1989 No. 113

HEALTH AND PERSONAL SOCIAL SERVICES

General Ophthalmic Services (Amendment) Regulations (Northern Ireland) 1989

Made	*30th March 1989*
Coming into operation . .	*1st April 1989*

The Department of Health and Social Services in exercise of the powers conferred on it by Articles 62, 106 and 107(6) of the Health and Personal Social Services (Northern Ireland) Order 1972(**a**) and of all other powers enabling it in that behalf, and in conjunction with the Department of Finance and Personnel(**b**) 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) 1989 and shall come into operation on 1st April 1989.

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

Amendment of regulation 2 of the principal regulations

2. In regulation 2(1) of the principal regulations (interpretation)—

(*a*) after the definition of "Board" there is inserted the following definition:—

" "capital limit" means the amount prescribed for the purposes of Article 23(6) of the Social Security (Northern Ireland) Order 1986(**d**) as it applies to income support;";

(*b*) after the definition of "Committee" there is inserted the following definition:—

" "complex appliance" means an optical appliance at least one lens of which—

(i) has a power in any meridian of plus or minus 10 or more dioptres, or

(ii) is a lenticular lens;";

(a) S.I. 1972/1265 (N.I. 14). As amended by S.I. 1984/1158 (N.I. 8) and S.I. 1988/2249 (N.I. 24)
(b) Formerly Department of Finance: *see* S.I. 1982/338 (N.I. 6) Art. 3
(c) S.R. 1986 No. 163. As amended by S.R. 1988 No. 110
(d) S.I. 1986/1888 (N.I. 18); regulation 45 of the Income Support (General) Regulations (Northern Ireland) 1987 (S.R. 1987 No. 459) has prescribed the amount of £6,000 as the capital limit

(*c*) after the definition of "doctor" there are inserted the following definitions:—

" "eligible person" means a person who, in accordance with regulation 15, may have his sight tested under general ophthalmic services;

"family credit" means family credit under Part III of the Social Security (Northern Ireland) Order 1986;

"general ophthalmic services" means the services which a contractor must provide pursuant to paragraph 10 of the terms of service;

"income support" means income support under Part III of the Social Security (Northern Ireland) Order 1986 and includes personal expenses addition, special transition addition and transitional addition as defined in regulation 2(1) of the Income Support (Transitional) Regulations (Northern Ireland) 1987(**a**);";

(*d*) after the definition of "Medical Card" there is inserted the following definition:—

" "notice of entitlement" means a notice issued under regulation 7 of the Remission Regulations for the purposes of remission of charges under the Order;";

(*e*) after the definition of "qualifications" there is inserted the following definitions:—

" "qualifying full-time education" means full-time instruction at a recognised educational establishment or by other means accepted as comparable by the Department and "recognised educational establishment" means an establishment recognised by the Department as being, or as comparable to, a school, college or university;

"the Remission Regulations" means the Travelling Expenses and Remission of Charges Regulations (Northern Ireland) 1988(**b**) and a reference to those regulations is to be construed as a reference to them as they have effect on the making of the General Ophthalmic Services (Amendment) Regulations (Northern Ireland) 1989 and as amended subsequently;";

(*f*) the definition of "sight test" is omitted.

Amendment of regulation 14 of the principal regulations

3. In regulation 14 of the principal regulations (payment for services) after paragraph (1) there is inserted—

"(1A) Where in accordance with regulation 13B(4) the Agency has paid to a patient in respect of a testing of sight an amount which exceeds the fee payable to the contractor, in accordance with the Statement, for that testing, it shall deduct the excess from remuneration otherwise payable to the contractor.".

(**a**) S.R. 1987 No. 460
(**b**) S.R. 1988 No. 150

Substitution of regulation 15 of the principal regulations

4. For regulation 15 (sight tests) of the principal regulations there are substituted the following regulations—

"*Sight Tests — eligibility*

15.—(1) A person may have his sight tested under general ophthalmic services if, at the time of the testing of sight, he is any of the following—

(*a*) a person who is under the age of 16 years;

(*b*) a person who is under the age of 19 years and receiving qualifying full-time education;

(*c*) a person whose resources are treated in accordance with paragraph (2) as being less than, or equal to, his requirements;

(*d*) a person who requires to wear a complex appliance;

(*e*) a person who is registered blind or partially sighted under section 1 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978(**a**);

(*f*) a person who has been diagnosed as suffering from diabetes or glaucoma;

(*g*) a person who is aged 40 or over and is the parent, brother, sister or child of a person who has been diagnosed as suffering from glaucoma.

(2) A person's resources shall be treated as being less than or equal to his requirements if—

(*a*) he is in receipt of income support;

(*b*) he is a member of the same family as a person who is in receipt of income support;

(*c*) he is in receipt of family credit;

(*d*) he is a member of the same family as a person who is in receipt of family credit;

(*e*) his income resources as calculated in accordance with regulation 6 of, and Schedule 1 to, the Remission Regulations for the purposes of remission of charges under the Order are less than or equal to his requirements as so calculated and his capital resources as so calculated do not exceed the capital limit; or

(*f*) he is a member of the same family as a person described in paragraph (*e*).

(3) In paragraph (2)(*b*) and (*f*) "family" has the meaning assigned to it by Article 21(11) of the Social Security (Northern Ireland) Order 1986 as it applies to income support(**b**) and in paragraph 2(*d*) it has the meaning assigned to it by Article 21(11) of that Order as it applies to family credit(**c**).

(**a**) 1978 c. 53
(**b**) *See* S.R. 1987 No. 459, regulation 14 to 16
(**c**) *See* S.R. 1987 No. 463, regulations 6 to 9