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STATUTORY INSTRUMENTS

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1986 No. 975

**NATIONAL HEALTH SERVICE, ENGLAND AND WALES**

**The National Health Service (General Ophthalmic Services)  
Regulations 1986**

<i>Made - - - -</i>	<i>6th June 1986</i>
<i>Laid Before Parliament</i>	<i>10th June 1986</i>
<i>Coming into Operation</i>	<i>1st July 1986</i>

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The Secretary of State for Social Services, in exercise of powers conferred on him by sections 38, 39, 40, 50, 126(4), 127(a) and 128(1) of the National Health Service Act 1977 (a) and section 28(1) of the Health and Social Security Act 1984 (b) and of all other powers enabling him in that behalf, hereby makes the following regulations:—

*Citation and commencement*

1. These regulations may be cited as the National Health Service (General Ophthalmic Services) Regulations 1986 and shall come into operation on 1st July 1986.

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- (a) 1977 c.49; section 38 was amended by section 1(3) of the Health and Social Security Act 1984 (c.48) and section 39 was amended by section 1(4) of, and paragraph 1 of Schedule 1 to, that Act and by paragraph 52 of Schedule 1 to the Health Services Act 1980 (c.53). Sections 38 and 39 were each modified by S.I. 1985/39, Article 7.
- (b) 1984 c.48.

[H86/1571]

*Interpretation*

- 2.—(1) In these regulations, unless the context otherwise requires—
- “the Act” means the National Health Service Act 1977;
  - “the 1984 Act” means the Health and Social Security Act 1984;
  - “Committee” means a Family Practitioner Committee;
  - “contractor” means a person who has undertaken to provide general ophthalmic services and whose name is included in the ophthalmic list;
  - “deputy” means an ophthalmic medical practitioner or optician, whether or not himself a contractor, who provides general ophthalmic services on behalf of a contractor otherwise than as a director or salaried employee of that contractor;
  - “doctor” means a registered medical practitioner;
  - “locality” means the locality for which a Committee is established;
  - “ophthalmic hospital” includes an ophthalmic department of a hospital;
  - “ophthalmic medical practitioner” means a doctor whose qualifications have in accordance with regulation 4 or regulation 5 been approved as being prescribed qualifications;
  - “Ophthalmic Qualifications Committee” means such committee appointed by organisations representative of the medical profession as may be recognised by the Secretary of State for the purposes of approving—
    - (a) ophthalmic 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
    - (b) the qualifications of doctors for the purpose of the general ophthalmic services;
  - “optician” means an ophthalmic optician;
  - “patient” means a person for whom a contractor has agreed to provide general ophthalmic services;
  - “qualifications” includes qualifications as to experience;
  - “sight test” includes such examination of the eyes as may be required;
  - “sight test form” means a form which, in accordance with the Statement, is to be completed for the purposes of payments in respect of a sight test;
  - “the Statement” has the meaning assigned to it in regulation 10(1);
  - “terms of service” means the terms set out in Schedule 1;
  - “Tribunal” means the Tribunal constituted in accordance with the provisions of section 46 of, and Schedule 9 to, the Act.
- (2) Unless the context otherwise requires, a reference in these regulations to a numbered regulation or Schedule is to the regulation in or Schedule to these regulations which bears that number, a reference in a regulation to a numbered paragraph is to the paragraph bearing that number in that regulation and a reference in a paragraph of Schedule 1 to a numbered sub-paragraph is to the sub-paragraph bearing that number in that paragraph.

