1985 No. 57

HEALTH AND PERSONAL SOCIAL SERVICES

General Ophthalmic Services (Amendment) Regulations (Northern Ireland) 1985

Made	*20th March 1985*
Coming into operation . . .	*1st April 1985*

The Department of Health and Social Services in exercise of the powers conferred on it by Articles 62(2), 98, 106 and 107(6) of and Schedule 15 to 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, with the approval of 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:

Citation and commencement

1. These regulations may be cited as the General Ophthalmic Services (Amendment) Regulations (Northern Ireland) 1985 and shall come into operation on 1st April 1985.

Amendment of regulations

2. The Health and Personal Social Services (General Ophthalmic Services) Regulations (Northern Ireland) 1975(**d**) shall be further amended as follows:—

(1) In regulation 2 after the definition of "patient" there shall be inserted the following definition:

" 'prescribed prescription' means a prescription for an optical appliance in the form prescribed in the Statement and given by an ophthalmic medical practitioner or an ophthalmic optician pursuant to paragraph 9(3) of the terms of service;"

(2) In regulation 12, after paragraph (*e*) there shall be inserted the following paragraph:

"(*ee*) the types and colours of frames for the purposes of paragraph 3(2) of the terms of service;";

(3) For regulations 16 and 17 there shall be substituted the following regulations:

"*Transitional provisions for the supply of appliances*

16.—(1) A person to whom this regulation applies and to whom a prescribed prescription has been issued may, within 12 months after the date of that prescription—

(*a*) present it to any optician whose name appears on the ophthalmic list; and

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(**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
(**d**) S.R. 1975 No. 372: The relevant amending regulations are S.R. 1977 No. 80, S.R. 1981 No. 60, S.R. 1982 No. 61, S.R. 1983 No. 33 and S.R. 1984 No. 65

(*b*) apply, in accordance with regulation 17A, to him to supply under the general ophthalmic services an optical appliance in accordance with that prescription;

and in this regulation a prescription presented in such circumstances is referred to as "the relevant prescription".

(2) Such a person may request that optician to supply—

(*a*) an appliance of a more expensive type than the type normally supplied;

(*b*) under general ophthalmic services lenses fitted to a surrounding protective frame not so supplied.

(3) Subject to regulation 17A, this regulation applies to any person—

(*a*) who, at the time of the testing of sight leading to the relevant prescription, or the first such testing of sight, was under 16 years of age or was under 19 years of age and receiving qualifying full-time education; or

(*b*) who is entitled to remission of any optical charges by virtue of the Health and Personal Social Services (Remission of Charges) Regulations (Northern Ireland) 1974(**a**); or

(*c*) in respect of whom the relevant prescription is for an optical appliance of at least one lens which—

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

(ii) is a lenticular lens.

Transitional provisions for replacement or repair

17.—(1) Where a person to whom this regulation applies—

(*a*) requires the replacement of an optical appliance which was supplied under the health service because his previous such appliance is lost or broken beyond economic repair; or

(*b*) requires the repair of an optical appliance which was supplied under the health service,

he may apply, in accordance with regulation 17A, to any optician whose name appears on the ophthalmic list to supply a replacement optical appliance or, as the case may be, to repair the optical appliance in question under general ophthalmic services; and in this regulation an application made in such circumstances is referred to as the "application", and "applicant" shall be construed accordingly.

(2) Before undertaking that replacement or repair, the optician—

(*a*) in the case of an applicant under 16 years of age whose sight was last tested more than 12 months before the date of the application, shall require him to have a sight test;

(*b*) in the case of any other applicant, may require him to have a sight test.

(3) Subject to regulation 17A, this regulation applies to any person—

(*a*) who at the time of the application is under 16 years of age or is under 19 years of age and receiving qualifying full-time education;

(*b*) who is entitled to remission of any optical charges by virtue of the Health and Personal Social Services (Remission of Charges) Regulations (Northern Ireland) 1974; or

(*c*) at least one lens of whose optical appliance in question was, or is, a lens mentioned in regulation 16(3)(*c*), and who produces that appliance or the prescription relating to that appliance,

(**a**) S.R. 1974 No. 271: The relevant amending regulations are S.R. 1975 No. 299, S.R. 1976 No. 337, S.R. 1980 No. 389 and S.R. 1983 No. 320

and who, in any case, declares in writing, on the form mentioned in regulation 17A, that the optical appliance in question is lost or in need of repair.

Applications for supply or replacement or repair under regulation 16 or 17

17A.—(1) A person, or, in a case to which regulation 24 applies, the person there authorised to make the application, shall make an application for supply under regulation 16, or for repair or replacement under regulation 17, on the form prescribed for that purpose in the Statement.

(2) In the case of—

(*a*) a child or other person mentioned in regulation 16(3)(*a*) or, as the case may be, regulation 17(3)(*a*)—

(i) the date of birth of that child or other person shall be entered on the form; and

(ii) where that person is aged 16 years or more, that person shall declare in writing on that form that he was, at the relevant time, receiving qualifying full-time education;

(*b*) a person who satisfies one of the conditions in regulation 4(*a*), (*b*) or (*c*) of the Health and Personal Social Services (Remission of Charges) Regulations (Northern Ireland) 1974, (a member of a family entitled to family income supplement or welfare food or a person who is exempted from charges for drugs and appliances) or who is, or whose partner is, entitled to supplementary benefit, shall declare in writing on the form that he is such a person;

(*c*) a replacement or repair required urgently, a person may declare on the form that to the best of his knowledge and belief he is a person in respect of whom any optical charges are remitted under the Health and Personal Social Services (Remission of Charges) Regulations (Northern Ireland) 1974;

and in a case to which sub-paragraph (*a*)(ii), (*b*) or (*c*) applies, that person shall undertake in writing on that form that if he is unable to show that he is a person mentioned in that sub-paragraph he will pay the full charge for that supply or, as the case may be, replacement or repair specified in the Statement.

(3) In any other case, an optician shall not accept a prescription for supply under regulation 16 or undertake repair or replacement under regulation 17 in respect of any person unless he is satisfied that the person is a person to whom that regulation applies.''.

(4) For regulation 18(1) there shall be substituted the following paragraph:

''(1) Subject to the provisions of this regulation the amount of the charge which an optician shall be entitled to make and recover from the patient in respect of the supply of—

(*a*) any lens described in an entry in column (1) of Schedule 3 shall be the amount set out in column (2) of that entry;

(*b*) frames, shall be an amount equal to the current specified cost.

Provided that this paragraph shall not apply to the supply, to persons who at the time of the testing of sight leading to the supply of the optical appliance or of the first such testing were under 16 years of age, or were under 19 years of age and receiving qualifying full-time education, of optical appliances where the standard type of children's frame as described in the Statement is used.''.

(5) Regulation 18(3) shall be omitted.

(6) In regulation 19—

(*a*) in paragraph (2) after the words ''Where a patient'' and before the words ''submits a claim'' there shall be inserted the words ''is entitled to remission