1986 No. 163

HEALTH AND PERSONAL SOCIAL SERVICES

General Ophthalmic Services Regulations (Northern Ireland) 1986

Made . . . . . *18th June 1986*

Coming into operation . . . *1st July 1986*

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The Department of Health and Social Services in exercise of the powers conferred on it by Articles 62, 95, 98, 106 and 107(6) of the Health and Personal Social Services (Northern Ireland) Order 1972(**a**) and Article 18(1) of the Health and Social Security (Northern Ireland) Order 1984(**b**) and of all other powers enabling it in that behalf, and in conjunction with the Department of Finance and Personnel(**c**) and after consultation with such organisations as appeared to the Department to be representative of medical practitioners practising as ophthalmic medical practitioners, ophthalmic opticians, and dispensing opticians, as required by Article 62(3) of the said 1972 Order, hereby makes the following regulations:

(**a**) S.I. 1972/1265 (N.I. 14)
(**b**) S.I. 1984/1158 (N.I. 8)
(**c**) Formerly Department of Finance: *see* S.I. 1982/338 (N.I. 6) Art. 3

Citation and commencement

1. These regulations may be cited as the General Ophthalmic Services Regulations (Northern Ireland) 1986 and shall come into operation on 1st July 1986.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires—

"Board" means a Health and Social Services Board established under Article 16 of the Order for any area;

"Committee" means the Ophthalmic Committee, constituted under regulation 3;

"contractor" means a person who has undertaken to provide general ophthalmic services and whose name is included in the ophthalmic list;

"deputy" means an ophthalmic medical practitioner or optician, whether or not himself a contractor, who provides general ophthalmic services on behalf of a contractor otherwise than as a director or salaried employee of that contractor;

"doctor" means a registered medical practitioner;

"Local Ophthalmic Medical Committee" and "Local Ophthalmic Optical Committee" mean the committees recognised by the Department under Article 55 of the Order as representative of ophthalmic medical practitioners and ophthalmic opticians, respectively;

"Medical Card" means a card issued to a person, in a form approved by the Department for the purposes of enabling that person to obtain or establish a title to receive general medical services, including maternity medical services, general dental services or general ophthalmic services and shall include any card provided for a like purpose under the National Health Insurance (Medical Benefit) Regulations (Northern Ireland) 1938(**a**);

"ophthalmic hospital" includes an ophthalmic department of a hospital;

"ophthalmic medical practitioner" means a doctor whose qualifications have in accordance with regulation 6 and regulation 7 been approved as being prescribed qualifications;

"Ophthalmic Qualifications Committee" means the Advisory Committee appointed under Article 25 of the Order after consultation with each Board and such organisation as may be recognised by the Department as representing medical practitioners, for the purposes of approving—

(*a*) ophthalmic hospitals, academic degrees, academic or post graduate courses in ophthalmology and appointments affording special opportunities for acquiring the necessary skill and experience of the kind required for the provision of general ophthalmic services; and

(*b*) the qualifications of doctors for the purpose of the general ophthalmic services;

"optician" means an ophthalmic optician;

"Order" means the Health and Personal Social Services (Northern Ireland) Order 1972;

"the 1984 Order" means the Health and Social Security (Northern Ireland) Order 1984;

"patient" means a person for whom a contractor has agreed to provide general ophthalmic services;

"qualifications" includes qualifications as to experience;

"sight test" includes such examination of the eyes as may be required;

(**a**) S.R. & O. (N.I.) 1938 No. 141 (p. 265)

"sight test form" means a form which, in accordance with the Statement, is to be completed for the purposes of payments in respect of a sight test;

"the Statement" has the meaning assigned to it in regulation 12(1);

"terms of service" means the terms set out in Schedule 1.

Constitution of Ophthalmic Committee

3. The provisions set out in Schedule 2 shall apply to the Committee which shall be constituted by the Agency for the purpose of advising and assisting the Agency in the duties assigned to it by these regulations.

Delegation of duties

4. The Committee may delegate to an officer of the Agency such of its duties with respect to general ophthalmic services as it thinks fit.

Qualifications of ophthalmic medical practitioners

5.—(1) The prescribed qualifications which a doctor is to possess for the purposes of Article 62 of the Order (arrangements for General Ophthalmic Services) are that he has (at the date of consideration of his application under regulation 6) recent experience and that—

(*a*) he has had adequate experience and has held—

(i) an appointment in the health service, otherwise than under Part VI of the Order, with the status of consultant ophthalmologist; or

(ii) an appointment for a period of not less than two years of equivalent status as an ophthalmic surgeon or assistant ophthalmic surgeon on the staff of an approved ophthalmic hospital; or

(*b*) (i) he has held one or more ophthalmic appointments in an approved ophthalmic hospital for a period totalling not less than two years,

(ii) unless he has been fully registered as a doctor for at least seven years and his experience is such as to make this requirement unnecessary that period included tenure for at least six months of a residential appointment or an appointment with duties comparable with those of a residential appointment,

(iii) he has obtained the Diploma in Ophthalmology awarded con-jointly by the Royal College of Physicians of London and the Royal College of Surgeons of England, or any approved higher degree or qualification, and

(iv) he has had adequate experience; or

(*c*) he has before 1st October 1951 had adequate experience and before that date—

(i) obtained a Diploma or Certificate in respect of an approved academic or post graduate course in ophthalmology, or

(ii) held for a period of two years an appointment as an ophthalmic surgeon or assistant ophthalmic surgeon on the staff of an approved ophthalmic hospital, or

(iii) held for a period of two years an approved appointment affording special opportunities for acquiring the necessary skill and experience of the kind required for the provision of supplementary ophthalmic services.

