STATUTORY RULES OF NORTHERN IRELAND

2009 No. 152

HEALTH AND PERSONAL SOCIAL SERVICES

The General Ophthalmic Services (Amendment No. 2) Regulations (Northern Ireland) 2009

Made - - - -	*3rd April 2009*
Coming into operation	*1st April 2009*

The Department of Health, Social Services and Public Safety(**1**) makes the following Regulations in exercise of the powers conferred by Articles 26(2), 62, 95, 106 and 107(6) of, and paragraph 7(5) of Schedule 3 and paragraph 13 of Schedule 11 to, the Health and Personal Social Services (Northern Ireland) Order 1972(**2**), and in conjunction with the Department of Finance and Personnel(**3**).

In accordance with Article 62(3) of that Order it has consulted with such organisations as appeared to the Department to be representative of medical practitioners practising as ophthalmic medical practitioners and ophthalmic opticians.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the General Ophthalmic Services (Amendment No. 2) Regulations (Northern Ireland) 2009 and shall come into operation on 1st April 2009.

(2) In these Regulations "the principal Regulations" means the General Ophthalmic Services Regulations (Northern Ireland) 2007(**4**).

Amendment of regulation 2 of the principal Regulations

2. In regulation 2 (interpretation) of the principal Regulations, omit the definitions of "emergency mobile services" and "prompt care"(**5**).

(**1**) See S.I. 1999/283 (N.I. 1) Article 3(6)
(**2**) S.I. 1972/1265 (N.I. 14); Article 62 was amended by Article 13 of S.I. 1978/1907 (N.I. 26), Articles 3 and 17 of, and Schedules 1 and 6 to S.I. 1984/1158 (N.I. 8), Article 8 of S.I. 1988/2249 (N.I. 24), Articles 34 and 35 of, and Schedule 5 and 6 to S.I. 1991/194 (N.I. 1) and Article 41(4) of 2001 c. 3 and modified by regulation 24(2)(c) of S.R. 2004 No. 259, and amended by section 8 of 2008 c.2
(**3**) Formerly Department of Finance: See S.I. 1982/338 (N.I. 6)Art. 3
(**4**) S.R. 2007 No. 436; relevant amending Regulations are S. R. 2009 No. 16
(**5**) Definitions inserted by S.R. 2009 No. 16

Amendment of regulation 16 of the principal Regulations

3. In regulation 16 (sight tests – eligibility) of the principal Regulations, in paragraph (2)(g)(ii) for "£15,050" substitute "£15,276".

Amendment of Schedule 1 to the principal Regulations

4. In Schedule 1 to the principal Regulations—

(a) omit paragraph 1;

(b) in paragraph 2(a) for "the regulations" substitute "these Regulations";

(c) after paragraph 4(8) insert the following paragraphs—

"(9) In sub-paragraph (8) "emergency mobile services" means general ophthalmic services provided at a location, other than the contractor's practice premises, where the contractor has made reasonable arrangements to secure that a patient requiring prompt care will receive such care as soon as appropriately possible.

(10) For the purposes of sub-paragraph (9) a patient requires "prompt care" if in the clinical opinion of the contractor—

(a) the patient's sight is likely to deteriorate without such care;

(b) the patient is in significant pain by reason of his eye condition; or

(c) the patient may be at serious risk of sustaining a personal injury as a direct result of having an uncorrected refractive error;

and "prompt care" does not necessitate a repair or replacement of an optical appliance unless head (c) applies.";

(d) in paragraph 13(4) for "the regulations" substitute "these Regulations".

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 3rd April 2009.

L.S.

Christine Jendoubi
A senior officer of the Department of Health,
Social Services and Public Safety