Qualifications of medical practitioners, ophthalmic opticians and dispensing opticians

REGULATIONS, DATED 7TH MAY, 1948, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT UNDER SECTIONS TWENTY-TWO AND EIGHTY-SIX OF THE HEALTH SERVICES ACT (NORTHERN IRELAND), 1948.

1948. No. 122 Amended 1948 S.R.&O. (N.I.) 267

The Ministry of Health and Local Government for Northern Ireland (in these Regulations referred to as " the Ministry "), in exercise of the powers conferred on it by sections twenty-two and eighty-six of the Health Services Act (Northern Ireland), 1948 (in these Regulations referred to as " the Act "), hereby makes the following Regulations, that is to say :—

1.—(1) These Regulations may be cited as the Health Services (Supplementary Eye Services) (Qualifications) Regulations (Northern Ireland), 1948.

(2) In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them, that is to say :—

" Minister " means the Minister of Health and Local Government for Northern Ireland :

" Authority " means the Northern Ireland Hospitals Authority :

" Tribunal " means the Tribunal constituted under the provisions of section sixteen of the Act :

(3) The Interpretation Act, 1921, shall apply for the purpose of the interpretation of these Regulations in like manner as it applies for the interpretation of an Act of the Parliament of Northern Ireland.

2.—(1) A medical practitioner who makes application to the Ministry in the form set out in Part I of the Schedule to these Regulations (or in a form to the like effect) and who has —

(*a*) completed an academic or post-graduate course in ophthalmology approved by the Advisory Committee hereinafter in this paragraph mentioned and received a diploma or certificate in respect of such course ; or

(*b*) 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 ; or

(*c*) held any appointment for a period of two years affording special opportunities for acquiring the necessary skill and experience of the kind required for the services to be rendered ; or

(*d*) had on the date of his application under this paragraph, his name included in the list of medical practitioners prepared by the British Medical Association or the National Ophthalmic Treatment Board or the Incorporated Ophthalmic Council for use by approved societies for the purpose of ophthalmic benefit under the National Health Insurance Act, 1936,

and has had adequate, including recent, experience in ophthalmology shall be a medical practitioner having the prescribed qualifications for the purposes of section twenty-two of the Act.

(2) The question whether any medical practitioner who makes an application under the foregoing provisions has or has not had adequate experience shall be determined by the Ministry acting on the advice of an advisory committee to be appointed by the Minister under the provisions of section three of the Act after consultation with the Authority and such organisation or organisations as may be recognised by the Minister as representing medical practitioners and every such application shall be referred by the Ministry for consideration by that committee.

3.—(*1*) An ophthalmic optician who makes application in the form set out in Part II of the Schedule to these Regulations (or a form to the like effect) and who :—

(*a*) is in possession of one of the following diplomas or certificates :—

(i) The Fellowship Diploma of the British Optical Association ;

(ii) The Honours Fellowship Diploma of the British Optical Association ;

(iii) The Fellowship Diploma of the Worshipful Company of Spectacle Makers ;

(iv) The Honours Fellowship Diploma of the Worshipful Company of Spectacle Makers ;

(v) The Fellowship Diploma of the National Association of Opticians, if obtained subsequent to the 16th day of October, 1935 ;

(vi) The Fellowship Diploma of the Scottish Association of Opticians, if obtained subsequent to the 12th day of December, 1935 ;

(vii) The Membership Certificate of the Institute of Chemist-Opticians, if obtained subsequent to the 12th day of December, 1935 ; or

(*b*) is on the day on which he makes such application an optician on the list of the Ophthalmic Benefit Approved Committee constituted under the National Health Insurance Act, 1936 ; or

(*c*) has at the date on which he makes such application been in practice as an ophthalmic optician, for fifteen out of the previous twenty years, including five years between the 1st day of October, 1930, and the 30th day of September, 1937,

and has had adequate, including recent, experience as an ophthalmic optician shall be an opthalmic optician having the prescribed qualifications for the purposes of section eighty-six of the Act.

(2) The question whether an ophthalmic optician who makes an application under this Regulation has or has not had adequate experience shall be determined by the Ministry acting on the advice of an advisory committee to be appointed by the Minister under the provisions of section three of the Act after consultation with the Authority and such organisation or organisations as may be recognized by the Minister as representing opticians and every such application shall be referred by the Ministry for consideration by that committee.

(3) Notwithstanding the provisions of paragraph (1) of this Regulation, a person who by virtue of having passed a supplementary or modified examination is in possession of one of the diplomas or certificates specified in the said paragraph shall not be entitled to have his possession of such diploma or certificate taken into consideration for the purposes of this Regulation unless the advisory committee referred to in this Regulation advise that his possessoin of the diploma or certificate should be taken into consideration.

