**1985 No. 57**

# HEALTH AND PERSONAL SOCIAL SERVICES

## General Ophthalmic Services (Amendment) Regulations (Northern Ireland) 1985

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| *Made* . . . . . | *20th March 1985* |
| *Coming into operation* . . . | *1st April 1985* |

The Department of Health and Social Services in exercise of the powers conferred on it by Articles 62(2), 98, 106 and 107(6) of and Schedule 15 to the Health and Personal Social Services (Northern Ireland) Order 1972(**a**) and Article 18(1) of the Health and Social Security (Northern Ireland) Order 1984(**b**) and of all other powers enabling it in that behalf, with the approval of the Department of Finance and Personnel(**c**) and after consultation with such organisations as appeared to the Department to be representative of medical practitioners practising as ophthalmic medical practitioners, ophthalmic opticians and dispensing opticians, as required by Article 62(3) of the said 1972 Order, hereby makes the following regulations:

*Citation and commencement*

**1.** These regulations may be cited as the General Ophthalmic Services (Amendment) Regulations (Northern Ireland) 1985 and shall come into operation on 1st April 1985.

*Amendment of regulations*

**2.** The Health and Personal Social Services (General Ophthalmic Services) Regulations (Northern Ireland) 1975(**d**) shall be further amended as follows:—

(1) In regulation 2 after the definition of "patient" there shall be inserted the following definition:

" 'prescribed prescription' means a prescription for an optical appliance in the form prescribed in the Statement and given by an ophthalmic medical practitioner or an ophthalmic optician pursuant to paragraph 9(3) of the terms of service;"

(2) In regulation 12, after paragraph (*e*) there shall be inserted the following paragraph:

"(*ee*) the types and colours of frames for the purposes of paragraph 3(2) of the terms of service;";

(3) For regulations 16 and 17 there shall be substituted the following regulations:

"*Transitional provisions for the supply of appliances*

**16.**—(1) A person to whom this regulation applies and to whom a prescribed prescription has been issued may, within 12 months after the date of that prescription—

(*a*) present it to any optician whose name appears on the ophthalmic list; and

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(**a**) S.I. 1972/1265 (N.I. 14)
(**b**) S.I. 1984/1158 (N.I. 8)
(**c**) Formerly Department of Finance: *see* S.I. 1982/338 (N.I. 6) Art. 3
(**d**) S.R. 1975 No. 372: The relevant amending regulations are S.R. 1977 No. 80, S.R. 1981 No. 60, S.R. 1982 No. 61, S.R. 1983 No. 33 and S.R. 1984 No. 65

(*b*) apply, in accordance with regulation 17A, to him to supply under the general ophthalmic services an optical appliance in accordance with that prescription;

and in this regulation a prescription presented in such circumstances is referred to as "the relevant prescription".

(2) Such a person may request that optician to supply—

(*a*) an appliance of a more expensive type than the type normally supplied;

(*b*) under general ophthalmic services lenses fitted to a surrounding protective frame not so supplied.

(3) Subject to regulation 17A, this regulation applies to any person—

(*a*) who, at the time of the testing of sight leading to the relevant prescription, or the first such testing of sight, was under 16 years of age or was under 19 years of age and receiving qualifying full-time education; or

(*b*) who is entitled to remission of any optical charges by virtue of the Health and Personal Social Services (Remission of Charges) Regulations (Northern Ireland) 1974(**a**); or

(*c*) in respect of whom the relevant prescription is for an optical appliance of at least one lens which—

(i) has a power in any one meridian of plus or minus 10 or more dioptres, or

(ii) is a lenticular lens.

*Transitional provisions for replacement or repair*

**17.**—(1) Where a person to whom this regulation applies—

(*a*) requires the replacement of an optical appliance which was supplied under the health service because his previous such appliance is lost or broken beyond economic repair; or

(*b*) requires the repair of an optical appliance which was supplied under the health service,

he may apply, in accordance with regulation 17A, to any optician whose name appears on the ophthalmic list to supply a replacement optical appliance or, as the case may be, to repair the optical appliance in question under general ophthalmic services; and in this regulation an application made in such circumstances is referred to as the "application", and "applicant" shall be construed accordingly.

