STATUTORY RULES OF NORTHERN IRELAND

1996 No. 135

HEALTH AND PERSONAL SOCIAL SERVICES

General Ophthalmic Services (Amendment) Regulations (Northern Ireland) 1996

Made - - - -	*29th March 1996*
Coming into operation	*1st April 1996*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 62, 106 and 107(6) of, and paragraph 8E of Schedule 11 to, the Health and Personal Social Services (Northern Ireland) Order 1972(**1**) and Article 10 of the Health and Medicines (Northern Ireland) Order 1988(**2**) and of all other powers enabling it in that behalf, and in conjunction with the Department of Finance and Personnel and after consultation with such organisations as appeared to the Department to be representative of medical practitioners practising as ophthalmic medical practitioners, and ophthalmic opticians, as required by Article 62(3) of the said Order, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the General Ophthalmic Services (Amendment) Regulations (Northern Ireland) 1996 and shall come into operation on 1st April 1996.

(2) In these regulations, the "principal regulations" means the General Ophthalmic Services Regulations (Northern Ireland) 1986(**3**).

Amendment of regulation 2 of the principal regulations

2. Regulation 2(1) of the principal regulations (interpretation) shall be amended as follows—

(a) after the definition of "the statement" there shall be inserted—

> ""suspended by direction of the Tribunal" means suspended as respects the provision of general ophthalmic services to patients by a direction of the Tribunal made pursuant to paragraph 8A(2) or paragraph 8B(1) of Schedule 11 to the

(**1**) S.I. 1972/1265 (N.I. 14) as amended by S.I. 1978/1907 (N.I. 26) Article 13; S.I. 1984/1158 (N.I. 8) Article 3(1) and (2), paragraph 1 of Schedule 1, Article 17 and Part 1 of Schedule 6; S.I. 1988/2249 (N.I. 24) Article 8(1) and (2); S.I. 1991/194 (N.I. 1) Part I of Schedule 5; and S.I. 1995/2704 (N.I. 14)

(**2**) S.I. 1988/2249 (N.I. 24)

(**3**) S.R. 1986 No. 163; relevant amending regulations are S.R. 1988 No. 110, and S.R. 1990 No. 191

Order(**4**) or to any provisions in force in England and Wales or Scotland corresponding to those provisions;"; and

(b) at the end there shall be inserted—

""training school" means a school approved by the Secretary of State under sections 137 and 138 of the Children and Young Persons Act (Northern Ireland) 1968(**5**);".

Amendment of regulation 8 of the principal regulations

3. In regulation 8 (ophthalmic list), at the end of paragraph (1) there shall be inserted "and who are not disqualified for inclusion by virtue of the provisions of paragraphs 5, 7, 8A(3), 8B(1) or 8D(2) of Schedule 11 to the Order(**6**)".

Amendment of regulation 9 of the principal regulations

4. In regulation 9 (application for inclusion in ophthalmic list), in paragraph (1)—

(a) at the end of sub-paragraph (*a*), "and" shall be omitted; and

(b) at the end of sub-paragraph (*b*), there shall be inserted—

"; and

(c) a declaration that he is not suspended by direction of the Tribunal.".

Amendment of regulation 11 of the principal regulations

5. In regulation 11 (removal from ophthalmic list), after paragraph (2) there shall be inserted the following new paragraph—

"(2A) In calculating the period of 6 months referred to in paragraph (2), a Board shall disregard any period during which the contractor provided no general ophthalmic services by reason only that he was suspended by direction of the Tribunal.".

Amendment of regulation 14 of the principal regulations

6. In regulation 14 (payment for services), in paragraph (2)(*b*) for "regulation 4(2) of the Health and Personal Social Services (Services Committee) Regulations (Northern Ireland) 1973" substitute "regulation 5(1) of the Health and Personal Social Services (Disciplinary Procedures) Regulations (Northern Ireland) 1996"(**7**).

Payments to suspended contractors

7. After regulation 14 of the principal regulations the following new regulation shall be inserted —

"**Payments to contractors suspended by direction of the Tribunal**

14A.—(1) The Agency shall make payments to any contractor who is suspended by direction of the Tribunal in accordance with the Department's determination for the time being in operation in relation to such payments.

(**4**) Paragraph 8A and 8B of Schedule 11 were inserted by Article 4 of S.I. 1995/2704 (N.I. 14)
(**5**) 1968 c. 34
(**6**) Paragraph 8D of Schedule II was inserted by Article 4 of S.I. 1995/2704 (N.I. 14)
(**7**) S.R. 1996 No. 137

(2) The Department shall make the determination in accordance with paragraphs (3) and (4) after consultation with the organisations referred to in regulation 12(1) and it shall be published with the Statement there referred to.

(3) Subject to paragraph (4), the Department's determination shall be such as to secure that, as far as reasonably practicable, the suspended contractor receives payments at a rate corresponding to his remuneration by virtue of regulation 12 during the 12 months ending with the direction for suspension by the Tribunal.

(4) The Department's determination may include provision that payments in accordance with the determination are not to exceed a specified amount in any specified period.

(5) In a case to which paragraph 8B(3) of Schedule 11 to the Order applies, the determination shall provide for the amount by which a suspended contractor's payments are to be reduced to take account of any payments which he receives for providing general ophthalmic services other than as a principal.

(6) Regulation 12(2) shall apply to determinations under this regulation as it applies to determinations under that regulation.

(7) Regulation 14(2) shall apply to payments made under this regulation as it applies to payments made under that regulation.".

Amendment of Schedule 1 to the principal regulations

8.—(1) Schedule 1 (terms of service for ophthalmic medical practitioners and opticians) shall be amended as follows.

(2) In paragraph 2 (incorporation of provisions), in sub-paragraph (*b*)—

(a) for "Health and Personal Social Services (Services Committee) Regulations (Northern Ireland) 1973" there shall be substituted "Health and Personal Social Services (Disciplinary Procedures) Regulations (Northern Ireland) 1996"; and

(b) in head (i), for "ophthalmic services committee" there shall be substituted "ophthalmic discipline committee".

(3) For paragraph 5 (notices) there shall be substituted—

"**5.** A contractor shall secure that at each place at which he provides general ophthalmic services there is prominently displayed a notice and leaflet supplied or approved by the Agency, indicating the services available under general ophthalmic services and indicating to which descriptions of his patients a payment may be made under the Optical Charges and Payments Regulations (Northern Ireland) 1989(**8**).".

(4) In paragraph 7 (deputies), in sub-paragraph (1), for "disqualified by the Tribunal from inclusion in the ophthalmic list" there shall be substituted—

"(a) who, having been disqualified under paragraph 3(*b*)(**9**) of Schedule 11 to the Order (or under any corresponding provision in force in England and Wales or Scotland) from inclusion in the ophthalmic list (or, in England and Wales, the ophthalmic list of a Health Authority, or, in Scotland, the ophthalmic list of a Health Board) is also the subject of a declaration under paragraph 3(*c*) of Schedule 11 to the Order (or any corresponding provision in force in England and Wales or Scotland) that he is not fit to be engaged in any capacity in the provision of general ophthalmic services; or

(b) who is suspended by direction of the Tribunal, other than in a case falling within paragraph 8B(3) of Schedule 11 to the Order.".

(**8**) S.R. 1989 No. 114
(**9**) Paragraph 3 of Schedule 11 was substituted by Article 3 of S.I. 1995/2704 (N.I. 14)