*Qualifications of ophthalmic medical practitioners*

3.—(1) The prescribed qualifications which a doctor is to possess for the purposes of section 38 of the Act (general ophthalmic services) are that he has (at the date of consideration of his application under regulation 4) recent experience and that—

(a) he has had adequate experience and has held—

(i) an appointment in the health service, otherwise than under Part II of the Act or Part IV of the National Health Service Act 1946 (a), with the status of consultant ophthalmologist, or

(ii) an appointment for a period of not less than two years of equivalent status as ophthalmic surgeon or assistant ophthalmic surgeon on the staff of an approved ophthalmic hospital; or

(b) (i) he has held one or more ophthalmic appointments in an approved ophthalmic hospital for a period totalling not less than two years,

(ii) unless he has been fully registered as a doctor for at least seven years and his experience is such as to make this requirement unnecessary, that period included tenure for at least six months of a residential appointment or an appointment with duties comparable with those of a residential appointment,

(iii) he has 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

(iv) he has had adequate experience; or

(c) he has before 1st November 1951 had adequate experience and before that date—

(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

(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 supplementary ophthalmic services.

(2) In this regulation “approved” means approved by the Ophthalmic Qualifications Committee.

*Approval of qualifications of ophthalmic medical practitioners*

4.—(1) A doctor who wishes to establish his status as an ophthalmic medical practitioner shall apply to the Ophthalmic Qualifications Committee for approval of his qualifications and shall give to it such particulars of his qualifications as it shall require.

(2) The Ophthalmic Qualifications Committee shall consider and determine the doctor’s application and within two months after the date of the application shall inform him of the Committee’s determination.

(3) If the Ophthalmic Qualifications Committee is satisfied that the doctor

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(a) 1946 c.81.

possesses the qualifications prescribed by regulation 3, he shall be an ophthalmic medical practitioner.

(4) Notwithstanding the provisions of regulation 3 and of paragraph (1), a doctor who has the prescribed qualifications for the purposes of providing general ophthalmic services in Scotland under the National Health Service (Scotland) Act 1978 (a), or in Northern Ireland under the Health and Personal Social Services (Northern Ireland) Order 1972(b), shall be an ophthalmic medical practitioner.

#### *Appeals from Ophthalmic Qualifications Committee*

5.—(1) Any person dissatisfied with a determination of the Ophthalmic Qualifications Committee that he is not qualified to be an ophthalmic medical practitioner may within one month from the date on which he received notice of that determination, or such longer period as the Secretary of State may at any time allow, appeal against the determination by sending to the Secretary of State a notice of appeal stating the facts and contentions on which he relies.

(2) The Secretary of State shall—

- (a) 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 him to be concerned;
- (b) refer the appeal to that appeal committee;
- (c) send a copy of the notice of appeal to the Ophthalmic Qualifications Committee and to such other persons as may appear to him to be interested in the appeal; and
- (d) inform the appellant, the Ophthalmic Qualifications Committee and any such other persons that the appeal has been referred to an appeal committee and of the address to which communications to the appeal committee shall be sent.

(3) The appeal committee may, and if requested to do so by the appellant or the Ophthalmic Qualifications Committee shall, hold a hearing in connection with an appeal at such time and place as they may direct; notice of the hearing shall, not less than 14 days before the date of the hearing, be sent by the recorded delivery service to the appellant, the Ophthalmic Qualifications Committee, and any other person to whom the Secretary of State has under paragraph (2) sent notice of the appeal.

(4) Either the appellant or the Ophthalmic Qualifications Committee may within one month of being informed that the appeal has been referred to an appeal committee, or of being informed that a hearing of the appeal will be held, give notice of a wish to appear before the appeal committee.

(5) The Ophthalmic Qualifications Committee shall be entitled to appear by a member or by their clerk or other officer duly appointed for the purpose; the appellant shall be entitled to appear in person, by any member of his family, by any friend, or by any officer or member of any organisation of which he is a member; and any party to an appeal shall be entitled to appear and be heard by counsel or solicitor.

(6) Subject to the preceding provisions of this regulation, the procedure of the appeal committee in determining the appeal shall be such as it thinks proper.

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(a) 1978 c.29.

(b) S.I. 1972/1265 (N.I. 14).

