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 (Supplementary Ophthalmic Services) Regulations, 1948, (i) by providing that the statement of fees payable by an Executive Council for optical appliances supplied, shall include a scale of charges for both standard and special type appliances, (ii) by enabling an Ophthalmic Services Committee to reduce or waive any charge imposed for the replacement or repair of optical appliances occasioned by lack of care, where the payment would cause undue hardship upon the person against whom the charge is imposed, (iii) by prohibiting opticians from offering any financial inducement to persons in respect of the provision of Supplementary Ophthalmic Services and (iv) by enabling persons whose glasses were prescribed more than two years previously to have their glasses replaced or repaired in certain circumstances without a further test of sight.

The National Health Service (Supplementary Ophthalmic Services) Amendment (No. 2) Regulations, 1950

1950 No. 2092

Made - - - -	20*th December*, 1950
Laid before Parliament	21*st December*, 1950
Coming into Operation	1*st February*, 1951

M.H. 111,270.

The Minister of Health, in exercise of his powers under section 41 of the National Health Service Act, 1946(a), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

1.—(1) These regulations may be cited as the National Health Service (Supplementary Ophthalmic Services) Amendment (No. 2) Regulations, 1950, and shall come into operation on the first day of February, 1951.

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

2. There shall be inserted after regulation 23 of the National Health Service (Supplementary Ophthalmic Services) Regulations 1948(c), the following new regulation:—

"23A.—(1) Where it appears to the Committee, on an investigation of the forms No. 1 in the third schedule to these regulations completed by an ophthalmic medical practitioner or an ophthalmic optician after testing the sight of applicants for supplementary ophthalmic services, that there is a prima facie case for considering that, by reason of the number of glasses and the type of lenses prescribed in relation to the number of sight tests undertaken and to the degree of refractive error present, the cost incurred by the Council has been materially in excess of what was reasonably necessary for the proper treatment of the persons concerned, the matter shall be further considered by the Committee as hereinafter provided.

(a) 9 & 10 Geo. 6. c. 81. (b) 52 & 53 Vict. c. 63.
(c) S.I. 1948 (No. 1273) I, p. 2248.

(2) Before considering the case the Committee shall furnish the practitioner or optician concerned with a statement indicating the matters on which an explanation is required and shall afford him a reasonable opportunity of either appearing before the Committee together with a friend, not being a person appearing in the capacity of counsel, solicitor, or other paid advocate and being heard or, if he thinks fit, of submitting to them a statement in writing, and, in the case of a hearing, a representative or representatives of the Minister shall be entitled to attend and be heard by the Committee.

(3) After considering the case the Committee shall decide whether the cost incurred by reason of the number of glasses and the type of lenses prescribed by the practitioner or optician, as the case may be, was materially in excess of what was reasonably necessary for the proper treatment of the persons concerned, and if so, what is the amount of any excess cost which has been incurred by the Council.

(4) Where the Committee have decided that an excessive cost has been so incurred, they shall inform the Council the practitioner or optician, as the case may be, and the Minister of their decision and may add a statement of any considerations to which, in their opinion, the Council and the Minister should have regard in making any recommendation or decision with reference to the withholding of money from the practitioner or optician as hereinafter provided for.

(5) The practitioner or optician shall be entitled to appeal against the decision of the Committee by sending to the Minister notice of appeal within one month from the date on which notice of the Committee's decision was received. The Minister shall appoint a person or persons (not exceeding three in number and not being officers of the Ministry of Health) who shall hear and determine the appeal. In the case of an appeal by a practitioner at least one of such persons shall be an ophthalmic medical practitioner selected from the panel of such practitioners appointed under paragraph 4 of the Seventh Schedule to the Act as amended by section 20 of the National Health Service (Amendment) Act, 1949(a), and in the case of an appeal by an optician at least one of such persons shall be an ophthalmic optician selected from the panel of ophthalmic opticians appointed under paragraph 4 of the aforesaid Seventh Schedule.

(6) If the Minister is dissatisfied with the decision of the Committee he may appoint a person or persons to hear and determine the matter in the manner provided in the last preceding paragraph and the provisions of that paragraph including those relating to the person or persons to be appointed shall apply accordingly.

(7) After consideration of the decision of the Committee or, if an appeal has been made or the matter has been referred for hearing and determination under the last foregoing paragraph, after consideration of the decision of the person or persons determining the appeal or matter, the Council shall, if such decision is that an excessive cost has been incurred, make a recommendation to the Minister with regard to the withholding of money from the practitioner or optician, as the case may be. The Minister may thereafter direct the Council to withhold such sum as he thinks fit

(a) 12, 13 & 14 Geo. 6. c. 93.

and the provisions of the last foregoing regulation including the right of the practitioner or optician to make representations to the Minister shall apply."

Given under the official seal of the Minister of Health this twentieth day of December, nineteen hundred and fifty.

(L.S.)

Wm. S. Douglas,
Secretary,
Ministry of Health.

EXPLANATORY NOTE

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

The regulations amend the National Health Service (Supplementary Ophthalmic Services) Regulations, 1948, by providing that, where an ophthalmic medical practitioner or an ophthalmic optician has after testing the sight of a person caused an excessive cost to the service by prescribing additional lenses or glasses to those which are necessarily required by the person, the Minister may direct after an investigation in the manner prescribed in the regulations that such sum as he thinks fit shall be deducted from the remuneration of the practitioner or optician concerned.

NATIONAL HEALTH SERVICE, SCOTLAND

DISCHARGE OF LIABILITIES FROM ENDOWMENTS

The National Health Service (Discharge of Liabilities from Endowments) (Scotland) Regulations, 1950

1950 No. 1914 (S. 129)

Made - - - -	28*th November*, 1950
Laid before Parliament	30*th November*, 1950
Coming into Operation	1*st December*, 1950

In exercise of the powers conferred on me by subsection (6) of section 7 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 (Discharge of Liabilities from Endowments) (Scotland) Regulations, 1950, and shall come into operation on the 1st day of December, 1950.

2.—(1) In these regulations " the Act " means the National Health Service (Scotland) Act, 1947.

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

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