EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order amends the National Health Service (Joint Ophthalmic Services Committees) (Scotland) Order, 1948, by

(1) providing for an examination by a Joint Ophthalmic Services Committee or, failing action by the Committee, by persons appointed for the purpose by the Executive Council, of the ophthalmic prescriptions issued by an ophthalmic medical practitioner or an ophthalmic optician and by empowering the Executive Council if, by excessive prescribing, the ophthalmic medical practitioner or the ophthalmic optician has caused an excessive cost to the Service, to withhold from him, subject to appeal to the Secretary of State, such sum as the Executive Council think fit; and

(2) empowering the Secretary of State, failing action by the Committee and the Council and after an examination of ophthalmic prescriptions, to issue to the Executive Council a direction to withhold from an ophthalmic medical practitioner or an ophthalmic optician who, by excessive prescribing, has caused an excessive cost to the Service, such sum as he may decide.

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# The National Health Service (Joint Ophthalmic Services Committees) (Scotland) Amendment (No. 2) Order, 1951

## 1951 No. 353 (S. 15)

*Made* - - - - *27th February*, 1951
*Coming into Operation* *1st March*, 1951

Whereas it appears to me to be expedient, in the interests of the efficiency of the supplementary ophthalmic services provided under Part IV of the National Health Service (Scotland) Act, 1947(a), as amended by the National Health Service (Amendment) Act, 1949(b), that the National Health Service (Joint Ophthalmic Services Committees) (Scotland) Order, 1948(c), should be amended:

Now, therefore, in exercise of the powers conferred on me by subsection (4) of section 32 of the said Act amended as aforesaid, and of all other powers enabling me in that behalf, I hereby make the following Order:—

**1.** This Order may be cited as the National Health Service (Joint Ophthalmic Services Committees) (Scotland) Amendment (No. 2) Order, 1951, and shall come into operation on the 1st March, 1951.

**2.** The National Health Service (Joint Ophthalmic Services Committees) (Scotland) Order, 1948, shall be amended as follows:—

(*a*) For the words "those appointed by the Local Medical Committee" at the end of paragraph (1) (*a*) of article 4 there shall be substituted the words "medical practitioners and opticians".

(*b*) The following new paragraph shall be added to article 4:

"(3) Where a member appointed under paragraph 1 (*b*) of this article is unable for any reason to attend, or take part in any proceedings at a meeting of the committee held for the investigation of a

(a) 10 & 11 Geo. 6. c. 27. (b) 12, 13 & 14 Geo. 6. c. 93. (c) S.I. 1948 (No. 1452) I, p. 2425.

complaint or other matter under Part III of the National Health Service (Joint Ophthalmic Services Committees) (Scotland) Order, 1948, and where, in his absence there would not otherwise be a quorum, a deputy having the same qualifications and appointed in the same manner as the member shall act in place of the member in those proceedings."

(*c*) The following words shall be added to paragraph (1) of article 5: " 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 hereof, of the person in whose place he is appointed ".

(*d*) The following article shall be substituted for article 8:

" 8.—(1) The members of the Committee appointed to hold office from 1st April, 1950, shall retire on the 31st day of March, 1951, on the 31st day of March, 1952, or on the 31st day of March, 1953, according to the following scheme:

(*a*) The order of retirement under this article shall be determined by lot at a meeting of the Committee held, as soon as conveniently may be, after the date of this Order, the lots being drawn under the direction of the person presiding at the meeting.

(*b*) On each of the first and second of the dates specified in paragraph (1) of this article there shall retire one-third of the members appointed respectively under article 4 (1) (*a*) and each of the clauses of article 4 (1) (*b*), including the clauses of the proviso thereto, subject to the provision that the number of members appointed under article 4 (1) (*a*) by an Executive Council retiring on either of those dates shall be one-third of the members appointed by that Council.

(*c*) In calculating one-third for the purpose of this article fractions of more than one-half shall be counted as one and fractions of less than one-half shall be disregarded.

(2) Any person appointed to fill a vacancy on the Committee caused by a member's retirement under paragraph (1) of this article shall retire at the end of three years.

(3) Retiring members of the Committee shall be eligible for re-election subject to their remaining qualified.

(4) A member of the Committee appointed under article 4 (1) (*a*) shall, on ceasing to be a member of the Executive Council by reason of the operation of the National Health Service (Executive Councils) (Scotland) Amendment Regulations, 1949(**a**), be deemed to have retired from the Committee on ceasing to be a member of the Executive Council."

(*e*) Paragraph (5) of article 13 shall be renumbered 7, and the following new paragraphs shall be inserted in the article:

" (5) The Committee may appoint from among the members of the Committee a Sub-committee to which, at the discretion of the Chairman of the Committee exercised in each instance, shall be delegated the responsibilities of the Committee in connection with any complaint or reference made under the last preceding article, the Sub-committee to consist of a Chairman and, in addition, three members of the Committee appointed under article 4 (1) (*a*) and three members appointed under article 4 (1) (*b*), of which one member shall be an ophthalmic medical practitioner, one member an ophthalmic optician, and one member a dispensing optician.

(**a**) S.I. 1949 (No. 947) I, p. 2646.

Provided that where a member of the Sub-committee so appointed is unable for any reason to attend or take part in any proceedings at a meeting of the Sub-committee, and where in his absence there would not otherwise be a quorum, a deputy to act in his place shall be nominated by the Chairman of the Committee from amongst the members of the Committee, or, if no member is available for such appointment, from the deputies appointed under article 4 (3), the deputy appointed by the Chairman to have, in either case, the same qualifications as the member of the Sub-committee in whose place he is to act.

(6) Paragraphs (1), (2), (3) and (4) of this article, which relate to procedure at investigations shall apply to investigations by a Sub-committee appointed under the last preceding paragraph as they apply to investigations by a Committee, and those paragraphs shall be read accordingly."

(*f*) In article 14, after the word " Committee " in the first two places in which it occurs there shall be added the words " or Sub-committee appointed under paragraph (5) of the last preceding article ".

(*g*) In article 17, for " article 15 ", there shall be substituted " article 14 ".

(*h*) In article 19, " (1) " where it appears at the beginning of the article shall be deleted ; for the words " article 14 " there shall be substituted the words " article 13 " ; and for the words " article 18 " there shall be substituted the words " article 17 ".

(*i*) In the Second Schedule for the words " Article 14 " there shall be substituted the words " Article 13 ".

Dated this 27th day of February, 1951.

*Hector McNeil,*
One of His Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh 1.

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## EXPLANATORY NOTE

*(This note is not part of the Order, but is intended to indicate its general purport.)*

This Order amends the National Health Service (Joint Ophthalmic Services Committees) (Scotland) Order, 1948, by (1) providing for the retirement of one-third of the members of a Joint Ophthalmic Services Committee at the end of each year ; (2) providing for the appointment of a deputy to act for a member of a Committee if necessary to ensure the presence of a quorum ; and (3) empowering a Committee to delegate to a Sub-committee its duty to investigate complaints against ophthalmic medical practitioners and opticians.