(7) An appeal committee shall have all the powers of the Ophthalmic Qualifications Committee, including in particular the power of approval, and if satisfied that an appellant possesses the qualifications prescribed by regulation 3 it shall so determine and accordingly he shall be an ophthalmic medical practitioner.

(8) The appeal committee shall as soon as practicable notify its determination to the appellant, the Ophthalmic Qualifications Committee, the Secretary of State and any other person to whom the Secretary of State has under paragraph (2) sent notice of the appeal.

#### *Ophthalmic list*

6.—(1) The Committee shall keep a list called “the ophthalmic list” of those persons who, pursuant to the provisions of regulation 7, have undertaken to provide general ophthalmic services.

(2) The ophthalmic list shall be divided into two parts, of which the first part shall relate to ophthalmic medical practitioners and the second part to opticians.

(3) Each part shall contain—

- (a) the names of persons who are entitled to be included in it;
- (b) the addresses of any places in the Committee’s locality at which they have undertaken to provide general ophthalmic services;
- (c) particulars of the days on which and hours between which general ophthalmic services will normally be available at those addresses;
- (d) the names of every other ophthalmic medical practitioner or optician who is regularly engaged as a deputy, director or employee in the provision of general ophthalmic services at any of those addresses.

(4) The Committee shall send a copy of the ophthalmic list to the Local Medical Committee and the Local Optical Committee, and at intervals of not more than three months shall notify each of them of any alteration made in that list.

#### *Application for inclusion in ophthalmic list and notification*

7.—(1) An ophthalmic medical practitioner or optician who wishes to be included in the ophthalmic list of a Committee shall send to that Committee an application to that effect which shall indicate whether the applicant is an ophthalmic medical practitioner, a registered ophthalmic optician or a body corporate carrying on business as ophthalmic opticians and shall include—

- (a) an undertaking to provide general ophthalmic services and to comply with the terms of service; and
- (b) the information, as respects the matters mentioned in regulation 6(3), which it is proposed shall be contained in the ophthalmic list.

(2) A contractor shall within 14 days of any change or addition affecting the entries which the ophthalmic list is required to contain in relation to him notify the Committee accordingly.

#### *Withdrawal from ophthalmic list*

8.—(1) Subject to paragraphs (2) and (3), where a contractor gives notice in writing to the Committee that he wishes to withdraw from the ophthalmic list, his name shall be removed from that list at the expiration of three months from the date of that notice or of such shorter period as the Committee may

agree.

(2) If representations are made to the Tribunal that the continued inclusion of a contractor in the ophthalmic list would be prejudicial to the efficiency of the general ophthalmic services, he shall not, except with the consent of the Secretary of State and subject to such conditions, if any, as the Secretary of State may impose, be entitled to have his name removed from the ophthalmic list pending the determination of the proceedings on those representations.

(3) The Committee shall not agree to a contractor's withdrawal from the ophthalmic list unless and until it is satisfied that satisfactory arrangements have been made for the completion of any general ophthalmic services which he has undertaken to provide.

*Removal from ophthalmic list*

9.—(1) Where a Committee has determined that a contractor—

(a) has died, or

(b) has otherwise ceased from being a doctor or optician,

it shall remove his name from the ophthalmic list.

(2) Where a Committee determines in accordance with the following provisions of this regulation that a contractor whose name has been included for the preceding six months in its ophthalmic list has not during that period provided general ophthalmic services for persons in its locality, it shall remove his name from the ophthalmic list.

(3) Before making a determination under paragraph (2) relating to a contractor the Committee shall—

(a) give him 28 days' notice of its intention to do so;

(b) afford him an opportunity to make representations to the Committee in writing or, if he so wishes, orally to a sub-committee which shall be appointed by the Committee for the purpose and at least one third of the members of which shall be from a panel nominated by the appropriate Local Committee;

(c) consult the appropriate Local Committee.

(4) Nothing in this regulation shall prejudice the right of a person to have his name included again in the ophthalmic list.

