21. SUPPLEMENTARY OPHTHALMIC SERVICES

The National Health Service (Supplementary Ophthalmic Services) Regulations, 1948

1948 No. 1273

Made - - - -	15*th June*, 1948
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Coming into Operation	5*th July*, 1948

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The Minister of Health, in exercise of his powers under sections 41, 42, 44, 45 and 74 of the National Health Service Act, 1946, and of all other powers enabling him in that behalf, hereby makes the following regulations:—

9 & 10 Geo. 6. c. 81.

PART I

General

Short title and commencement

1. These regulations may be cited as the National Health Service (Supplementary Ophthalmic Services) Regulations, 1948, and shall come into operation on the fifth day of July, 1948.

Interpretation

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

" the Act " means the National Health Service Act, 1946;

" Committee " means an Ophthalmic Services Committee appointed in accordance with the National Health Service (Executive Councils) Regulations, 1947 and 1948(a) (hereinafter referred to as the Executive Councils Regulations);

" Council " means the Executive Council for any area;

" dispensing optician " means a person, firm or company qualified as a dispensing optician in accordance with the Executive Councils Regulations;

" glasses " includes any optical appliance which may be supplied under supplementary ophthalmic services;

" glasses of a special type " means glasses of a more expensive type than standard glasses;

" ophthalmic medical practitioner " means a medical practitioner having the qualifications prescribed by the Executive Councils Regulations;

(a) S.R. & O. 1947 (No. 889) I, p. 1324 and S.I. 1948 No. 1156, p. 2075 above.

" ophthalmic optician " means a person, firm or company qualified as an ophthalmic optician in accordance with the Executive Councils Regulations;

" replacement " means the supply of glasses in place of glasses previously supplied under these regulations which have been lost, damaged or destroyed and which contained lenses conforming to the same prescription;

" standard glasses " means glasses specified as such in the statement referred to in regulation 3;

" supply " in relation to glasses includes replacement;

" the Tribunal " means the Tribunal constituted under section 42 of the Act.

(2) Any references to a form in these regulations shall include references to a form substantially to the like effect.

(3) The Interpretation Act, 1889, applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament. 52 & 53 Vict. c. 63.

PART II

General arrangements for the provision of supplementary ophthalmic services

Preparation of statement determining fees, etc.

3.—(1) The Minister shall, after consultation with such organisations as he may recognise as representative of medical practitioners and opticians providing supplementary ophthalmic services, cause to be prepared a statement which shall specify:—

(*a*) the fees payable for the testing of sight by ophthalmic medical practitioners and ophthalmic opticians and for the dispensing of glasses by ophthalmic and dispensing opticians;

(*b*) the types and quality of standard glasses and glasses of a special type;

(*c*) a scale of charges for the supply or repair of standard glasses;

(*d*) the charges which may be made to persons to whom, at their request, an ophthalmic or dispensing optician supplies glasses of a special type or in respect of the repair of any such glasses.

(2) The said statement may be amended from time to time by the Minister after consultation with such organisations as aforesaid.

Terms of service for ophthalmic medical practitioners, ophthalmic opticians and dispensing opticians

4. The arrangements which a Council is required by section 41 of the Act to make with ophthalmic medical practitioners and ophthalmic and dispensing opticians for the provision of supplementary ophthalmic services shall incorporate the terms of service contained in Parts I, II and III respectively of the first schedule to these regulations and the statement referred to in the last foregoing regulation.

Ophthalmic list

5.—(1) The Committee shall prepare a list in three parts, to be called " the ophthalmic list ", of ophthalmic medical practitioners, ophthalmic

opticians and dispensing opticians respectively who having made application to the Committee on the appropriate form set out in the second schedule to these regulations, are entitled to be included in the list.

(2) The ophthalmic list shall contain, in addition to the names of ophthalmic medical practitioners and ophthalmic and dispensing opticians:—

(*a*) the address of any place at which they undertake to test sight or supply glasses;

(*b*) particulars of the days and hours at which the service will normally be provided.

(3) Copies of the ophthalmic list shall be available for inspection at the offices of the Council and the Committee, at post offices, at surgeries, consulting rooms and other premises where general medical services and supplementary ophthalmic services are provided, and at such other places as appear to the Committee to be convenient for informing all persons interested and shall be kept revised up to date.

