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STATUTORY INSTRUMENTS

1989 No. 1230

OPTICIANS

**The Sight Testing (Examination and
Prescription) (No. 2) Regulations 1989**

<i>Made</i>	- - - -	<i>20th July 1989</i>
<i>Laid before Parliament</i>		<i>20th July 1989</i>
<i>Coming into force</i>	- -	<i>31st July 1989</i>

In exercise of powers conferred by section 20B(1), (3) and (8) of the Opticians Act 1958⁽¹⁾ and of all other powers enabling me in that behalf, I hereby make the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Sight Testing (Examination and Prescription) (No. 2) Regulations 1989 and shall come into force on 31st July 1989.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“the Act” means the Opticians Act 1958;

“doctor” means a fully registered person within the meaning of the Medical Act 1983⁽²⁾;

“optician” means a registered ophthalmic optician;

“patient” means a person whose sight has been tested.

(2) Unless the context otherwise requires, any reference in these Regulations to a numbered regulation is a reference to the regulation bearing that number in these Regulations, and any reference in a regulation to a numbered paragraph is a reference to the paragraph bearing that number in that regulation.

(1) 1958 c. 32; section 20B was inserted by section 14 of the Health and Medicines Act 1988 (c. 49).
(2) 1983 c. 54.

Examination

3.—(1) Subject to the exceptions specified in paragraph (2), when a doctor or optician tests the sight of another person, it shall be his duty—

- (a) to perform, for the purpose of detecting signs of injury, disease or abnormality in the eye or elsewhere—
 - (i) an examination of the external surface of the eye and its immediate vicinity,
 - (ii) an intra-ocular examination, either by means of an ophthalmoscope or by such other means as the doctor or optician considers appropriate,
 - (iii) such additional examinations as appear to the doctor or optician to be clinically necessary; and
- (b) immediately following the test to give to the patient a written statement—
 - (i) that he has carried out the examinations required by sub-paragraph (a) of this paragraph, and
 - (ii) that he is or (as the case may be) is not referring the patient to a doctor.

(2) The provisions of paragraph (1) do not apply where the testing of sight is carried out by a doctor at a hospital or clinic in the course of diagnosing or treating injury or disease of the eye.

Exceptions to the duty to issue a prescription or statement

4. The duty which section 20B(2) of the Act imposes on doctors and opticians (to issue a prescription or a statement after testing a patient's sight) shall not arise where—

- (a) the doctor or optician who has tested the patient's sight refers the patient to his doctor for further investigation or treatment;
- (b) the sight test was carried out as part of a general medical examination including such an examination for insurance purposes, within the meaning of section 2(1) of the Access to Medical Reports Act 1988(3), or for employment purposes, within the meaning of section 2(1) of that Act; or
- (c) the patient was resident in a hospital or a clinic, for the purposes of treatment, when his sight was tested.

Particulars to be included in a prescription or statement

5.—(1) A prescription provided in fulfilment of the duty imposed by section 20B(2) of the Act shall include—

- (a) particulars of any spherical power of each lens to be included in the appliance prescribed and, where appropriate, particulars of the cylindrical power (including particulars of its axis), prismatic power (including particulars of the orientation of the prism) and near addition of each such lens;
- (b) the date of the testing of sight;
- (c) the name and address of the patient and, if he is under the age of 16, his date of birth;
- (d) the name and practice address of the doctor or optician who carried out the testing of sight;
- (e) the address at which, or the name of the hospital, clinic, nursing home or other institution at which, the testing of sight was carried out; and

- (f) where the patient, before his sight was tested, had been prescribed an optical appliance and the doctor or optician is satisfied that the particulars of the prescription specified in sub-paragraph (a) of this paragraph are—
- (i) the same as those relating to that appliance, or
 - (ii) different from those relating to that appliance but not so as to necessitate, in the opinion of the doctor or optician, a change in that appliance a statement to the effect that no change in the patient's existing appliance is necessary.
- (2) The statement provided in fulfilment of the duty imposed by section 20B(2) of the Act shall (in addition to stating that the patient does not need to wear or use an optical appliance) include the particulars specified in paragraph (1)(b), (c), (d) and (e).

Revocation

6. The Sight Testing (Examination and Prescription) Regulations 1989(4) are hereby revoked.

20th July 1989

K. Clarke
One of Her Majesty's Principal Secretaries of
State

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision as to the requirements to be met by registered medical practitioners and ophthalmic opticians (optometrists) on testing a person's sight.

Regulation 3(1) requires the sight tester to perform certain examinations and to give the patient a statement that he has carried out the examinations and as to whether the patient is being referred to a registered medical practitioner. There is an exception where the sight test is carried out in the course of diagnosing or treating injury or disease in hospital or at a clinic. Regulation 4 specifies exceptions to the sight tester's statutory duty to issue a prescription for an optical appliance or a statement that no optical appliance is required. Regulation 5 specifies the particulars which must be included in any prescription or statement that is issued.

Regulation 6 revokes the Sight Testing (Examination and Prescription) Regulations 1989 which were intended to have the same effect as these Regulations and were in the same terms but which were affected by a defect in the order which was intended to bring into force the powers under which they were made.