.

Amendment of the National Health Service (General Ophthalmic Services) (Scotland) Regulations 1986

2.—(1) The National Health Service (General Ophthalmic Services) (Scotland) Regulations 1986(**2**) are amended as follows.

(2) In the following regulations omit the words "or primary care NHS trust" in each place where they occur:–

(**1**) 1978 c. 29; section 26 was amended by the Health and Social Security Act 1984 (c. 48), section 1(5) and (7), section 13(4), Schedule 1, Part II, paragraphs 1 to 4 and Schedule 8, was extended by the Health and Medicines Act 1988 (c. 49), section 17 and amended by the Health Act 1999 (c. 9), section 56; section 105(7), which contains provisions relevant to the making of regulations, was amended by the Health Services Act 1980 (c. 53), Schedule 6, paragraph 5 and Schedule 7 and by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), Schedule 9, paragraph 24; section 108(1) contains definitions of "prescribed" and "regulations" relevant to the exercise of the statutory powers under which these Regulations are made. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(**2**) S.I.1986/965. Relevant amending instruments are S.I. 1988/543, S.S.I. 1999/55 and 2001/62.

regulation 2(1) (interpretation)(**3**);

regulation 6 (ophthalmic list)(**4**);

regulation 7 (application for inclusion in ophthalmic list and notification of charges)(**5**);

regulation 8 (withdrawal from ophthalmic list)(**6**);

regulation 9 (removal from ophthalmic list)(**7**);

regulation 10 (the statement)(**8**);

regulation 12 (arrangements for particular districts)(**9**);

regulation 13 (payment for services)(**10**);

regulation 13A (payments to contractors suspended by direction of the Tribunal)(**11**);

regulation 14A (sight test – applications)(**12**);

regulation 16 (publication of particulars)(**13**);

regulation 17 (service of documents on contractors)(**14**).

(3) In regulation 6 (ophthalmic list)–

(a) in paragraph (1) omit "the appropriate part of the Board's area" and substitute "its area"; and

(b) in paragraph (3)(b) omit "appropriate part of the Board's area" and substitute "Board's area".

(4) In regulation 13(1) (ophthalmic list) omit "the appropriate part of the Board's area" and substitute "its area".

(5) In regulation 14(2)(e) (sight test – eligibility)(**15**) after "requirements as so calculated" insert "or exceeds his requirements as so calculated by fifty per cent or less of the amount of the charge specified in regulation 3(1)(b) (supply of drugs and appliances by chemists) of the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 2001(**16**)".

(6) In Schedule 1 (terms of service)–

(a) omit the words "or primary care NHS trust" in each place where they occur in–

paragraph 2 (incorporation of provisions)(**17**);

paragraph 3A (visits)(**18**);

paragraph 4 (premises and equipment)(**19**);

(**3**) Regulation 2 of S.S.I. 2001/62; inserted the definition of "day centres" which is amended by regulation 2(2) of these regulations.
(**4**) Regulation 6 was substituted by S.I. 1988/543 and amended by S.I. 1996/843 and 1999/725 and S.S.I. 1999/55, 2001/62 and 2004/36.
(**5**) Regulation 7 was amended by S.I. 1988/543 and S.S.I. 1999/55.
(**6**) Regulation 8 was amended by S.S.I. 1999/55, 2002/86 and 2004/36.
(**7**) Regulation 9 was amended by S.I. 1996/843 and S.S.I. 1999/55.
(**8**) Regulation 10 was amended by S.S.I. 1999/55.
(**9**) Regulation 12 was amended by S.S.I. 1999/55.
(**10**) Regulation 13 was substituted by S.I. 1996/843 and amended by S.I. 1999/725 and S.S.I. 1995/55.
(**11**) Regulation 13A was inserted by S.I. 1996/843 and amended by S.I. 1999/725 and S.S.I. 1999/55.
(**12**) Regulation 14A was inserted by S.I. 1989/387 and amended by S.S.I. 1999/55 and S.S.I. 2001/62.
(**13**) Regulation 16 was substituted by S.I. 1988/543 and amended by S.S.I. 1999/55.
(**14**) Regulation 17 was amended by S.S.I. 1999/55 and S.S.I. 2001/62.
(**15**) Regulation 14 was substituted by S.I. 1989/387 and amended by S.I. 1995/704, 1996/2353, 1999/725 and S.S.I. 1999/55, 2001/62 and 2003/20 and 432.
(**16**) S.S.I. 2001/430; amended by S.S.I. 2002/100, 2003/130 and 2004/66.
(**17**) Paragraph 2 was substituted by S.I. 1989/387 and amended by 1996/843 and S.S.I. 1999/55.
(**18**) Paragraph 3A was inserted by S.S.I. 2001/62.
(**19**) Paragraph 4 was amended by S.I. 1988/543 and 1999/725 and S.S.I. 1999/55.