(4) The Committee shall send a copy of the ophthalmic list to the Council and to the Minister and shall within seven days inform each of them of any alteration which may from time to time be made therein. The Committee shall send a copy of the list to the Local Medical Committee and the local health authority, the Regional Hospital Board, the Hospital Management Committees of hospitals serving the area and the Board of Governors of any teaching hospital in the area, and at intervals of not more than three months shall notify each of them of any alteration made therein.

Publication of particulars

6. The Committee shall cause to be published in such manner as appears to them best calculated to inform all persons interested, particulars of the arrangements made by the Committee, including a statement of the places where copies of the terms of service for ophthalmic medical practitioners and ophthalmic and dispensing opticians and copies of the ophthalmic list may be seen, and any other particulars which the Committee think proper.

PART III

Method of obtaining supplementary ophthalmic services involving the testing of sight

7.—(1) A person receiving from a medical practitioner a recommendation in writing for supplementary ophthalmic services may present the same to any ophthalmic medical practitioner or ophthalmic optician whose name appears on an ophthalmic list.

(2) If a person is unable or unwilling on conscientious grounds to obtain such a recommendation he may apply to the Committee for authority to receive such services, and such an authority signed by the clerk of the Committee shall confer on the person the same rights as a recommendation given by a medical practitioner.

(3) If a person has previously received supplementary ophthalmic services involving a testing of the sight he shall be entitled to receive such services without producing such a recommendation or authority as aforementioned.

8. An ophthalmic medical practitioner or ophthalmic optician, on receiving an application for supplementary ophthalmic services which involve the testing of sight, may if such a recommendation or authority as is mentioned in regulation 7 is produced to him or if the applicant states that he has previously had his sight tested under the supplementary ophthalmic services, make such examination of the applicant's eyes as may be required and shall forthwith

(1) see that part I of the form No. 1 in the third schedule hereto is completed by or on behalf of the applicant;

(2) complete part II if glasses are required and part V of the said form and secure the completion of part IV, and

(3) forward the form with the recommendation or authority (if any) to the Committee.

9.—(1) Where the Committee, on the receipt of such form and after any such inquiry as they think proper, are satisfied that any glasses prescribed therein are not required by way of replacement or that, if they are required by way of replacement, such replacement is not necessitated by lack of care, they shall send to the applicant the upper detachable part of the form endorsed to the effect that the supply of glasses under the supplementary ophthalmic services is authorised, together with a note informing him that he may take it for dispensing to any ophthalmic or dispensing optician on the ophthalmic list.

(2) Where the Committee, on the receipt of such form and after any such inquiry as they think proper, are satisfied that the applicant is already in possession of such glasses as are prescribed therein, or that any glasses prescribed therein are required by way of replacement which has been necessitated by lack of care, they shall send him the upper detachable part of the form endorsed to the effect that the glasses will not be supplied at the cost of the Council, together with a note confirming the Council's decision. The provisions of paragraphs (1), (2) (except the last sentence) and (3) of regulation 12 shall apply to the case of replacement necessitated by lack of care.

10.—(1) The form No. 1 endorsed with the Committee's approval shall authorise the optician to whom it is presented to supply the glasses in accordance with the prescription: Provided that glasses shall not be supplied until inquiry has been made whether the applicant is in possession of a frame for glasses which has been supplied under these regulations.

(2) If on inquiry it is ascertained that the applicant possesses such a frame, or if the applicant produces a frame which has not been so supplied, and it is not worn out or otherwise unsuitable or required for use with lenses of another type, it shall be used for the glasses so supplied.

(3) When the glasses have been supplied to the applicant the optician shall complete part VII of the form and obtain the applicant's signature to part IX and subject to the next following paragraph shall forthwith return the form to the Committee for payment.

(4) If the glasses are of a special type supplied by arrangement with the applicant, the optician shall return the form to the Committee for payment with part VIII thereof duly completed.

PART IV

Method of obtaining supplementary ophthalmic services not involving the testing of sight

Replacement and repairs

11.—(1) Where a person requires a supplementary ophthalmic service which does not involve the testing of sight by reason of the fact that

(*a*) the service consists of the replacement of glasses, or

(*b*) the service consists of the repair of glasses whether or not supplied under these regulations,

and in either case the prescription for the glasses was issued less than two years previously, he shall be entitled to apply for such service to any ophthalmic or dispensing optician whose name appears on an ophthalmic list.