(2) In this regulation "approved" means approved by the Ophthalmic Qualifications Committee.

Approval of qualifications of ophthalmic medical practitioners

6.—(1) A doctor who wishes to establish his status as an ophthalmic medical practitioner shall apply to the Department for approval of his qualifications and shall give such particulars of his qualifications as the Ophthalmic Qualifications Committee shall require.

(2) The Ophthalmic Qualifications Committee shall consider the doctor's application and within two months after the date of the application shall inform the Department of their decision.

(3) If the Ophthalmic Qualifications Committee is satisfied that the doctor possesses the qualifications prescribed by regulation 5, he shall be an ophthalmic medical practitioner.

(4) Notwithstanding the provisions of regulation 5 and of paragraph (1) a doctor who has the prescribed qualifications for the purposes of providing general ophthalmic services in England and Wales under the National Health Service Act 1977(**a**) or in Scotland under the National Health Service (Scotland) Act 1978(**b**), shall be an ophthalmic medical practitioner.

Appeals against decisions of Ophthalmic Qualifications Committee

7.—(1) Any person dissatisfied with a decision of the Ophthalmic Qualifications Committee that he is not qualified to be an ophthalmic medical practitioner may within one month from the date on which he received notice of that decision, or such longer period as the Department may at any time allow, appeal against the decision by sending to the Department a notice of appeal stating the facts and contentions on which he relies.

(2) The Department shall—

(*a*) appoint to determine the appeal an appeal committee of five persons of whom at least three shall be appointed after consultation with such bodies or organisations representing doctors as appear to it to be concerned;

(*b*) refer the appeal to that appeal committee;

(*c*) send a copy of the notice of appeal to the Ophthalmic Qualifications Committee and to such other persons as may appear to it to be interested in the appeal; and

(*d*) inform the appellant, the Agency and any such other persons that the appeal has been referred to an appeal committee and of the address to which communications to the appeal committee shall be sent.

(3) The appeal committee may, and if requested to do so by the appellant or the Ophthalmic Qualifications Committee shall, hold a hearing in connection with an appeal at such time and place as they may direct; notice of the hearing shall, not less than fourteen days before the date of the hearing, be sent by the recorded delivery service to the appellant, the Ophthalmic Qualifications Committee, and any other person to whom the Department has under paragraph (2) sent notice of the appeal.

(4) Either the appellant or the Ophthalmic Qualifications Committee may within one month of being informed that the appeal has been referred to an appeal committee, or of being informed that a hearing of such appeal will be held, give notice of a wish to appear before the appeal committee.

(5) The Ophthalmic Qualifications Committee shall be entitled to appear by a member or by their clerk or other officer duly appointed for the purpose; the appellant shall be entitled to appear in person, by any member of his family, by any friend, or by any officer or member of any organisation of which he is a member; and any party to an appeal shall be entitled to appear and be heard by counsel or solicitor.

(**a**) 1977 c. 49
(**b**) 1978 c. 29

(6) Subject to the preceding provisions of this regulation, the procedure of the appeal committee in determining the appeal shall be such as it thinks proper.

(7) An appeal committee shall have all the powers of the Ophthalmic Qualifications Committee, including in particular the power of approval, and if satisfied that an appellant possesses the qualifications prescribed by regulation 5 it shall so decide and accordingly he shall be an ophthalmic medical practitioner.

(8) The appeal committee shall as soon as practicable notify its determination to the appellant, the Ophthalmic Qualifications Committee, the Department and any other person to whom the Department has under paragraph (2) sent notice of the appeal.

Ophthalmic list

8.—(1) The Agency shall from information obtained from the Boards keep a list called "the ophthalmic list" of those persons who pursuant to the provisions of regulation 9 have undertaken to provide general ophthalmic services.

(2) The ophthalmic list shall be divided into two parts, of which the first part shall relate to ophthalmic medical practitioners and the second part to opticians.

(3) Each part shall contain—

(*a*) the names of persons who are entitled to be included in it;

(*b*) the address and telephone numbers of any places at which they have undertaken to provide general ophthalmic services;

(*c*) particulars of the days on which and hours between which general ophthalmic services will normally be available at those addresses;

(*d*) the names of every other ophthalmic medical practitioner or optician who is regularly engaged as a deputy, director or employee in the provision of general ophthalmic services at any of those addresses.

(4) The Agency shall send a copy of the ophthalmic list to the Department, each Board, the Local Ophthalmic Medical Committee and the Local Ophthalmic Optical Committee, and at intervals of not more than three months shall notify each of them of any alteration made in that list.

(5) Copies of the ophthalmic list shall be made available for inspection at the offices of each Board, at the Agency and at such other places as appear to the Agency to be convenient for informing all persons interested.

Application for inclusion in ophthalmic list

9.—(1) An ophthalmic medical practitioner or optician who wishes to be included in the ophthalmic list shall make an application to the Board in whose area he proposes to practise, on a form approved by the Department and available from the Board and the application shall include:

(*a*) an undertaking to provide general ophthalmic services and to comply with the terms of service; and

(*b*) the information specified in regulation 8(3).

(2) A contractor shall within fourteen days of any change or addition affecting the entries which the ophthalmic list is required to contain in relation to him notify the Board accordingly.

Withdrawal from ophthalmic list

10.—(1) Subject to paragraphs (2) and (3), where a contractor gives notice in writing to the Board that he wishes to withdraw from the ophthalmic list, his name shall be removed from that list at the expiration of three months from the date of that notice or of such shorter period as the Board may agree.