4.—(1) A dispensing optician who makes application in the form set out in Part III of the Schedule to these Regulations (or a form to the like effect) and who :—

(*a*) is in possession of one of the following diplomas or certificates :—

(i) any of the diplomas or certificates mentioned in sub-paragraph (*a*) of paragraph (2) of this Regulation or the dispensing certificate of any of the examining bodies referred to in the said sub-paragraph ;

(ii) The Associate Diploma or the Fellowship Diploma of the Association of Dispensing Opticians ; or

(*b*) has passed the practical side of the final dispensing examination of the Association of Dispensing Opticians and has been engaged as a dispensing optician for a period of five years ; or

(*c*) has at the date on which he makes such application been engaged as an optician for ten out of the previous fifteen years, and for five years between the 1st day of October, 1930 and the 30th day of September, 1937,

and has had adequate, including recent, experience as a dispensing optician shall be a dispensing optician having the prescribed qualifications for the purposes of section eighty-six of the Act.

(2) The question whether a dispensing optician who makes an application under this Regulation has or has not had adequate experience shall be determined by the Ministry acting on the advice of the advisory committee referred to in paragraph (2) of Regulation three of these Regulations and every such application shall be referred by the Ministry for consideration by that committee.

5. A person who is entitled to make an application either under Regulation three or Regulation four of these Regulations may apply under either Regulation, but no person shall have his qualifications approved under both Regulations three and four.

6. The qualifications required by an ophthalmic optician or a dispensing optician, being a firm or company (whether corporate or unincorporate), for the purposes of section eighty-six of the Act and these Regulations, shall be that at all premises at which the firm or company provide supplementary eye services such services shall be in charge of a director or member or employee of the firm or company who possesses:

(*a*) in the case of a firm or company who propose to provide services as ophthalmic opticians, a qualification specified in Regulation three of these Regulations, or

(*b*) in the case of a firm or company who propose to provide services as dispensing opticians, a qualification specified in Regulation four of these Regulations.

7. Notwithstanding the foregoing provisions of these Regulations, a person who has the qualifications prescribed for a medical practitioner, ophthalmic optician or dispensing optician for the purpose of providing supplementary ophthalmic services in England and Wales or in Scotland under the National Health Service Act, 1946 and the National Health Service (Scotland) Act, 1947, respectively, shall for the purposes of sections twenty-two and eighty-six of the Act and these Regulations be deemed to have the corresponding qualifications prescribed by these Regulations.

8. Every person who makes an application under any of the foregoing provisions of these Regulations 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 also shall inform the Authority and each of the advisory committees referred to in these Regulations of each such determination.

9. A medical practitioner, an ophthalmic optician or a dispensing optician who has made an application under the foregoing provisions of these Regulations and who has been informed that it has been determined by the Ministry that for the purposes of those provisions he has not the prescribed qualifications, by reason of his not having had adequate experience, shall if he wishes to provide supplementary eye

services as such under the Act have the right to require that the Authority shall, within three months after the date on which it has been so determined by the Ministry, consider any offer he may make to provide such services. Notwithstanding anything in the foregoing provisions of these Regulations, if the Authority, after considering the offer made by any such person and such other information as may be furnished by him, including the particulars given by him in his application under the foregoing provisions of these Regulations, think fit so to regard him, such person shall be regarded as if he had the prescribed qualifications for the purposes of these Regulations ; but nothing in this Regulation shall prevent the making of representations to the Tribunal in respect of that person in accordance with the provisions of section sixteen of the Act.

Sealed with the Official Seal of the Ministry of Health and Local Government for Northern Ireland this seventh day of May, one thousand nine hundred and forty-eight, in the presence of :

(L.S.) *Thos. Elwood,*
Assistant Secretary.

SCHEDULE

PART I.

FORM S.E.S. 1

HEALTH SERVICES ACT (NORTHERN IRELAND) 1948

FORM OF APPLICATION FOR USE BY A MEDICAL PRACTITIONER WHO CLAIMS TO HAVE THE QUALIFICATIONS PRESCRIBED FOR THE PURPOSES OF SECTION 22 OF THE HEALTH SERVICES ACT (NORTHEREN IRELAND), 1948.

(NOTE : *The completion of this application form and any subsequent determination on it in no way binds a practitioner to participate in the supplementary eye service under the Act.*)

TO : THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT, STORMONT, BELFAST.

I, ... of (*Private Address*).....
....., a registered medical practitioner resident in Northern Ireland and included in the medical register in that name and having the qualifications indicated hereunder, hereby make application and claim that I have the qualifications for medical practitioners prescribed under Section 22 of the Health Services Act (Northern Ireland), 1948.

I am not disqualified from undertaking service by reason of my name having been removed from the medical list.

QUALIFICATIONS

1. Give particulars of :

(*a*) academic or post-graduate course(s) in ophthalmology, and of diploma(s) or certificate(s) received. .....
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