(2) On receiving the application the optician may complete, or as the case may be secure the completion of, part I and so far as is applicable parts II, III, IV, and V of form No. 2 set out in the third schedule to these regulations and forward it to the Committee for approval and on receipt of such approval and subject to any decision of the Committee under paragraph (2) of the next following regulation may provide the required service: Provided that the optician may provide such service without waiting for the Committee's approval—

(*a*) When the form contains an admission signed by the applicant that the service is necessitated by lack of care on his part, and he has signed the undertaking in part III of the form to pay for replacement or repairs so necessitated, or

(*b*) in any other case, where the applicant has paid to the optician by way of deposit a sum equal to the optician's charges under these regulations.

(3) After providing the service the optician shall complete parts III and V, if applicable, and part VII of the form, and secure the applicant's signature to part VIII and forward the form to the Committee.

(4) When the optician receives a deposit under this regulation he shall give to the applicant a receipt in the form provided by the Committee for that purpose.

PART V

Services for which charges may be made

Replacements and repairs due to lack of care

12.—(1) Where in the case of replacement or repair of glasses (*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.

(2) Where the Committee have reason to think that the replacement or repair is necessitated by lack of care on the part of the applicant but such lack of care has not been admitted by him, they shall consider any representation which he may make or has made in writing with reference thereto, or if in their opinion the circumstances so require, they shall afford him an opportunity of making any further representations in writing or orally, and shall take any such representations into

consideration before making a decision. Their decision shall be communicated in writing to the optician and the applicant and the Committee shall in returning the form indicate on the form, if the decision is that there has been carelessness, that the charges will be payable by the applicant and not by the Council.

(3) Any replacement or repair of glasses for which the prescription was issued within a period of two years previous to the application shall be presumed to be necessitated by lack of care on the part of the applicant unless he satisfies the Committee by such representations as aforesaid that the replacement or repair is not so necessitated.

(4) Where under paragraph (2) of the last preceding regulation an optician has taken a deposit, he shall be entitled to retain it in satisfaction of his charges, but unless it is decided that the service is necessitated by lack of care the Council shall, if a claim for the repayment of the deposit is made to the Committee within three months after the payment thereof or such longer period as the Committee may in special circumstances allow, pay to the person who made the deposit a sum equal to the amount thereof.

Glasses of a special type

13.—(1) Where an optician has agreed at a person's request to supply, as part of the supplementary ophthalmic services, any glasses of a special type or to repair such glasses, he may require such person to pay in respect thereof a charge not exceeding such amount as is specified in the statement prepared under regulation 3.

(2) In a case to which paragraph (1) of this regulation applies the fee payable by the Council shall subject to the provisions of the last preceding regulation be the appropriate charge specified in the said statement for the supply or repair of glasses of a standard type.

Part VI

School Children

14.—(1) Without prejudice to their right to obtain supplementary ophthalmic services under and in accordance with the foregoing regulations, the provisions of this Part of these regulations shall have effect in relation to pupils in attendance at any educational establishment maintained by a Local Education Authority, or at any other educational establishment with the proprietors of which the Local Education Authority have made arrangements for securing the medical inspection of, and the provision of medical treatment for, pupils attending the establishment in accordance with section 78 of the Education Act, 1944. 7 & 8 Geo. 6. c. 31.

(2) In this Part of the regulations " ophthalmic surgeon " means an ophthalmic medical practitioner on the ophthalmic list who is acting on behalf of a Local Education Authority; " medical officer " means a medical officer of a Local Education Authority within the meaning of the Education Act, 1944, who is not on such a list; and references to forms No. 1 and No. 2 shall be deemed to be references to forms No. 1 and No. 2 in the third schedule hereto stamped or marked in a conspicuous position thereon with the name of the said authority.

(3) When, on the examination of the eyes of a pupil, an ophthalmic surgeon or medical officer is of the opinion that he needs to be supplied with glasses he may issue a prescription for the same on form No. 1 and after completing the appropriate parts of the form forward it to the Committee, together with, if the glasses are needed by way of replacement, a note of the circumstances in which replacement is required.

The appropriate parts of the form are, in the case of an ophthalmic surgeon, part I, part II and part V and, in the case of a medical officer, part I and part II (except the panel headed " Name and Address of Ophthalmic Medical Practitioner ").

