

HEALTH ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

PART 4 CHAPTER 2

Ophthalmic Services

Section 37: Provision of primary ophthalmic services

185. *Section 37* makes provision for primary ophthalmic services by inserting into the National Health Service Act 1977 new sections 16CD and 16CE.
186. As regards section 16CD, *subsection (1)(a)* sets out the duty of a Primary Care Trust to provide or secure the provision of a sight testing service. The testing of sight will be, as at present, carried out in accordance with section 26 of the Opticians Act and the Sight Testing (Examination and Prescription) (No. 2) Regulations 1989. The Primary Care Trust must also, by *subsection (1)(b)*, provide or secure the provision of other primary ophthalmic services prescribed in Regulations. Finally, by *subsection (1)(c)*, a PCT must provide or secure the provision of such further primary ophthalmic services to the extent it considers necessary to meet reasonable requirements.
187. *Subsection (2)* sets out the groups for which a Primary Care Trust must provide or secure a sight test pursuant to subsection (1)(a) (except any such testing which takes place in circumstances specified in regulations). Regulations may be made for other groups to become eligible for sight tests. Regulations will be made to cover all groups currently eligible for NHS funded sight tests where they are not expressly mentioned. *Subsections (3) to (10)* and section 16CE make further provision for regulations as to sight-testing and other arrangements for the provision of primary ophthalmic services.