1989 No. 281

HEALTH AND PERSONAL SOCIAL SERVICES

Sight Testing (Examination and Prescription) (No. 2) Regulations (Northern Ireland) 1989

Made	*21st July 1989*
Coming into operation . .	*31st July 1989*

The Department of Health and Social Services in exercise of the powers conferred on it by section 20B(1), (3), (8) and (9) of the Opticians Act 1958(**a**) and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Sight Testing (Examination and Prescription) (No. 2) Regulations (Northern Ireland) 1989 and shall come into operation on 31st July 1989.

Interpretation

2. In these regulations—

"the Act" means the Opticians Act 1958;

"doctor" means a fully registered person within the meaning of the Medical Act 1983(**b**);

"employment purposes" in the case of any individual, means the purposes in relation to the individual of any person by whom he is or has been, or is seeking to be, employed (whether under a contract of service or otherwise);

"insurance purposes" in the case of any individual, means the purposes in relation to the individual of any person carrying on an insurance business with whom the individual has entered into, or is seeking to enter into, a contract of insurance, and "insurance business" and "contract of insurance" have the same meaning as in the Insurance Companies Act 1982(**c**);

"optician" means a registered ophthalmic optician;

"patient" means a person whose sight has been tested.

Examination

3.—(1) Subject to the exceptions specified in paragraph (2), when a doctor or optician tests the sight of another person, it shall be his duty—

(**a**) 1958 c. 32; section 20B was inserted by section 14 of the Health and Medicines Act 1988 (c. 49)
(**b**) 1983 c. 54
(**c**) 1982 c. 50

(*a*) to perform, for the purpose of detecting signs of injury, disease or abnormality in the eye or elsewhere—

(i) an examination of the external surface of the eye and its immediate vicinity,

(ii) an intra-ocular examination, either by means of an ophthalmoscope or by such other means as the doctor or optician considers appropriate,

(iii) such additional examinations as appear to the doctor or optician to be clinically necessary; and

(*b*) immediately following the test to give to the patient a written statement—

(i) that he has carried out the examinations required by sub-paragraph (*a*), and

(ii) that he is or (as the case may be) is not referring the patient to a doctor.

(2) The provisions of paragraph (1) do not apply where the testing of sight is carried out by a doctor at a hospital or clinic in the course of diagnosing or treating injury or disease of the eye.

Exceptions to the duty to issue a prescription or statement

4. The duty which section 20B(2) of the Act imposes on doctors and opticians (to issue a prescription or a statement after testing a patient's sight) shall not arise where—

(*a*) the doctor or optician who has tested the patient's sight refers the patient to his doctor for further investigation or treatment;

(*b*) the sight test was carried out as part of a general medical examination including such an examination for insurance purposes or employment purposes; or

(*c*) the patient was resident in hospital or a clinic, for the purposes of treatment, when his sight was tested.

Particulars to be included in a prescription or statement

5.—(1) A prescription provided in fulfilment of the duty imposed by section 20B(2) of the Act shall include:—

(*a*) particulars of any spherical power of each lens to be included in the appliance prescribed and, where appropriate, particulars of the cylindrical power (including particulars of its axis), prismatic power (including particulars of the orientation of the prism) and near addition of each such lens;

(*b*) the date of the testing of sight;

(*c*) the name and address of the patient and, if he is under the age of 16, his date of birth;

(*d*) the name and practice address of the doctor or optician who carried out the testing of sight;

(*e*) the address at which, or the name of the hospital, clinic, nursing home or other institution at which the testing of sight was carried out; and