EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These regulations amend the National Health Service (General Medical and Pharmaceutical Services) (Scotland) Regulations, 1955, by providing for an increase in the rates of payment for the treatment of temporary residents, and by adding to the list of appliances which may be supplied to persons receiving general medical services.

1958 No. 2048 (S. 112)

The National Health Service (Qualifications for Supplementary Ophthalmic Services) (Scotland) Regulations, 1958

Made - - - -	*4th December,* 1958
Laid before Parliament	*8th December,* 1958
Coming into Operation	*9th December,* 1958

In exercise of the powers conferred on me by sections 42 and 80 of the National Health Service (Scotland) Act, 1947(a), and of all other powers enabling me in that behalf, I hereby make the following regulations:—

1. These regulations may be cited as the National Health Service (Qualifications for Supplementary Ophthalmic Services) (Scotland) Regulations, 1958, and shall come into operation on the ninth day of December, 1958.

2.—(1) In these regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them:—

"the Act" means the National Health Service (Scotland) Act, 1947.

"the appropriate committee" means the committee recognised by the Secretary of State for the purpose of approving the qualifications set out in these regulations for medical practitioners, ophthalmic opticians or dispensing opticians respectively.

(2) The Interpretation Act, 1889(b), applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

3.—(1) For the purpose of Part IV of, and the Eighth Schedule to, the Act the expression "medical practitioner having the prescribed qualifications" means a medical practitioner who has—

(*a*) held an appointment under the Hospital and Specialist Services provided under Part II of the Act with the status of consultant ophthalmologist, or held for a period of two years an appointment of equivalent status as an ophthalmic surgeon or assistant ophthalmic surgeon on the staff of an ophthalmic hospital or a hospital having a special ophthalmic department approved for this purpose by the appropriate committee; or

(*b*) obtained the Diploma in Ophthalmic Medicine and Surgery or the Diploma in Ophthalmology (Conjoint Board) or the Diploma in Opthalmology (Oxon) or other higher degree or qualification approved by the appropriate committee and held for the period of two years an appointment or appointments in an ophthalmic hospital or the ophthalmic department of a general hospital which has been approved for this purpose

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(a) 10 & 11 Geo. 6. c. 27. (b) 52 & 53 Vict. c. 63.

by the appropriate committee, of which period at least six months shall have been spent in a resident appointment, or in an appointment with duties similar to those in a resident appointment:

Provided that the requirement that a practitioner shall have spent at least six months in a resident appointment, or in an appointment with duties similar to those in a resident appointment, shall not apply to a registered medical practitioner qualified at least ten years before he applies to the appropriate committee for consideration of his experience, where the Secretary of State is advised by the appropriate committee that the practitioner's experience is such as to make that requirement unnecessary; or

(*c*) before the 1st day of November, 1951

(i) completed an academic or post-graduate course in ophthalmology approved for this purpose by the appropriate committee and received a diploma or certificate in respect of such course, or

(ii) held for a period of two years an appointment as an ophthalmic surgeon or assistant ophthalmic surgeon on the staff of an eye hospital, or a hospital having a special eye department, approved for this purpose by the appropriate committee, or

(iii) held for a period of two years any appointment approved for this purpose by the appropriate committee affording special opportunities for acquiring the necessary skill and experience of the kind required for the services to be rendered,

and who, in the case of a practitioner qualified under sub-paragraphs (*a*) or (*b*) of this paragraph, has shown to the satisfaction of the Secretary of State acting on the advice of the appropriate committee that he has had adequate, including recent, experience, or who, in the case of a practitioner qualified under sub-paragraph (*c*) of this paragraph, shows that he had adequate experience immediately prior to that date and has also had recent experience.

(2) Notwithstanding the provisions of paragraph (1) of this regulation a medical practitioner whose qualifications for the purposes of providing supplementary ophthalmic services had been and were still approved immediately before the first day of November, 1951, shall, so long as he possesses the qualifications then in force, be deemed to have the qualifications required by this regulation.

4. The qualifications required by an ophthalmic optician for the purpose of Part IV of, and the Eighth Schedule to, the Act shall be that—

(*a*) he is in possession of one of the following diplomas or certificates:—

(i) The Fellowship Diploma of the British Optical Association;

(ii) The Honours Fellowship Diploma of the British Optical Association;

(iii) The Fellowship Diploma of the Worshipful Company of Spectacle Makers;

(iv) The Honours Fellowship Diploma of the Worshipful Company of Spectacle Makers;

(v) The Fellowship Diploma or Honours Fellowship Diploma of the National Association of Opticians, if it was obtained after the 16th day of October, 1935;

(vi) The Fellowship Diploma of the Scottish Association of Opticians, if it was obtained after the 12th day of December, 1935;

