EXECUTIVE NOTE

The National Health Service (Service Committees and Tribunal) (Scotland) Amendment Regulations 2006 S.S.I. 2006/139

The above Instrument is made in exercise of the powers conferred by sections 26(2), 105(7) and 108(1) of the National Health Service (Scotland) 1978 ("the 1978 Act"). The Instrument is subject to negative procedures.

Background

The Instrument is being made in consequence of the revocation of the National Health Service (General Ophthalmic Services) (Scotland) Regulations 1986 ("the 1986 Regulations") and their replacement by the National Health Service (General Ophthalmic Services) (Scotland) Regulations 2006 ("the 2006 Regulations") which will come into force on 1 April 2006.

Family health service practitioners whose names appear on lists held by Health Boards may be referred by those Boards to an NHS Discipline Committee for a breach of their terms of service. This will include optometrists and ophthalmic medical practitioners who will be required to join ophthalmic lists for the first time under provisions introduced by the Smoking, Health and Social Care (Scotland) Act 2005 and were previously allowed to work in Health Board areas unlisted. The purpose of listing these additional persons is to increase patient protection since they will now be subject to listing checks, NHS Boards will be aware that they are working in the geographical areas of the Boards and they will come within the relevant disciplinary arrangements.

Policy Objective

The purpose of the Instrument is to amend the National Health Service (Service Committees and Tribunal) (Scotland) Regulations 1992 ("the 1992 Regulations") (SI 1992/434) to:

enable Health Boards to refer to NHS Discipline Committees, and enable NHS Discipline Committees to hear and make recommendations on, cases concerning optometrists and ophthalmic medical practitioners named on Boards' ophthalmic lists at 31 March 2006 who may be in breach of the 1986 Regulations; and

enable the referral and hearing of cases concerning optometrists and ophthalmic medical practitioners named on Board lists from 1 April 2006 who may commit future breaches of the 2006 Regulations.

This is achieved by making minor amendments to the definition of "General Ophthalmic Services Regulations" in regulation 1(2) and to regulation 1(4)(d) of the 1992 regulations.

Consultation

The Scottish Committee of the Council on Tribunals, as statutory consultee, was consulted on the making of this Instrument.

Consolidation

The Executive intends to consolidate the 1992 Regulations, incorporating all relevant amendments, by the summer of this year. Meanwhile, a textual reproduction of the 1992 Regulations, incorporating all relevant amendments, will be made available on the SHOW (Scottish Health on the Web) website.

Financial Effects

There will be no additional costs to the Executive.

SCOTTISH EXECUTIVE HEALTH DEPARTMENT
March 2006