(2) Before undertaking that replacement or repair, the optician—

(*a*) in the case of an applicant under 16 years of age whose sight was last tested more than 12 months before the date of the application, shall require him to have a sight test;

(*b*) in the case of any other applicant, may require him to have a sight test.

(3) Subject to regulation 17A, this regulation applies to any person—

(*a*) who at the time of the application is under 16 years of age or is under 19 years of age and receiving qualifying full-time education;

(*b*) who is entitled to remission of any optical charges by virtue of the Health and Personal Social Services (Remission of Charges) Regulations (Northern Ireland) 1974; or

(*c*) at least one lens of whose optical appliance in question was, or is, a lens mentioned in regulation 16(3)(*c*), and who produces that appliance or the prescription relating to that appliance,

(**a**) S.R. 1974 No. 271: The relevant amending regulations are S.R. 1975 No. 299, S.R. 1976 No. 337, S.R. 1980 No. 389 and S.R. 1983 No. 320

and who, in any case, declares in writing, on the form mentioned in regulation 17A, that the optical appliance in question is lost or in need of repair.

*Applications for supply or replacement or repair under regulation 16 or 17*

**17A.**—(1) A person, or, in a case to which regulation 24 applies, the person there authorised to make the application, shall make an application for supply under regulation 16, or for repair or replacement under regulation 17, on the form prescribed for that purpose in the Statement.

(2) In the case of—

(*a*) a child or other person mentioned in regulation 16(3)(*a*) or, as the case may be, regulation 17(3)(*a*)—

(i) the date of birth of that child or other person shall be entered on the form; and

(ii) where that person is aged 16 years or more, that person shall declare in writing on that form that he was, at the relevant time, receiving qualifying full-time education;

(*b*) a person who satisfies one of the conditions in regulation 4(*a*), (*b*) or (*c*) of the Health and Personal Social Services (Remission of Charges) Regulations (Northern Ireland) 1974, (a member of a family entitled to family income supplement or welfare food or a person who is exempted from charges for drugs and appliances) or who is, or whose partner is, entitled to supplementary benefit, shall declare in writing on the form that he is such a person;

(*c*) a replacement or repair required urgently, a person may declare on the form that to the best of his knowledge and belief he is a person in respect of whom any optical charges are remitted under the Health and Personal Social Services (Remission of Charges) Regulations (Northern Ireland) 1974;

and in a case to which sub-paragraph (*a*)(ii), (*b*) or (*c*) applies, that person shall undertake in writing on that form that if he is unable to show that he is a person mentioned in that sub-paragraph he will pay the full charge for that supply or, as the case may be, replacement or repair specified in the Statement.

(3) In any other case, an optician shall not accept a prescription for supply under regulation 16 or undertake repair or replacement under regulation 17 in respect of any person unless he is satisfied that the person is a person to whom that regulation applies.''.

(4) For regulation 18(1) there shall be substituted the following paragraph:

''(1) Subject to the provisions of this regulation the amount of the charge which an optician shall be entitled to make and recover from the patient in respect of the supply of—

(*a*) any lens described in an entry in column (1) of Schedule 3 shall be the amount set out in column (2) of that entry;

(*b*) frames, shall be an amount equal to the current specified cost.

Provided that this paragraph shall not apply to the supply, to persons who at the time of the testing of sight leading to the supply of the optical appliance or of the first such testing were under 16 years of age, or were under 19 years of age and receiving qualifying full-time education, of optical appliances where the standard type of children's frame as described in the Statement is used.''.

(5) Regulation 18(3) shall be omitted.

(6) In regulation 19—

(*a*) in paragraph (2) after the words ''Where a patient'' and before the words ''submits a claim'' there shall be inserted the words ''is entitled to remission

of any optical charges by virtue of the Health and Personal Social Services (Remission of Charges) Regulations (Northern Ireland) 1974";

(*b*) in paragraph (3) the words from "and in respect" to "Agency" shall be omitted.

(7) Regulation 21, paragraph (2) shall be omitted.

