1961. No. 123 **[C]**

HEALTH SERVICES

Supplementary Eye Services

REGULATIONS, DATED 30TH MAY, 1961, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT UNDER THE HEALTH SERVICES ACT (NORTHERN IRELAND), 1948.

The Ministry of Health and Local Government, in exercise of the powers conferred on it by sections 22 and 80 of the Health Services Act (Northern Ireland), 1948(**a**), and of all other powers enabling it in that behalf, hereby makes the following Regulations:—

1. These Regulations may be cited as the Health Services (Supplementary Eye Services) Regulations (Northern Ireland), 1961, and shall come into operation on the 1st day of June, 1961.

2. In these Regulations the following expressions shall have the meaning hereby assigned to them:—

"the Act" means the Health Services Act (Northern Ireland), 1948; and

"the Board" means the Northern Ireland General Health Services Board.

3.—(1) A person or body shall for the purposes of section 22 of the Act be qualified as a dispensing optician if his name or the name of the body, as the case may be, is included in the Register or list of dispensing opticians established under the Opticians Act, 1958(**b**).

(2) A person or body shall for the purposes of section 22 of the Act be qualified as an ophthalmic optician if his name or the name of the body, as the case may be, is included in either of the Registers, or in the list, of ophthalmic opticians established under the Opticians Act, 1958.

4.—(1) In this Regulation the expression "the Committee" means the Advisory Committee appointed by the Minister under section 3 of the Act, after consultation with the Board and such organisation as may be recognised by the Minister as representing medical practitioners, for the purpose of approving any hospital, degree or qualification which is required by this Regulation to be approved and of advising the Ministry in accordance with the requirements of this Regulation.

(2) A medical practitioner who makes application to the Ministry on the form provided for that purpose, and who has:—

(*a*) held an appointment under the Northern Ireland Hospitals Authority with the status of consultant ophthalmologist or held for a period of two years an appointment of equivalent status as an ophthalmic surgeon or assistant ophthalmic surgeon on the staff of an ophthalmic hospital or a hospital having a special ophthalmic department approved by the Committee; or

(*b*) obtained the Diploma in Ophthalmic Medicine and Surgery or the Diploma in Ophthalmology (Conjoint Board) or the Diploma in Ophthalmology (Oxon.) or other higher degree or qualification approved

(**a**) 1948. c. 3. (**b**) 6 & 7 Eliz. 2. c. 32.

by the Committee, and held for the period of two years an appointment or appointments in an ophthalmic hospital or the ophthalmic department of a general hospital which has been approved for this purpose by the Committee, of which period at least six months shall have been spent in a whole-time appointment in a hospital recognised for the teaching of ophthalmology:

Provided that the requirement that a practitioner shall have spent at least six months in a whole-time appointment in a hospital recognised for the teaching of ophthalmology shall not apply to a medical practitioner qualified at least ten years before he applies to the Committee for consideration of his experience, where the Ministry is advised by the Committee that the practitioner's experience is such as to make that requirement unnecessary; or

(*c*) before the 1st day of October, 1951,

(i) completed an academic or post-graduate course in ophthalmology approved by the Committee and received a diploma or certificate in respect of such course, or

(ii) held for a period of two years an appointment as an ophthalmic surgeon or assistant ophthalmic surgeon on the staff of an eye hospital or a hospital having a special eye department approved for this purpose by the Committee, or

(iii) held for a period of two years any appointment approved for this purpose by the Committee affording special opportunities for acquiring the necessary skill and experience of the kind required for the services to be rendered;

and who in the case of a practitioner qualified under sub-paragraphs (*a*) or (*b*) of this paragraph, has shown to the satisfaction of the Ministry acting on the advice of the Committee that he has had adequate, including recent, experience, or in the case of a practitioner qualified under sub-paragraph (*c*) of this paragraph so shows that he had adequate experience immediately prior to the 1st day of October, 1951, and has also had recent experience;

shall be a medical practitioner having the prescribed qualifications for the purposes of section 22 of the Act.

(3) Notwithstanding the foregoing provisions, a medical practitioner whose qualifications for the purpose of providing supplementary eye services had been and were still approved immediately before the 1st day of October, 1951, shall so long as he possesses the qualifications then in force be deemed to have the qualifications required by this Regulation.

(4) Notwithstanding the foregoing provisions, a person who has the qualifications prescribed for a medical practitioner for the purpose of providing supplementary ophthalmic services in England and Wales under the National Health Service Act, 1946(**a**), or in Scotland under the National Health Service (Scotland) Act, 1947 (**b**), shall for the purposes of section 22 of the Act and this Regulation be deemed to have the corresponding qualifications prescribed by this Regulation.

