1975 No. 372

HEALTH AND PERSONAL SOCIAL SERVICES

General Ophthalmic Services

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ARRANGEMENT OF REGULATIONS

PART I

GENERAL

Regulation
1 Citation and commencement
2 Interpretation
3 Constitution of Ophthalmic Committee
4 Delegation of duties

PART II

QUALIFICATIONS OF OPHTHALMIC MEDICAL PRACTITIONERS

5 Qualifications
6 Approval of qualifications
7 Appeals against decisions of Ophthalmic Qualifications Committee

PART III

OPHTHALMIC LIST

8 Ophthalmic list
9 Application for inclusion in ophthalmic list
10 Withdrawal from ophthalmic list
11 Removal from ophthalmic list

PART IV

GENERAL ARRANGEMENTS

12 The Statement
13 Terms of service
14 Payment for services

PART V

METHOD OF OBTAINING SERVICES

15 Sight tests
16 Supply of appliances
17 Replacement or repair

PART VI

CHARGES

18 Charges for the supply of optical appliances
19 Charges for replacement or repair
20 Charges for optical appliances of a more expensive type
21 Exemptions
22 Recovery of charges

PART VII

SCHOOL CHILDREN

23 Supply including replacements and repairs of optical appliances to school children

PART VIII

MISCELLANEOUS

24 Applications on behalf of children or infirm persons
25 Publication of particulars
26 Service of documents
27 Revocation

SCHEDULES

SCHEDULE 1—Terms of service

SCHEDULE 2—Constitution of Ophthalmic Committee

SCHEDULE 3—Charges for lenses and frames

The Department of Health and Social Services(a) (hereinafter referred to as "the Department") with the approval of and in conjunction with the Department of Finance(a), and in exercise of the powers conferred on it by Articles 62, 95, 98, 106 and 107 of and paragraph 7(5) of Schedule 3 and Schedule 15 to the Health and Personal Social Services (Northern Ireland) Order 1972(b) and paragraph 2(1) and (2) of Schedule 1 to the Northern Ireland Act 1974(c) and of all other powers enabling it in that behalf 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 Order, hereby makes the following regulations.

PART I

GENERAL

Citation and commencement

1. These regulations may be cited as the Health and Personal Social Services (General Ophthalmic Services) Regulations (Northern Ireland) 1975 and shall come into operation on 1st January 1976.

(a) Formerly Ministry: *see* 1973 c. 36 s. 40 and Sch. 5 para. 8
(b) S.I. 1972 No. 1265 (N.I. 14)
(c) 1974 c. 28

Interpretation

2. In these regulations, unless the context otherwise requires, the following expressions have the respective meanings hereby assigned to them:

"the Agency" means the Northern Ireland Central Services Agency for the Health and Social Services established under Article 26 of the Order;

"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 any person or body corporate whose name is included in the ophthalmic list;

"current specified cost" means, in relation to frames supplied in pursuance of arrangements made under Part VI of the Order the sum specified in the Statement as the sum payable for frames of that description by the person to whom they are supplied;

"deputy" means an ophthalmic medical practitioner or optician providing general ophthalmic services on behalf of a contractor otherwise than as a director or salaried employee of that contractor notwithstanding that such deputy may also be a contractor;

"doctor" means a medical practitioner;

"Education and Library Board" means an Education and Library Board established under Article 3 of the Education and Libraries (Northern Ireland) Order 1972(**d**);

"full-time school education" means full-time instruction in a school within the meaning of the Education and Libraries (Northern Ireland) Order 1972 or in a corresponding establishment elsewhere;

"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 and dispensing opticians, respectively;

"medical card" means a card issued to a person, in a form approved by the Department, for the purpose 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(**e**);

"ophthalmic medical practitioner" means a doctor whose qualifications have in accordance with Part II of these regulations 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 purpose of approving ophthalmic hospitals, ophthalmic departments of 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 for the purpose of approving the qualifications and experience of doctors for the purpose of general ophthalmic services;

(d) S.I. 1972 No. 1263 (N.I. 12) (e) S.R. & O. (N.I.) 1938 No. 141 (p. 265)

"optical appliance" means an appliance designed to correct, remedy or relieve a defect of sight;

"optician" means an ophthalmic optician or a dispensing optician as the case may require;

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

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

"replacement" means the provision of the whole or part of an optical appliance in place of the whole or part, as the case may require, of an optical appliance containing lenses conforming to the same prescription and which has been lost, destroyed or damaged (otherwise than by fair wear and tear);

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

"supply" means the provision of the whole or part of an optical appliance otherwise than as a replacement;

"the Statement" means the Statement prepared by the Department in accordance with the provisions of regulation 12;

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

"the Tribunal" means the Tribunal constituted under Schedule 11 to the Order.

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 or officers of the Agency such of its duties with respect to general ophthalmic services as it thinks fit.

PART II

QUALIFICATIONS OF OPHTHALMIC MEDICAL PRACTITIONERS

Qualifications

5.—(1) The prescribed qualifications for the purposes of Article 62 of the Order shall be to have had at the date of consideration recent experience and

(*a*)(i) to have held an appointment in the health services otherwise than under Part VI of the Order with the status of consultant ophthalmologist, or 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 of an approved ophthalmic department of a hospital, and

(ii) to have had adequate experience; or

(*b*)(i) to have held an ophthalmic appointment or appointments in an approved ophthalmic hospital or an approved ophthalmic department of a hospital, for a period totalling not less than two years including therein tenure for a period of not less than six months of a residential appointment or an appointment with duties com-

parable with those of a residential appointment (provided that such tenure for six months of a residential appointment shall not be required in the case of a doctor who has been fully registered for at least seven years and whose experience is such as to make that requirement unnecessary), and

(ii) to have obtained the Diploma in Ophthalmology awarded conjointly by the Royal College of Physicians of London and the Royal College of Surgeons of England, or any approved higher degree or qualification, and

(iii) to have had adequate experience; or

(*c*) to have before the 1st day of October 1951 had adequate experience and

(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 an approved ophthalmic department of a 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 general ophthalmic services.

(2) "approved" for the purposes of this regulation means approved by the Ophthalmic Qualifications Committee.

Approval of qualifications

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 experience, and shall give such particulars of such qualifications and experience as the Ophthalmic Qualifications Committee shall require.

(2) The Ophthalmic Qualifications Committee shall consider such application and within two months after the date thereof shall inform the Department of their decision, and if the qualifications and experience of that applicant are approved he shall be an ophthalmic medical practitioner.

(3) Notwithstanding the provisions of regulation 5 and of paragraph (1) a doctor who has the prescribed qualifications for the purpose of providing general ophthalmic services in England and Wales under the National Health Service Act 1946(**f**) or in Scotland under the National Health Service (Scotland) Act 1947(**g**) shall be an ophthalmic medical practitioner.

Appeals against decisions of Ophthalmic Qualifications Committee

7.—(1) Any person aggrieved by a decision of the Ophthalmic Qualifications Committee that he is not qualified to be an ophthalmic medical practitioner may within one month of 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 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 and shall refer the appeal to that appeal committee.

(**f**) 1946 c. 81 (**g**) 1947 c. 27