(8) In Schedule 1 (terms of service)—

(*a*) the existing paragraph 3 shall be renumbered as paragraph 3(1) and there shall be added the following paragraph:—

"(2) An optician who, at an address which appears on the ophthalmic list, displays frames supplied otherwise than under general ophthalmic services shall, at that address, display in a similar manner the types and colours of frames specified in the Statement for the purposes of this sub-paragraph.";

(*b*) in paragraph 8, after sub-paragraph (3) there shall be added the following paragraph:—

"(4) A contractor shall not demand or accept from the Agency the payment of any fee or remuneration in respect of any item of service—

(*a*) which has not been provided under general optical services; or

(*b*) for which a claim has already been submitted to the Agency";

(*c*) in paragraph 9—

(i) in sub-paragraph (2)(*b*) for the words "outside the scope of the" there shall be substituted the words "of a type not available under",

(ii) for sub-paragraphs (3) and (4) there shall be substituted the following sub-paragraphs:—

"(3) Where an ophthalmic medical practitioner or an ophthalmic optician is of the opinion that a patient whose sight he has tested in accordance with sub-paragraph (1) above requires any optical appliance, he shall, immediately after the completion of the examination and after consultation of his records, if any, relating to that patient—

(*a*) in every case, issue to that patient a prescription, in the form prescribed in the Statement, for the supply of that optical appliance; and

(*b*) where that prescription is for an optical appliance which is of the same prescription as the patient's existing optical appliance, shall so inform that patient.

(4) Any prescription issued pursuant to sub-paragraph (3) above shall be completed by the method recommended in Appendix A to British Standard 3521: 1962, being the British Standard of that number published by the British Standards Institution, as effective immediately before the day on which this sub-paragraph came into force.";

(*d*) in paragraph 10—

(i) in sub-paragraph (1), there shall be added at the end the words "and satisfies himself by making such enquiries as he considers appropriate that the patient does not have a serviceable optical appliance of a type supplied under general ophthalmic services which is in accordance with the requirements of that prescription";

(ii) for sub-paragraph (2) there shall be substituted the following sub-paragraph:—

"(2) If the optician is so satisfied and accepts the prescription for dispensing under the general ophthalmic services, he shall—

(*a*) if the types and colours of frames specified in the Statement are not already on display pursuant to paragraph 3(2), show the patient the range

of frames available under general ophthalmic services which are appropriate to his requirements;

(*b*) supply an optical appliance in accordance with the prescription; and

(*c*) in so supplying it shall exercise proper care and attention and proceed with reasonable expedition.''

(*e*) paragraph 11 (advertising) shall be omitted.

(9) For Schedule 3 there shall be substituted:—

''SCHEDULE 3 Regulation 18

**Optical Appliances**

| *Description of Lens* (1) | *Amount of Charge* (2) |
|---|---|
| Complex single vision lens | £14·50 |
| Other single vision lens | £ 6·25 |
| Complex bifocal lens | £25·00 |
| Other bifocal lens | £14·00 |
| Lens of any other description for supply only other than under general ophthalmic services | £25·00 |

In this Schedule—

(*a*) ''complex lens'' means a lens which has a power in any one meridian of plus or minus 10 or more dioptres;

(*b*) ''single vision lens'' and ''bifocal lens'' whether or not a complex lens, includes a lens in lenticular form.''.

*Amendment to the Health and Personal Social Services (Remission of Charges) Regulations (Northern Ireland) 1974*

**3.** In regulation 8 of the Health and Personal Social Services (Remission of Charges) Regulations (Northern Ireland) 1974 there shall be added the following paragraph—

''(5) Where a claimant has entered into a transaction for supply, replacement or repair of an optical appliance otherwise than under the health service, at a time when, had that supply, replacement or repair been under general ophthalmic services, he would have been a person to whom regulation 16 or, as the case may be, regulation 17 of the Health and Personal Social Services (General Ophthalmic Services) Regulations (Northern Ireland) 1975 would have applied to him by virtue of regulation 3 of these regulations he may, within six months of that time, claim, and if satisfied the Agency shall pay to him, an amount not exceeding the amount of exemption or remission for which regulation 3 would have provided or an amount equal to the cost to the patient of the transaction, whichever is the less, and paragraphs (3) and (4) shall apply to such payment as it applies to a repayment of a charge.''.

*Application*

**4.**—(1) Where any person has, before 1st April 1985, applied to an optician for the supply, replacement or repair of an optical appliance, regulation 16 or, as the case may be, 17 of the Health and Personal Social Services (General Ophthalmic Services) Regulations (Northern Ireland) 1975 as in force immediately before that date shall

continue to apply to that transaction notwithstanding the provisions of these regulations.