(5) Every person who makes an application under the foregoing provisions shall be informed by the Ministry as soon as may be practicable of the Ministry's determination in respect of that application and the Ministry shall also inform the Board and the Committee of each such determination.

(**a**) 9 & 10 Geo. 6. c. 81. (**b**) 10 & 11 Geo. 6. c. 27.

5. The Health Services (Supplementary Eye Services) Regulations (Northern Ireland), 1948(a), as amended, shall be further amended as follows:—

(1) In paragraph (1) of Regulation 2, for the definitions of "dispensing optician", "ophthalmic medical practitioner" and "ophthalmic optician" there shall be respectively substituted the following definitions:—

"dispensing optician" means an optician qualified in accordance with Regulation 3 of the Health Services (Supplementary Eye Services) Regulations (Northern Ireland), 1961;

"ophthalmic medical practitioner" means a medical practitioner having the qualifications prescribed by Regulation 4 of the Health Services (Supplementary Eye Services) Regulations (Northern Ireland), 1961;

"ophthalmic optician" means an optician qualified in accordance with Regulation 3 of the Health Services (Supplementary Eye Services) Regulations (Northern Ireland), 1961.

(2) For paragraphs (3) and (4) of Regulation 11 there shall be substituted the following paragraph:—

"(3) When the glasses have been supplied to the applicant, the optician shall obtain the applicant's signature where it is required on the form and shall forthwith return the form duly completed to the Committee for payment."

(3) In paragraph (12) of Regulation 15 the words "of these Regulations" shall be deleted and there shall be substituted the words "and of the Health Services (Supplementary Eye Services) (Charges) Regulations (Northern Ireland), 1961."

(4) For sub-paragraph (2) of paragraph 8 of Part II of the First Schedule (which Part prescribes Terms of Service for ophthalmic opticians) there shall be substituted the following sub-paragraph:—

"(2) Any remuneration payable under these terms of service to an ophthalmic optician, being a person, who is a director or employee of a body corporate providing supplementary eye services, may be paid by the Board to the body corporate."

(5) In sub-paragraph (1) of paragraph 10 of the said Part II, for the words "firm or company" whenever they occur there shall be substituted the words "or body corporate".

(6) For sub-paragraph (3) and (7) of the said paragraph 10, there shall be substituted the following sub-paragraphs:—

"(3) The ophthalmic optician for the purpose of testing sight shall only employ a person who is an ophthalmic optician, except that he may permit the test or any part thereof to be performed under his continuous personal supervision by a person authorised to test sight by rules made under sub-section (3) of section 20 of the Opticians Act, 1958."; and

"(7) An employee for the purposes of this paragraph includes a deputy, and, in the case of a body corporate, a director."

(7) For sub-paragraph (2) of paragraph 6 of Part III of the First Schedule (which Part prescribes Terms of Service for dispensing opticians), there shall be substituted the following sub-paragraph:—

(a) S.R. & O. (N.I.) 1948, No. 166.

"(2) Any remuneration payable under these terms of service to a dispensing optician, being a person who is a director or employee of a body corporate providing supplementary eye services, may be paid by the Board to the body corporate."

(8) In sub-paragraph (1) of paragraph 8 of the said Part III, for the words "firm or company" whenever they occur there shall be substituted the words "or body corporate".

(9) For sub-paragraph (6) of the said paragraph 8 there shall be substituted the following sub-paragraph:—

"(6) An employee for the purposes of this paragraph includes a deputy, and, in the case of a body corporate, a director."

(10) For the forms contained in Part IV, and in sections B and C of Part VII, of the First Schedule, there shall be substituted respectively the forms set out in Parts I, II and III of the Schedule.

6. The following Regulations are hereby revoked:—

Health Services (Supplementary Eye Services) (Qualifications) Regulations (Northern Ireland), 1948(**a**);

Health Services (Supplementary Eye Services) (Qualifications) (Amendment) Regulations (Northern Ireland), 1948(**b**); and

Health Services (Supplementary Eye Services) (Qualifications) Regulations (Northern Ireland), 1951(**c**).

Sealed with the Official Seal of the Ministry of Health and Local Government for Northern Ireland this 30th day of May, nineteen hundred and sixty-one.

(L.S.) *Wm. J. Morgan,*
Minister of Health and Local Government.

(**a**) S.R. & O. (N.I.) 1948, No. 122.
(**b**) S.R. & O. (N.I.) 1948, No. 267.
(**c**) S.R. &. O. (N.I.) 1951, No. 178.