1953 No. 1177

The National Health Service (Supplementary Ophthalmic Services) Amendment Regulations, 1953

Made - - - -	30*th July*, 1953
Laid before Parliament	31*st July*, 1953
Coming into Operation	1*st August*, 1953

The Minister of Health, in exercise of the powers conferred on him by sections 41 and 44 of the National Health Service Act, 1946(a), as amended(b), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

1. These regulations may be cited as the National Health Service (Supplementary Ophthalmic Services) Amendment Regulations, 1953, and shall come into operation on the first day of August, 1953.

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

3. The National Health Service (Supplementary Ophthalmic Services) Regulations, 1948(d), as amended(e), shall be further amended as follows:—

(1) In paragraph (3) of regulation 5, (which provides for the preparation and distribution of ophthalmic lists), the words from "at surgeries" to "are provided" shall be omitted.

(2) In paragraph (4) of the said regulation 5 the word "and" shall be inserted before the words "the Regional Hospital Board"; the words from "the Hospital Management Committee" to "in the area" shall be omitted, and at the end of the paragraph there shall be added the words "and if any Hospital Management Committee or Board of Governors of a hospital in the area shall so request the Committee shall send them a copy of the said list".

(3) After regulation 5 there shall be inserted the following regulation:—

"5A.—(1) Where a Committee have determined in accordance with the provisions of this regulation and after consultation with the Local Medical Committee in the case of an ophthalmic medical practitioner, or with the Local Optical Committee in the case of an ophthalmic optician or dispensing optician, that a practitioner or an optician whose name has been included for the preceding six months in the list of ophthalmic medical practitioners, ophthalmic opticians and dispensing opticians undertaking to provide supplementary ophthalmic services in the Council's area—

(*a*) has never provided such services for persons in the area since his name was last included in such list, or

(*b*) has for the preceding six months ceased to provide such services for such persons

the Committee shall remove the name of the practitioner or optician from such list.

(2) Before making any determination under the last preceding paragraph the Committee shall afford the practitioner or optician an opportunity of making representations to the Committee in writing or,

(a) 9 & 10 Geo. 6. c. 81. (b) 12, 13 & 14 Geo. 6. c. 93.
(c) 52 & 53 Vict. c. 63. (d) S.I. 1948/1273; Rev. XV, p. 638; 1948 I, p. 2248.
(e) S.I. 1950/1276, 2092; 1951/867: 1950 I, pp. 1431, 1433; 1951 I, p. 1393.

if the practitioner or optician so desires, orally. Notice in writing of his right to make representations shall be sent to the practitioner or optician by prepaid post at his usual or last known address at least twenty-eight days prior to any determination under this regulation.

(3) Nothing in this regulation shall—

(*a*) prejudice the right of a practitioner or optician to have his name included again in the list of persons providing supplementary ophthalmic services in the Council's area, in accordance with section 41 (3) (*b*) of the National Health Service Act, 1946; or

(*b*) affect a practitioner or optician who is called up voluntarily or otherwise for National Service under the National Service Act, 1948(**a**), or in any national emergency, and no determination under this regulation shall be made in respect of any such practitioner or optician until six months after the completion of his service."

(4) For paragraph (1) of regulation 12 (which provides for charges to be made for replacements and repairs of glasses due to lack of care) there shall be substituted the following paragraph:—

"(1) Where in the case of the repair of glasses or in the case of the replacement of glasses (other than frames, to which the provisions of the National Health Service Act, 1951(**b**) apply), (*a*) it is admitted that the service is necessitated by lack of care on the part of the applicant, or (*b*) it is determined in accordance with the following provisions of this regulation that the service is so necessitated, the appropriate charges shall be recoverable from the applicant and not from the Council: Provided that if it appears to the Committee that the payment by the applicant would involve undue hardship they may determine (whether or not the glasses repaired or provided by way of replacement are of a special type) that the whole or any part of the said charges shall be payable by the Council."

(5) In paragraph (2) of the said regulation 12 the words from "Their decision" to the end of the proviso shall be omitted.

(6) After paragraph (2) of the said regulation 12 there shall be added the following paragraph:—

"(2A) Where it has been admitted or determined as aforesaid that the replacement or repair of glasses is necessitated by lack of care, the Committee shall, on returning the form to the optician, note the fact on the form and indicate that the charges, or such part of the charges as will not, under the preceding provisions of this regulation, fall on the Council, will be payable by the applicant. They shall also inform the applicant of any determination under this regulation."

(7) At the commencement of paragraph (1) of regulation 13 (which provides for payments to be made for glasses of a special type) there shall be inserted before the word "where" the words "Subject to the provisions of the last preceding regulation and of the National Health Service Act, 1951,".

(8) To paragraph (1) of the said regulation 13 there shall be added the following proviso:—

"Provided that, in the case of the replacement or repair of such glasses, if the Committee determine that in view of the circumstances of the person a smaller amount should be payable by him, and give notice in writing of their determination to the optician, the sum payable by that person shall not exceed such smaller amount."

(a) 11 & 12 Geo. 6. c. 64. (b) 14 & 15 Geo. 6. c. 31.

(9) At the end of paragraph (2) of the said regulation 13 there shall be added the following words:—

" together with a sum representing the difference between the amount specified as aforesaid and the said smaller amount ".

(10) In sub-paragraph (*b*) of paragraph (2) of regulation 17 (which sub-paragraph enables an officer of the Local Medical Committee or of a committee representing opticians to attend meetings of the Ophthalmic Services Committee) there shall be substituted for the word " officer " the words " duly authorised officer or member ".

(11) After paragraph 3 of Part III of the First Schedule (which paragraph sets out the standard of service with which dispensing opticians are required to comply) there shall be added the following paragraph:—

" 3A. All glasses supplied by or through a dispensing optician shall conform to the types and quality set out in the statement referred to in regulation 3 of the regulations."

Given under the official seal of the Minister of Health this thirtieth day of July, nineteen hundred and fifty-three.

(L.S.) *Iain Macleod,*
Minister of Health.

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, inter alia, in two main respects:— (1) by providing a procedure for the removal of the name of an ophthalmic medical practitioner, ophthalmic optician or dispensing optician from the ophthalmic list of an Executive Council where such practitioner or optician has never provided supplementary ophthalmic services during the preceding six months or has ceased for that period to provide such services and (2) by enabling a Council in hardship cases to determine that the whole or any part of the charges for repairs or for certain replacements of glasses caused by lack of care, shall be paid by the Council, whether or not the glasses are of a special type.

NATIONAL HEALTH SERVICE, SCOTLAND

1953 No. 608 (S. 54)

The National Health Service (Constitution of Regional Hospital Boards) (Scotland) Amendment Order, 1953

Made - - - - 27*th March,* 1953
Coming into Operation 1*st April,* 1953

In exercise of the powers conferred on me by section 11 of the National Health Service (Scotland) Act, 1947(a), 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 (Constitution of Regional Hospital Boards) (Scotland) Amendment Order, 1953, and shall come into operation on the 1st day of April, 1953.

(a) 10 & 11 Geo. 6. c. 27.