(5) No determination under this regulation shall be made in respect of any contractor who is called into—

(a) whole-time service in the Armed Forces of the Crown in a national emergency as a volunteer or otherwise; or

(b) compulsory whole-time service in those forces, including service resulting from any reserve liability or any equivalent service by a person liable for whole-time service in those forces,

until six months after the completion of that service.

(6) Any document which is required or authorised to be given to a contractor under this regulation may be given by delivering it to him or by sending it by recorded delivery service to his usual or last known place of business as recorded in the ophthalmic list.

(7) In this regulation, "appropriate Local Committee" means, where the contractor is an ophthalmic medical practitioner, the Local Medical Committee and, where the contractor is an optician, the Local Optical Committee.

### *The Statement*

**10.—(1)** The Secretary of State shall, after consultation with such organisations as appear to him to be representative of contractors providing general ophthalmic services, make provision in a determination (in these regulations referred to as “the Statement”) as to the fees to be paid by a Committee for the testing of sight by ophthalmic medical practitioners and opticians.

(2) Any such determination—

(a) shall be published;

(b) may be amended, in whole or in part, after consultation with those organisations referred to in paragraph (1).

### *Terms of service*

**11.** The arrangements for the provision of general ophthalmic services which it is the duty of the Committee, under section 38 of the Act, to make and, under section 15 of the Act, to administer shall incorporate the terms of service and the Statement.

### *Payment for services*

**12.—(1)** A Committee shall make payments to contractors in accordance with the Statement.

(2) Where a Committee considers that it has made a payment to a contractor owing to an error or in circumstances where it was not due, it shall, except to the extent that the Secretary of State on the application of the Committee directs otherwise, draw the overpayment to the attention of the contractor and—

(a) where he admits the overpayment; or

(b) where he does not admit the overpayment but, the matter having been referred under regulation 6(6)(a) of the National Health Service (Service Committees and Tribunal) Regulations 1974 (a) for investigation, the Committee, or the Secretary of State on appeal, decides that there has been an overpayment,

the amount overpaid shall be recoverable by a deduction from the contractor’s remuneration or in some other manner.

(3) Recovery of an overpayment under the provisions of this regulation shall be without prejudice to the investigation of an alleged breach of the terms of service.

(4) A contractor who is unable to complete for a patient the general ophthalmic services which he has undertaken to provide shall inform the Committee accordingly in writing, and if the Committee is satisfied that the inability is due to a reasonable cause it shall make payment in accordance with the Statement to the contractor for such part of those services as he shall have provided.

### *Sight tests*

**13.—(1)** A person who wishes to have his sight tested under the general ophthalmic services may make application for a sight test to any contractor.

(2) A contractor to whom an application for a sight test is made shall,

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(a) S.I. 1974/455, to which there are amendments are not relevant to these regulations.

before making any test of the patient's sight—

- (a) secure that particulars of the patient and the approximate date of his last sight test, if any, are inserted in a sight test form by the patient or on his behalf; and
- (b) satisfy himself that a sight test is necessary.

*Applications and signatures by children or persons incapable*

**14.**—(1) Subject to paragraph (2), an application for general ophthalmic services required by these regulations may be made and a signature required by these regulations may be given—

- (a) on behalf of any person under 16 years of age by either parent or, in the absence of both parents, the guardian or other adult person who has the care of the child;
- (b) on behalf of any other person who is incapable of making the application or, giving the signature, by a relative or any other adult who has the care of that person; or
- (c) on behalf of any person under 18 years of age—
  - (i) in the care of an authority to whose care he has been committed under the provisions of the Children and Young Persons Act 1969 (a) or which has received him into care under the Child Care Act 1980 (b) by a person duly authorised by that authority;
  - (ii) in the care of a voluntary organisation, by that organisation or a person duly authorised by them.

(2) A signature on an application may not be given by the contractor to whom the application is made.

