STATUTORY INSTRUMENTS

1961 No. 947

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

The National Health Service (Supplementary Ophthalmic Services) (No. 2) Regulations, 1961

Made - - - -	16*th May*, 1961
Laid before Parliament	23*rd May*, 1961
Coming into Operation	1*st June*, 1961

The Minister of Health, in exercise of the powers conferred on him by sections 41, 74 and 79 of the National Health Service Act, 1946(a), 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) (No. 2) Regulations, 1961, and shall come into operation on the first day of June, 1961.

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. The National Health Service (Supplementary Ophthalmic Services) Regulations, 1956(c), as amended(d), shall be further amended as follows:—

(1) In paragraph (1) of regulation 2, for the expressions "dispensing optician" and "ophthalmic optician" there shall be respectively substituted the following expressions:—

"dispensing optician" means an optician qualified in accordance with paragraph (4) of regulation 4 of these regulations;

"ophthalmic optician" means an optician qualified in accordance with paragraph (5) of regulation 4 of these regulations.

(2) For paragraphs (3) to (7) of regulation 4 (which regulation prescribes the qualifications of ophthalmic medical practitioners and of ophthalmic and dispensing opticians) there shall be substituted the following paragraphs:—

"(3) Notwithstanding the provisions of paragraph (1) of this regulation, a person who has the qualifications prescribed for a medical practitioner for the purpose of providing supplementary ophthalmic services in Scotland under the National Health Service (Scotland) Act, 1947(e), or in Northern Ireland under the Health Services Act (Northern Ireland), 1948(f), shall be deemed to have the qualifications prescribed by paragraph (1) of this regulation.

(4) A person or body shall for the purposes of the National Health Service Acts, 1946 to 1961, be qualified as a dispensing optician if his name or the name of the body, as the case may be, is included in the register or list of dispensing opticians established under the Opticians Act, 1958(g).

(a) 9 & 10 Geo. 6. c. 81. (b) 52 & 53 Vict. c. 63. (c) S.I. 1956/1078 (1956 I. p. 1524).
(d) S.I. 1958/2024, 1961/908 (1958 II. p. 1548; 1961 II. p. 1752).
(e) 10 & 11 Geo. 6. c. 27. (f) 1948. c. 3 (N.I.). (g) 6 & 7 Eliz. 2. c. 32.

(5) A person or body shall for the purposes of the National Health Service Acts, 1946 to 1961, be qualified as an ophthalmic optician if his name or the name of the body, as the case may be, is included in either of the registers, or in the list, of ophthalmic opticians established under the Opticians Act, 1958."

(3) For sub-paragraph (2) of paragraph 8 of Part II of the first schedule (which Part prescribes Terms of Service for ophthalmic opticians), there shall be substituted the following sub-paragraph :—

"(2) Any remuneration payable under these terms of service to an ophthalmic optician, being a person who is a director or employee of a body corporate providing supplementary ophthalmic services, may be paid by the Council to the body corporate."

(4) In sub-paragraph (1) of paragraph 10, and in paragraph 12, of the said Part II, for the words "firm or company" wherever they occur, there shall be substituted the words "or body corporate".

(5) For sub-paragraphs (3) and (7) of the said paragraph 10 there shall be respectively substituted the following sub-paragraphs:—

"(3) The ophthalmic optician for the purpose of testing sight shall only employ a person who is an ophthalmic optician, except that he may permit the test or any part thereof to be performed under his continuous personal supervision by a person authorised to test sight by rules made under subsection (3) of section 20 of the Opticians Act, 1958."

and

"(7) "An employee" for the purposes of this paragraph includes a deputy, and in the case of a body corporate, a director."

(6) For sub-paragraph (2) of paragraph 6 of Part III of the first schedule (which Part prescribes Terms of Service for dispensing opticians) there shall be substituted the following sub-paragraph :—

"(2) Any remuneration payable under these terms of service to a dispensing optician, being a person who is a director or employee of a body corporate providing supplementary ophthalmic services, may be paid by the Council to the body corporate."

(7) In sub-paragraph (1) of paragraph 8 and in paragraph 10 of the said Part III, for the words "firm or company" wherever they occur there shall be substituted the words "or body corporate".

(8) For sub-paragraph (6) of the said paragraph 8 there shall be substituted the following sub-paragraph:—

"(6) "An employee" for the purposes of this paragraph includes a deputy, and in the case of a body corporate, a director."

(9) For Forms II and III contained in the Second Schedule, there shall be substituted the following forms:—

"II. OPHTHALMIC OPTICIANS

To the Ophthalmic Services Committee for .....

I ..... (full name)

(Body corporate) ..... (enrolled name)

of .....

hereby undertake to test sight and supply glasses on the terms for the time being in operation in the area of the Committee and

apply to have my (the company's) name included in the Ophthalmic List. My (The company's) consulting rooms or other premises for this purpose and usual hours of service are:—

Address(es) of Consulting Rooms or other premises	*Days and Hours of Service*	
	Days	*Hours*

*I am employed by .....
of .....

The registered ophthalmic optician(s) in charge at this (these) address(es) is (are)

.....
.....

and his (their) Registration number(s) is (are)

My Registration number is .....
The company's enrolment number is .....
Signed .....
Date .....

* To be completed where appropriate."

and

"III. DISPENSING OPTICIANS

To the Ophthalmic Services Committee for .....
I ..... (full name)
(Body corporate) ..... (enrolled name)
of .....
hereby undertake to supply glasses on the terms for the time being in operation in the area of the Committee and apply to have my (the company's) name included in the Ophthalmic List. My (The company's) premises for this purpose and usual hours of service are:—

Address(es) of premises	*Days and Hours of Service*	
	Days	*Hours*

*I am employed by .....
of .....

The registered dispensing optician(s) in charge at this (these) address(es) is (are)

.....
.....

and his (their) Registration number(s) is (are)

My Registration number is .....
The company's enrolment number is .....
Signed .....
Date .....

* To be completed where appropriate."

Given under the official seal of the Minister of Health this sixteenth day of May, nineteen hundred and sixty-one.

(L.S.)

J. Enoch Powell,
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, 1956, by revising with effect from the first day of June, 1961, the qualifications required for the provision of supplementary ophthalmic services as an ophthalmic optician or a dispensing optician. These qualifications will in future be related to registration or enrolment under the Opticians Act, 1958, by the General Optical Council.