SCOTTISH STATUTORY INSTRUMENTS

2001 No. 62

NATIONAL HEALTH SERVICE

The National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 2001

Made - - - - 2nd March 2001
Laid before the Scottish Parliament - - - - 6th March 2001
Coming into force in accordance with regulation 1(2)

The Scottish Ministers, in exercise of the powers conferred by sections 26, 105(7), 106(a) 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, commencement and interpretation

1.—(1) These Regulations may be cited as the National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 2001.

(2) These Regulations shall come into force–

(a) on 1st April 2001 for all purposes except regulations 4 and 5(2) and (4);

(b) on 10th April 2001 for the purposes of regulation 4; and

(c) on 1st May 2001 for the purposes of regulation 5(2) and (4).

(3) In these Regulations–

"the principal Regulations" means the National Health Service (General Ophthalmic Services) (Scotland) Regulations 1986(**2**),

"primary care NHS trust" means an NHS trust to which functions have been delegated pursuant to section 12AA of the National Health Service (Scotland) Act 1978.

(**1**) 1978 c. 29; section 26 was amended by the Health and Social Security Act 1984 (c. 48) ("the 1984 Act") section 1(5) and (7), Schedule 1, Part II, paragraphs 1 to 4 and Schedule 8 and by the Health and Medicines Act 1988 (c. 49), section 13(4); 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, by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), Schedule 9, paragraph 24, and by the Health Act 1999 (c. 8), Schedule 4, paragraph 60; 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, amended by S.I. 1988/543, 1989/387 and 1177, 1990/1048, 1991/534, 1992/531, 1995/704, 1996/843 and 2353, 1999/725 and S.S.I. 1999/55.

Amendment of regulation 2 of the principal Regulations

2. In regulation 2(1) of the principal Regulations (interpretation)(**3**), the following definitions are inserted in the appropriate places in alphabetical order–

> ""day centre" means an establishment attended by patients and accepted by the Health Board or primary care NHS trust as suitable for the provision of general ophthalmic services in the appropriate part of the Board's area for those patients who would have difficulty in obtaining such services from practice premises because of physical or mental illness or disability or because of difficulties in communicating their health needs unaided;";
>
> ""mobile practice" means a contractor who does not have practice premises in the appropriate part of the Board's area but who has undertaken to provide general ophthalmic services at a day or residential centre in that part of the Board's area;";
>
> ""residential centre" means an establishment in the appropriate part of the Board's area for patients who normally reside in that establishment and who are unable to leave the establishment unaccompanied because of physical or mental illness or disability;".

Amendment of regulation 6 of the principal Regulations

3. Regulation 6 of the principal Regulations (ophthalmic list)(**4**) is amended as follows–

(a) in paragraph (3)(b) after "provide general ophthalmic services" there is inserted ", or in the case of a mobile practice, the address to which correspondence in connection with such provision may be sent and the addresses of any day centre or residential centre to be visited more than once"; and

(b) in paragraph (3)(c) after "at such addresses" there is inserted ", or in the case of visits to day centres or residential centres by a mobile practice, the months in which visits are intended to take place and the planned interval between such visits".

Amendment of regulation 14 of the principal Regulations

4. In regulation 14(2) of the principal Regulations (sight tests – eligibility)(**5**), in sub paragraphs (c), (d) and (g), for "£70" there is substituted "£71".

Amendment of regulation 14A of the principal Regulations

5.—(1) Regulation 14A of the principal Regulations (sight tests – applications)(**6**) is amended in accordance with this regulation.

(2) For paragraph (4)(a) there is substituted–

"(a) subject to paragraph (5)–

(i) satisfy himself that the person is an eligible person by asking for satisfactory evidence of entitlement, unless the contractor, in cases other than where the patient is a person specified in regulation 14(1)(c), already has satisfactory evidence of it available to him,

(**3**) Regulation 2 was amended by S.I. 1988/543, 1989/387, 1991/534, 1992/531, 1995/704, 1996/2353 and 843 and 1999/725 and S.S.I. 1999/55.
(**4**) Regulation 6 was substituted by S.I. 1988/543, and subsequently amended by S.I. 1991/534, 1996/843 and 1999/725 and S.S.I. 1999/551.
(**5**) Regulation 14 was substituted by S.I. 1989/387, and relevant amending instruments are S.I. 1991/534, 1995/704 and 1996/2353 and S.S.I. 1999/55.
(**6**) Regulation 14A was inserted by S.I. 1989/387 and amended by S.S.I. 1999/55.