*Publication of particulars*

**15.** The Committee shall make available for inspection at its offices and at such other places in its locality as appear to the Committee to be convenient for informing any person interested, copies of these regulations, the terms of service, the ophthalmic list and the Statement, but the Committee need not make available copies of all those documents at every place at which it makes available copies of any of them.

*Service of documents on contractors*

**16.** Subject to regulation 9(6), any document which is required or authorised under these regulations (including the terms of service) to be given to a contractor may be given by delivering it to him or by sending it addressed to him at any address notified by him to the Committee for inclusion in the ophthalmic list as a place at which he has undertaken to provide general ophthalmic services.

*Revocations, saving and transitional provisions*

**17.**—(1) Subject to paragraphs (2) and (3), the regulations specified in column 1 of Schedule 2 (“the revoked regulations”) are hereby revoked.

(2) An optical appliance supplied before 1st July 1986 as part of general ophthalmic services may be repaired before 1st July 1987, and part of such an appliance may be replaced before that date, as though the revoked regulations remained in force and as though the amendments to sections 38

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(a) 1969 c.54.  
(b) 1980 c.5.



and 39 of the Act effected by section 1(3) and (4) of, and paragraph 1 of Schedule 1 to, the 1984 Act had not been made.

(3) In respect of any supply, replacement or repair of an optical appliance under general ophthalmic services for which arrangements were made before 1st July 1986 or any replacement or repair under paragraph (2), payments and charges shall be made as though the revoked regulations and any determination made under them and in force on 30th June 1986 were in force and as though the repeal in section 82(b) of the Act effected by section 24 of, and Schedule 8 to, the 1984 Act had not been made.

Signed by authority of the Secretary of State for Social Services.

*Barney Hayhoe,*  
Minister of State,  
Department of Health and Social Security.

6th June 1986.

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SCHEDULE 1 Regulation 2(1)  
TERMS OF SERVICE

*Interpretation*

1. In this Schedule, unless the context otherwise requires—
  - (a) “the regulations” means the National Health Service (General Ophthalmic Services) Regulations 1986;
  - (b) a reference to a numbered regulation is a reference to the regulation bearing that number in the regulations;
  - (c) a reference to a numbered paragraph is a reference to the paragraph bearing that number in this Schedule and a reference in a paragraph to a numbered sub-paragraph is a reference to the sub-paragraph bearing that number in that paragraph.

*Incorporation of provisions*

2. Any provisions of the following affecting the rights and obligations of contractors shall form part of the terms of service—
  - (a) the regulations;
  - (b) so much of Part II of the National Health Service (Service Committees and Tribunal) Regulations 1974 as relates to—
    - (i) the investigation of questions arising between contractors and their patients, other investigations to be made by the ophthalmic service committee, and the action which may be taken by the Committee as a result of such investigations, including the withholding of remuneration from a contractor where there has been a breach of the terms of service;
    - (ii) appeals to the Secretary of State from decisions of the Committee;
    - (iii) the investigation of excessive prescribing of optical appliances;

- (c) regulation 4(2) to (5) and (7) of the National Health Service (Payments for Optical Appliances) Regulations 1986 (a);
- (d) the Statement.

*Arrangements for the provision of services*

3. A contractor shall make all necessary arrangements for the provision of general ophthalmic services to his patients.

*Premises and equipment*

4.—(1) A contractor shall provide, as may be requisite, proper and sufficient consulting and waiting room accommodation and suitable equipment for the provision of the general ophthalmic services which he has undertaken to provide.

(2) A contractor, on receipt of a written request from the Committee to do so, shall admit at all reasonable times for the purposes of inspecting his accommodation or equipment an authorised officer of the Secretary of State or an authorised officer or member of the Committee.