(2) Where a person to whom regulation 16 of the Health and Personal Social Services (General Ophthalmic Services) Regulations (Northern Ireland) 1975 as substituted by regulation 2(3) of these regulations applies presents to an optician a prescription, issued before 1st April 1985, but not later than 12 months before presentation, that regulation shall apply to him notwithstanding that the prescription is not a prescribed prescription within the meaning of regulation 2(1) of the Health and Personal Social Services (General Ophthalmic Services) Regulations (Northern Ireland) 1975.

(3) Regulation 2(4), (5) and (9) shall apply only in relation to the supply of an optical appliance where the presentation of the prescription leading to that supply takes place after 31st March 1985.

Sealed with the Official Seal of the Department of Health and Social Services on 20th March 1985.

(L.S.) *R. W. McQuiston*
Assistant Secretary

The Department of Finance and Personnel hereby approves the foregoing Regulations.

Sealed with the Official Seal of the Department of Finance and Personnel on 20th March 1985.

(L.S.) *D. W. Alexander*
Assistant Secretary

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## EXPLANATORY NOTE

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

These regulations amend the Health and Personal Social Services (General Ophthalmic Services) Regulations (Northern Ireland) 1975 ("the principal Regulations") and the Health and Personal Social Services (Remission of Charges) Regulations (Northern Ireland) 1974 to make provision for general ophthalmic services under the Health and Personal Social Services (Northern Ireland) Order 1972 ("the 1972 Order") until the coming wholly into force of the amendments made to the 1972 Order by the Health and Social Security (Northern Ireland) Order 1984.

Regulation 2 makes provision that optical appliances may be supplied under general ophthalmic services on presentation of the prescribed prescription form, given after a sight test under those services, or replaced or repaired under those services only to or for children or 16-18 year olds in qualifying education, persons to whom charges under the 1972 Order are remitted in whole or in part on grounds of low income and persons who require certain complex lenses. Provision is made for the waiver of charges for persons who are so exempted where the need for replacement or repair was through no fault of the patient. It also amends the principal Regulations so as to replace the previous charges structure by 5 categories of charges according to whether the lens is single or bifocal, simple or complex, except for a lens of any other

description supplied under the 1972 Order, otherwise than under general ophthalmic services. The provision of a maximum amount charged for any lens is removed.

The terms of service for contractors set out in Schedule 1 to the Health and Personal Social Services (General Ophthalmic Services) Regulations (Northern Ireland) 1975 are amended so as to require an ophthalmic medical practitioner or ophthalmic optician to issue, after a sight test under general ophthalmic services, a prescription for any optical appliance which is needed. The prescription is to be completed by the method recommended in British Standard 3521: 1962 (glossary of terms relating to ophthalmic lenses and spectacle frames) published by the British Standards Institution. Further amendments to the terms of services are made to require opticians to display the range of frames available under general ophthalmic services, or to show that range to patients; to exclude claims for services for which a claim has been made and for services not provided under general ophthalmic services; and to remove the condition that contractors cannot advertise.

Regulation 3 amends the Health and Personal Social Services (Remission of Charges) Regulations (Northern Ireland) 1974 so as to provide for payment to persons who have entered into a private transaction for supply, replacement or repair when they would have been exempted from optical charges and entitled to supply, replacement or repair as the case may be, under general ophthalmic services.

Regulation 4 makes provision for the application of the regulations.

Copies of British Standard 3521 mentioned in the regulations may be obtained from any of the sales outlets operated by that Institution or direct by post from them at Linford Woods, Milton Keynes MK14 6LE.

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**1985 No. 58**

**Medicines (Animal Feeding Stuffs) (Enforcement) Regulations 1985**

These Regulations have been made by the Minister of Agriculture, Fisheries and Food, the Secretaries of State respectively concerned with agriculture in Scotland and in Wales and the Department of Agriculture for Northern Ireland, acting jointly, in exercise of powers conferred by sections 117(1)(2)(3) and (5A) of the Medicines Act 1968.

In pursuance of paragraph 11 of Schedule 4 to that Act these Regulations have been registered as a Northerrn Ireland statutory rule under the Statutory Rules (Northern Ireland) Order 1979. They are printed in full in the volume of United Kingdom Statutory Instruments for 1985 and have been numbered 273 in that series.