STATUTORY INSTRUMENTS

1974 No. 503 (S. 38)

NATIONAL HEALTH SERVICE, SCOTLAND

The National Health Service (Joint Ophthalmic Committees) (Scotland) Order 1974

Made - - - - 19*th March* 1974
Coming into Operation 1*st April* 1974

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SCHEDULE

In exercise of the powers conferred on me by sections 13(8) and 62 of the National Health Service (Scotland) Act 1972(a) and of all other powers enabling me in that behalf, I hereby make the following order:—

PART I
GENERAL

Citation and commencement

1. This order may be cited as the National Health Service (Joint Ophthalmic Committees) (Scotland) Order 1974 and shall come into operation on 1st April 1974.

(a) 1972 c.58

Interpretation

2.—(1) In this order unless the context otherwise requires:—
"the Act of 1947" means the National Health Service (Scotland) Act 1947**(a)**;
"the Act of 1972" means the National Health Service (Scotland) Act 1972**(b)**;
"enactment" includes a provision in a statutory instrument;
"Health Board" means a board constituted under section 13 of the Act of 1972;
"health board areas" are those defined in The National Health Service (Determination of Areas of Health Boards) (Scotland) Order 1974**(c)**;
"medical practitioner" means a registered medical practitioner;
"ophthalmic medical practitioner" means a medical practitioner having the qualifications prescribed by regulation 3 of the National Health Service (General Ophthalmic Services) (Scotland) Regulations 1974**(d)**;
"ophthalmic optician" and "dispensing optician" have the same meanings as in section 80(1) of the Act of 1947 as substituted by section 20 of the Health Services and Public Health Act 1968**(e)**;
"optician" means an ophthalmic optician or a dispensing optician.

(2) Unless the context otherwise requires references in this order to any enactment shall be construed as a reference to that enactment as amended or re-enacted by any subsequent enactment.

(3) The Interpretation Act 1889**(f)** shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

PART II

ESTABLISHMENT AND CONSTITUTION OF JOINT OPHTHALMIC COMMITTEES

Establishment of Committees

3.—(1) There shall be established a Joint Ophthalmic Committee (in this order referred to as "the Committee") with the title set out in the first column of the Schedule to this order, for each of the groups of Health Board areas set out in the second column of the said Schedule.

(2) Subject to the following provisions of the order, Health Boards (in this order referred to as "constituent Boards") shall delegate to the Committee the duty of making arrangements for general ophthalmic services under section 42 of the Act of 1947.

Membership of Committees

4.—(1) Subject as hereinafter provided, each Committee shall consist of members appointed as follows:—

(*a*) Each of the constituent Boards shall appoint the number of members set out in the third column of the Schedule to this order from among their members other than medical practitioners or opticians.

(*b*) Such organisations as the Secretary of State may recognise as representative of the groups to which the persons concerned belong shall appoint respectively:—

(i) one general medical practitioner, not being an ophthalmic medical practitioner;

(a) 1947 c.27. **(b)** 1972 c.58. **(c)** S.I. 1974/266 (1974 I, p. 889).
(d) S.I. 1974/507 (1974 I, p. 1912). **(e)** 1968 c.46. **(f)** 1889 c.63.

(ii) one ophthalmic medical practitioner in the cases of each of the Northern Joint Ophthalmic Committee and of the Eastern Joint Ophthalmic Committee and two in the case of the Western Joint Ophthalmic Committee;
(iii) one ophthalmologist;
(iv) two ophthalmic opticians in the case of the Northern Joint Ophthalmic Committee, three in the case of the Eastern Joint Ophthalmic Committee and four in the case of the Western Joint Opthalmic Committee;
(v) one dispensing optician.

(2) The Committee shall appoint a member to be Chairman.

Vacancies

5.—(1) A casual vacancy in the Committee shall be filled by the appropriate body in accordance with the provisions of article 4 and any person appointed to fill a casual vacancy shall hold office for the remainder of the term of office, as determined under article 8, of the person in whose place he is appointed.

(2) A body appointing a person to fill a vacancy shall notify the secretary of the Committee of the name and address of the person appointed.

Officers

6. The constituent Boards shall make available to the Committee the services of such officers as may be necessary for the purposes of the Committee.

Office accommodation

7. The constituent Boards shall make available to the Committee such accommodation as may be necessary for the purposes of the Committee.

Term of office

8.—(1) Of the original members one half or as near as may be shall retire on 31st March 1975 and the remainder on 31st March 1977, thereafter the term of office of members shall be 4 years:

Provided that at the expiration of his term of office a member shall be eligible for re-appointment.

(2) A member of the Committee appointed under article 4(1)(a) shall be deemed to have retired from the Committee on ceasing to be a member of the Board.

Expenses of Committee

9. Expenditure incurred by a Committee in respect of administrative expenses and of travelling and subsistence allowances and compensation for loss of remunerative time by members shall be defrayed by the constituent Boards and all such expenses shall be apportioned among the said constituent Boards on such basis as the Secretary of State may determine.

Application of provisions of the Health Service Acts

10. There shall apply to the Committee with the substitution of references to the Committee for references to the Board as appropriate the following provisions of the National Health Service (Scotland) Acts 1947 to 1973**(a)**—

(*a*) In the Act of 1947 sections 43 to 46

(*b*) In the Act of 1972—
section 13(5)(9)(10) and (11), sub-paragraphs (b) to (d) of paragraph 1, paragraph 2 and, in so far as they relate to the determination by the

(a) 1973 c. 32.

Secretary of State of the matters referred to therein, paragraphs 3 to 5 of Part III of Schedule 1;
section 16(1) in relation to paragraph (e);
section 16(2) in relation to paragraph (e) except that the committee shall be called the joint area optical committee;
section 16(5)-(9) subject in the case of subsection (9) to the provisions of article 9 of this order;
section 20;
section 22;
section 45.

Revocation

11.—(1) Parts I and II of the National Health Service (Joint Ophthalmic Services Committees) (Scotland) Regulations 1972**(a)** are hereby revoked.

(2) Section 38 of the Interpretation Act 1889 shall apply as if this order were an Act of Parliament and as if the regulations revoked by this order were Acts of Parliament repealed by an Act of Parliament.

Sgnd. *William Ross*

One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh.

19th March 1974.

(a) S.I. 1972/828 (1972 II,p. 2662).

SCHEDULE

Column 1 Title of Joint Ophthalmic Committee	Column 2 Groups of Health Boards	Column 3 Number of members to be appointed from each Health Board
Northern Joint Ophthalmic Committee	Grampian	2
	Highland	2
	Western Isles	1
	Orkney	1
	Shetland	1
Eastern Joint Ophthalmic Committee	Tayside	2
	Fife	2
	Lothian	2
	Borders	2
Western Joint Ophthalmic Committee	Greater Glasgow	2
	Forth Valley	2
	Argyll and Clyde	2
	Ayrshire and Arran	2
	Lanarkshire	2
	Dumfries and Galloway	2

EXPLANATORY NOTE

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

This Order provides for the establishment of Joint Ophthalmic Committees for groups of Health Board areas, and for their constitution and conduct of business.

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