*Notices*

5. A contractor shall take all reasonable steps to secure that at each place at which he provides general ophthalmic services there is prominently displayed a notice, in a form supplied or approved by the Committee, indicating the services available under general ophthalmic services and indicating for which descriptions of his patients a payment may be made under the National Health Service (Payments for Optical Appliances) Regulations 1986.

*Records*

6.—(1) A contractor shall keep a proper record in respect of each patient to whom he provides general ophthalmic services, giving appropriate details of sight testing.

(2) A contractor shall retain all such records for a period of seven years, and shall during that period produce them when required to do so by the Committee—

- (a) to such officer authorised by the Secretary of State as the Committee may specify;
- (b) within such period, being not less than 14 days, as the Committee may specify.

*Deputies*

7.—(1) An ophthalmic medical practitioner may arrange for sight to be tested on his behalf by another ophthalmic medical practitioner and an optician may arrange for sight to be tested on his behalf by another optician, but no such arrangement shall be made with any person disqualified by the Tribunal from inclusion in the ophthalmic list.

(2) Any contractor who makes an arrangement for the regular provision of services by a deputy shall—

- (a) notify the Committee of the arrangement; and
- (b) if the deputy is not already a contractor, secure that he applies for inclusion in the ophthalmic list.

(3) A contractor shall be responsible for all acts and omissions of any person acting as his deputy and of any employee of that person; and a deputy who is himself a contractor shall be jointly responsible.

*Employees*

8.—(1) An ophthalmic medical practitioner who employs a person for sight testing shall employ only another ophthalmic medical practitioner.

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(a) S.I. 1986/976.

- (2) An optician who employs a person for sight testing shall employ only—
  - (a) another optician; or
  - (b) a person acting under his continuous personal supervision who is authorised to test sight by rules made under section 20(3) of the Opticians Act 1958(a).
- (3) A contractor shall not employ in the provision of general ophthalmic services any person disqualified by the Tribunal from inclusion in the ophthalmic list, except with the consent of the Secretary of State.
- (4) A contractor who regularly employs an ophthalmic medical practitioner or an optician shall—
  - (a) notify the Committee accordingly; and
  - (b) if the employee is not already a contractor, secure that he applies for inclusion in the ophthalmic list.
- (5) A contractor shall be responsible for all acts and omissions of any employee; and an employee who is himself a contractor shall be jointly responsible.
- (6) In this paragraph “employee” includes, in the case of a body corporate, a director and “employ” is to be interpreted accordingly.

*Payments*

- 9.—(1) Any claim by a contractor for fees in respect of the provision of general ophthalmic services shall be made by completing or securing the completion of a sight test form and sending it to the Committee in whose locality the services were provided within six months after the date of completion of the provision of the services.
- (2) Any such claim shall be signed—
    - (a) if the contractor is a body corporate, by any of its directors who is a contractor who takes part in the provision of general ophthalmic services at the address at which the relevant service was provided or by any of its employees who is such a contractor;
    - (b) if the contractor is not a body corporate—
      - (i) if the service was provided on his behalf by a deputy or employee who is also a contractor, by the deputy or employee who shall give the name of the contractor on whose behalf the service was provided,
      - (ii) in other cases by the contractor himself.
  - (3) A signatory shall sign any such claim in ink with his initials or forename and with his surname in his own handwriting and not by means of a stamp.
  - (4) Except as may be provided in the regulations, in the Statement or in subparagraph (5), a contractor shall not demand or accept from any patient or from other persons the payment of any fee or other remuneration in respect of the provision of general ophthalmic services.
  - (5) A contractor shall be entitled to demand and recover from a patient or person having charge of a patient a sum in respect of—
    - (a) loss of remunerative time resulting from that patient’s failure to keep an appointment; or
    - (b) loss of remunerative time and travelling expenses resulting from a journey made to that patient’s residence at that patient’s or person’s request.
  - (6) A contractor shall not demand or accept from the Committee the payment of any fee or other remuneration in respect of any item of service—
    - (a) which has not been provided under general ophthalmic services; or
    - (b) for which another claim has already been submitted to the Committee.