(4) On receiving the form the Committee, if satisfied that the pupil is not already in possession of lenses conforming to the prescription, shall deliver or send the upper detachable part of the form to the parent, guardian or other person having the charge of the pupil and shall at the same time inform him that the glasses may be obtained from any optician providing supplementary ophthalmic services.

(5) When, on the examination of the eyes of a pupil, an ophthalmic surgeon is of the opinion that he does not need to be supplied with glasses he may after completing the appropriate parts of form No. 1 forward the form to the Committee.

The appropriate parts of the form are part I, the " Remarks " panel in part II and part V.

(6) The Council shall pay to the ophthalmic surgeon the appropriate fee in respect of the testing of the pupil's sight.

(7) The provisions of regulation 10 shall apply to the supply by an optician of the glasses prescribed as aforesaid.

(8) Where the replacement or repair of glasses is required by a pupil, an ophthalmic surgeon or medical officer or other duly authorised officer of the Local Education Authority may furnish him on form No. 3 set out in the third schedule to these regulations with authority to obtain the service from any optician providing supplementary ophthalmic services. The form shall be stamped with the name of the Local Education Authority and shall contain a brief statement signed by the parent, guardian or other person having charge of the pupil of the circumstances necessitating the service.

(9) On the presentation to him of the said authority the optician may replace or repair the glasses and shall thereupon complete, or as the case may be secure the completion of, the appropriate parts of form No. 2 and forward it to the Committee for payment. The appropriate parts of the form are—

part I (excluding the last panel).

part II (if applicable) and parts IV, VII and VIII.

(10) If the Committee, on investigation of the circumstances necessitating the replacement or repair of glasses, determine that they involved lack of care on the part of the pupil they shall give written notice of their determination to the Local Education Authority and the Council shall thereupon be entitled to recover the cost of the service from that Authority.

(11) The provisions of regulation 13 shall apply to the supply or to the replacement or repair of glasses under this Part of these regulations.

(12) Save so far as they are specifically applied the provisions of parts III, IV and V of these regulations shall not apply to services provided under this Part.

PART VII

Exercise of choice of person by whom services are to be provided

15. The right to choose the person by whom supplementary ophthalmic services are to be provided shall be exercised—

(*a*) on behalf of any person under the age of sixteen by the mother, or in her absence, the father, or, in the absence of both parents, the guardian or other person who has the care of the child; and

(*b*) on behalf of any other person who on account of old age, sickness or other infirmity is incapable of choosing a person to provide the services, by a relative or any person who has the care of such person.

PART VIII

Investigations

Investigations by Committee

16.—(1) Any complaint made by a person against an ophthalmic medical practitioner or ophthalmic or dispensing optician, in respect of an alleged failure to comply with the terms of service applicable to him, shall be investigated by the Committee.

(2) A person desiring to make a complaint under this regulation against an ophthalmic medical practitioner or ophthalmic or dispensing optician shall within six weeks after the event which gave rise to the complaint give written notice to the clerk of the Committee stating the substance of the matter which it is desired to have investigated.

(3) Notwithstanding failure to give notice within the period specified in the last preceding paragraph, the Committee may investigate the matter if they are satisfied that such failure was occasioned by illness or other reasonable cause, and either—

(i) the notice is given within two months after the said event, or

(ii) the practitioner or optician consents to the investigation taking place notwithstanding the failure to give notice in time, or

(iii) the Minister's consent to the investigation has been obtained. In applying for such consent the Committee shall furnish the Minister and the practitioner or optician with a copy of the said notice, a statement of the reasons for the failure to give notice in time and any further information which the Minister may require, and the practitioner or optician, shall be entitled within seven days after the receipt by him of such statement or further information to forward to the Minister a statement of the grounds on which he contends that the investigation should not take place.

(4) The Committee shall investigate any matters referred to them by the Council (or any committee of the Council duly authorised in that behalf by the Council) relating to the administration of supplementary ophthalmic services, whether or not any such matter has been raised on complaint under the foregoing provisions of this regulation:

Provided that no question which involves an allegation against a practitioner or optician of a breach of the terms of service shall, without the consent of the Minister, or of the practitioner or optician concerned, be referred for investigation under this paragraph, except within the

period specified in paragraph (2) of this regulation and the provisions of paragraph (3) thereof with reference to the procedure to be adopted on application for the Minister's consent shall *mutatis mutandis* apply to any application for his consent under this paragraph.

