



# Health Act 2006

## 2006 CHAPTER 28

### PART 4

#### THE NATIONAL HEALTH SERVICE

### CHAPTER 2

#### OPHTHALMIC SERVICES

#### <sup>F1</sup>37 Provision of primary ophthalmic services

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##### Textual Amendments

- F1** Ss. 37-42 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6)) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#) [Sch. 3 Pt. 1](#))

##### Commencement Information

- I1** S. 37 in force at 1.8.2008 by [S.I. 2008/1972](#), [art. 2\(a\)](#)

#### <sup>F1</sup>38 General ophthalmic services contracts

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##### Textual Amendments

- F1** Ss. 37-42 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6)) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#) [Sch. 3 Pt. 1](#))

*Changes to legislation: There are currently no known outstanding effects for the Health Act 2006, Chapter 2. (See end of Document for details)*

#### Commencement Information

**I2** S. 38 in force at 1.8.2008 by [S.I. 2008/1972](#), [art. 2\(a\)](#)

### <sup>F1</sup>**39 Persons performing primary ophthalmic services**

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#### Textual Amendments

**F1** Ss. 37-42 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6)) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#) [Sch. 3 Pt. 1](#))

#### Commencement Information

**I3** S. 39 in force at 1.8.2008 by [S.I. 2008/1972](#), [art. 2\(a\)](#)

### <sup>F1</sup>**40 Assistance and support**

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#### Textual Amendments

**F1** Ss. 37-42 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6)) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#) [Sch. 3 Pt. 1](#))

#### Commencement Information

**I4** S. 40 in force at 1.8.2008 by [S.I. 2008/1972](#), [art. 2\(a\)](#)

### <sup>F1</sup>**41 Local Optical Committees**

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#### Textual Amendments

**F1** Ss. 37-42 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6)) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#) [Sch. 3 Pt. 1](#))

#### Commencement Information

**I5** S. 41 in force at 1.8.2008 by [S.I. 2008/1972](#), [art. 2\(a\)](#)

### <sup>F1</sup>**42 Payments in respect of optical appliances**

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#### Textual Amendments

**F1** Ss. 37-42 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6)) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#) [Sch. 3 Pt. 1](#))

*Changes to legislation: There are currently no known outstanding effects for the Health Act 2006, Chapter 2. (See end of Document for details)*

#### Commencement Information

**I6** S. 42 in force at 1.8.2008 by [S.I. 2008/1972](#), [art. 2\(a\)](#)

### 43 General ophthalmic services: transitional

- (1) The Secretary of State shall in regulations make transitional provision in respect of persons who, immediately before the coming into force of section 38 of this Act, are providing services in England under section 38 of the [<sup>F2</sup>National Health Service Act 1977 ] (general ophthalmic services).
- (2) Regulations under this section may provide that, in such circumstances as the regulations may specify, a Primary Care Trust must, if any such person so wishes, enter into a general ophthalmic services contract with him; and the regulations may make provision as to the terms of any such contract.
- (3) Regulations under this section may provide that, in such circumstances as the regulations may specify, a Primary Care Trust must, if any such person so wishes, enter into a contract with him, containing such terms as the regulations may specify, for the provision of ophthalmic services.
- (4) Regulations under this section may make provision for the resolution of disputes in relation to any contract entered into, or proposed to be entered into, under subsection (2) or (3), including provision for the determination of disputes by the Secretary of State or a person appointed by him.
- (5) Regulations under this section may make provision in respect of a period beginning before the coming into force of the provision (or of section 38 of this Act), but such provision must not as a whole be detrimental to the remuneration of the persons to whom it relates.
- (6) In this section, “general ophthalmic services contract” means a contract under [<sup>F3</sup>section 117 of the 2006 Act].

#### Textual Amendments

- F2** Words in s. 43(1) substituted (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 1 para. 283\(a\)](#) (with Sch. 3 Pt. 1)
- F3** Words in s. 43(6) substituted (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 1 para. 283\(b\)](#) (with Sch. 3 Pt. 1)

#### Commencement Information

- I7** S. 43 in force for certain purposes at Royal Assent, see s. 83
- I8** S. 43 in force at 1.5.2008 by [S.I. 2008/1147](#), [art. 2](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Health Act 2006, Chapter 2.