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(a) 1958 c.32. See S.I. 1974/1329.

*Testing of sight*

10.—(1) A contractor shall, having accepted pursuant to the regulations an application for the testing of sight, make such examination of the patient's eyes as may be required and in doing so shall exercise proper care and attention.

(2) Where a contractor is of the opinion that a patient whose sight he has tested pursuant to sub-paragraph (1)—

(a) shows on examination signs of injury or disease in an eye or its immediate vicinity, or any other abnormality of the eye or the rest of the visual system which may require medical treatment; or

(b) is not likely to attain a satisfactory standard of vision notwithstanding the application of corrective lenses;

he shall so inform the patient's doctor.

(3) Where a contractor is of the opinion that a patient whose sight he has tested pursuant to sub-paragraph (1) requires glasses (whether or not the patient already has the required glasses), he shall, immediately after completing the test and after consulting his records, if any, relating to that patient—

(a) in every case, issue to that patient a prescription for glasses, indicating the power of the lenses required;

(b) where the particulars of that prescription are the same as those relating to the patient's existing glasses, so inform the patient.

(4) A prescription issued pursuant to sub-paragraph (3) shall be completed by the method recommended in Appendix A to British Standard 3521: 1962 (Glossary of Terms relating to Ophthalmic Lenses and Spectacle Frames) published by the British Standards Institution, as effective on the date of its publication, and shall comply with any requirements as to its form specified in the Statement for the purposes of payment in respect of the sight test.

*Use of disqualified name*

11.—(1) Subject to sub-paragraph (2), a contractor shall not use in any manner whatsoever the name or part of the name, either alone or in combination with any other words or letters of, or used by, any person so long as that person is disqualified by the Tribunal from inclusion in any ophthalmic list.

(2) Nothing in sub-paragraph (1) shall prevent a contractor other than a body corporate from using his own name, or being a body corporate from using the name by which it is enrolled in the register maintained pursuant to the provisions of the Opticians Act 1958.

SCHEDULE 2

Regulation 17(1)

REGULATIONS REVOKED

The National Health Service (General Ophthalmic Services) Regulations 1974	S.I. 1974/287
The National Health Service (General Ophthalmic Services) Amendment Regulations 1977	S.I. 1977/1999
The National Health Service (General Ophthalmic Services) Amendment Regulations 1981	S.I. 1981/305
The National Health Service (General Ophthalmic Services) Amendment Regulations 1985	S.I. 1985/298

## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations provide for arrangements for general ophthalmic services under the National Health Service. They supersede and revoke previous regulations providing for those arrangements.

The main change of substance effected by these regulations concerns the removal from general ophthalmic services of the supply of optical appliances, so that the services consist only of the testing of sight. That removal is effected from 1st July 1986 by provisions of the Health and Social Security Act 1984 and accordingly these regulations make no provision for the supply of optical appliances, other than transitional provision (regulation 17). Other changes are the removal of a requirement for an ophthalmic medical practitioner or optician to notify a patient's doctor if a further eye examination is needed within six months of the previous one and the addition of a requirement (paragraph 5 of Schedule 1) regarding the display of a notice about the services available to the patient. There are also various minor changes mainly of a drafting nature.

The principal matters covered by these regulations are the qualifications of ophthalmic medical practitioners (regulations 3 to 5), the list of those providing general ophthalmic services (regulations 6 to 9), the determination of fees payable for those providing the services (regulation 10), the terms on which they provide them (regulation 11 and Schedule 1), payments to them (regulation 12), and provision for sight testing (regulation 13).

British Standard 3521:1962, referred to in paragraph 10(4) of Schedule 1 to these regulations, may be obtained from any of the sales outlets operated by the British Standards Institution or direct by post from the Institution at Linford Wood, Milton Keynes, MK14 6LE.

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STATUTORY INSTRUMENTS

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