(vii) The Ordinary Membership Certificate of the Institute of Optical Science (incorporating the Institute of Chemists-Opticians)—

(*a*) where the member obtained his Membership Certificate of the Institute of Chemists-Opticians after the 12th day of December, 1935, or

(*b*) where the member has passed the Diploma in Ophthalmics examination of the Institute of Optical Science ;

(viii) The Higher Diploma for the Fellowship of the Institute of Optical Science ; or

(*b*) he was immediately before the 5th day of July, 1948, an optician on the list of the Ophthalmic Benefit Approved Committee constituted under the National Health Insurance Act, 1936(a) ; or he has been in practice as an ophthalmic optician for fifteen out of the previous twenty years, including five years between the 1st day of October, 1930, and the 30th day of September, 1937 ; or

(*c*) he has been in practice as an ophthalmic optician for fifteen years since the 5th day of July, 1928, and he satisfies the appropriate committee of his standard of skill as an ophthalmic optician,

and that he shall, to the satisfaction of the Secretary of State acting on the advice of the appropriate committee, have had adequate, including recent, experience as an ophthalmic optician.

5. The qualifications required by a dispensing optician for the purpose of Part IV of, and the Eighth Schedule to, the Act shall be that—

(*a*) he is in possession of one of the following diplomas or certificates:—

(i) any of the diplomas or certificates mentioned in sub-paragraph (*a*) of Regulation 4 or the dispensing certificate of any of the examining bodies referred to in the said sub-paragraph ;

(ii) The Fellowship Diploma or Honours Fellowship Diploma of the Association of Dispensing Opticians ; or

(*b*) he has passed the practical side of the final dispensing examination of the Association of Dispensing Opticians and has been engaged as a dispensing optician for a period of five years ; or

(*c*) he had been engaged immediately before the 5th day of July, 1948, as an optician for ten out of the previous fifteen years, and for five years between the 1st day of October, 1930, and the 30th day of September, 1937 ; or

(*d*) he has been engaged as an optician for ten years since the 5th day of July, 1933, and he satisfies the appropriate committee of his standard of skill as a dispensing optician,

and that he shall, to the satisfaction of the Secretary of State acting on the advice of the appropriate committee, have had adequate, including recent, experience as a dispensing optician:

Provided that a person who is entitled to have his qualifications approved either under the last foregoing regulation or this regulation shall only be entitled to have his qualifications approved either as an ophthalmic optician or as a dispensing optician.

6. The qualifications required by an ophthalmic optician or a dispensing optician, being a firm or company (whether corporate or unincorporate) for the purpose of Part IV of the Act shall be that at all premises at which the firm or company provide supplementary ophthalmic services such services

(a) 26 Geo. 5 & 1 Edw. 8. c. 32.

shall be in the charge of a director or member or employee of the firm or company who possesses—

(*a*) in the case of a firm or company who propose to provide services as ophthalmic opticians, the qualifications required under Regulation 4;

(*b*) in the case of a firm or company who propose to provide services as dispensing opticians, the qualifications required under Regulation 5.

7. Notwithstanding the foregoing provisions of these regulations a person who has the qualifications prescribed for a medical practitioner, ophthalmic optician or dispensing optician for the purposes of providing supplementary ophthalmic services in England and Wales under the National Health Service Act, 1946(**a**), or in Northern Ireland under the Health Services Act (Northern Ireland), 1948(**b**), shall for the purpose of Part IV of, and the Eighth Schedule to, the Act be deemed to have the corresponding qualifications prescribed by these regulations.

8. The National Health Service (Qualifications for Supplementary Ophthalmic Services) (Scotland) Regulations, 1948(**c**), and the National Health Service (Qualifications for Supplementary Ophthalmic Services) (Scotland) Amendment Regulations, 1951(**d**), are hereby revoked:

Provided that such revocation shall not affect any right, privilege, obligation or liability acquired, accrued or incurred, or anything duly done or suffered, under these regulations.

Dated this 4th day of December, 1958.

John S. Maclay,
One of Her Majesty's
Principal Secretaries of State

St. Andrew's House,
Edinburgh, 1.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These regulations consolidate, with amendments, the National Health Service (Qualifications for Supplementary Ophthalmic Services) (Scotland) Regulations of 1948 and 1951, which prescribe qualifications for persons or firms or companies who provide supplementary ophthalmic services under the Act.

The amendments vary the qualifications for medical practitioners, ophthalmic opticians and dispensing opticians to provide supplementary ophthalmic services. Nothing in these Regulations affects the position of practitioners who are already providing such services.

(**a**) 9 & 10 Geo. 6. c. 81. (**b**) 1948, c. 3.
(**c**) S.I. 1948/1383 (Rev. XV, p. 952: 1948 I, p. 2590).
(**d**) S.I. 1951/1763 (1951 I, p. 1428).