Procedure of Committee

17.—(1) The Committee shall permit a party to an investigation to be assisted in the presentation of his case by some other person: Provided that no person shall be entitled in the capacity of counsel, solicitor or other paid advocate to conduct the case for any party by addressing the Committee or examining or cross-examining witnesses.

(2) The proceedings at the hearing before the Committee shall be private and no person shall be admitted to those proceedings except—

(*a*) the parties to the investigation and the persons, if any, permitted to appear for the purpose of assisting them;

(*b*) the secretary or other officer of the Local Medical Committee or a committee representing opticians;

(*c*) persons whose attendance is required for the purpose of giving evidence and who shall, unless the Committee otherwise direct, be excluded from the hearing except when they are actually giving evidence; and

(*d*) such officers of the Committee or Council as they may appoint for the purpose.

(3) The provisions of the fourth schedule to these regulations shall apply with respect to the investigation of complaints, and the procedure of the Committee.

(4) The Committee shall draw up a report stating such relevant facts as appear to them to be established by the evidence placed before them and the inferences which in their opinion may properly be drawn from the facts, together with a recommendation as to the action, if any, which should be taken and shall present the report to the Council, and the Council shall accept as conclusive any finding of fact contained in the report. In presenting such report to the Council the Committee may, if they think fit, draw the attention of the Council to any previous reports made by the Committee in connection with the practitioner or optician and to any action taken by the Minister on such reports and may recommend that account should be taken thereof by the Council in reaching their decision.

Action by Council

18. The Council shall furnish the Minister with a copy of the report of the Committee and a statement of the Council's decision thereon which may include action in any one or more of the following ways—

(*a*) The Council may recover from the ophthalmic medical practitioner or ophthalmic or dispensing optician, as the case may be, by a deduction from his remuneration or otherwise, any expenses (other than expenses incurred in connection with an investigation by the Committee) which have been reasonably and necessarily incurred by any person owing to the failure of the practitioner or optician to comply with the terms of service, and any sum so recovered shall be paid to that person.

(*b*) The Council may make representations to the Minister that owing to the failure of the practitioner or optician to comply with the terms of service, an amount should be withheld from his remuneration.

(*c*) If the Council are of the opinion that the continued inclusion of the practitioner or optician on the ophthalmic list would be prejudicial to the efficiency of supplementary ophthalmic services, they may make representations to that effect to the Tribunal.

Appeal to Minister from decision of Council

19.—(1) The Council shall furnish the parties to an investigation with a copy of the Committee's report and of their decision and shall inform them of their right to appeal to the Minister against the decision, except in so far as it is a decision under paragraph (*c*) of the last preceding regulation, and of the Minister's power on such an appeal to award costs.

(2) Any appeal shall be made by sending to the Minister notice thereof within one month from the date on which notification of the decision was received.

(3) The notice of appeal shall contain a concise statement of the facts and contentions upon which the appellant intends to rely.

(4) The Minister may, on the application of any person desiring to appeal, extend the time for giving notice of appeal and may do so although the application is not made until after the expiration of one month from the date on which notice of the Council's decision was received.

(5) An application for the extension of the time for giving notice of appeal must be made in writing to the Minister, stating the grounds for the application.

20. No appeal shall lie against a decision of the Council to make representations with regard to the continued inclusion in any list of the name of any practitioner or optician and if the Council decide to make such representations and an appeal to the Minister is made against their decision on other matters, the Minister may treat as conclusive for the purpose of the appeal any relevant findings of the Tribunal.

Procedure on appeal

21.—(1) If the Minister, after considering the notice of appeal and any further particulars furnished by the appellant, is of opinion that the notice and particulars disclose no reasonable grounds of appeal or that the appeal is otherwise vexatious or frivolous, he may dismiss the appeal forthwith: Provided that an appeal against a decision of the Council to take action under paragraphs (*a*) or (*b*) of regulation 18 shall not be dismissed without an oral hearing unless the appellant does not desire such a hearing.

(2) The Minister shall, unless he dismisses the appeal for the aforementioned ground, send a copy of the notice of appeal and of any further particulars furnished by the appellant to the Council, the Committee and to the person or persons, if any, who were parties to the proceedings before the Committee or who appear to him to be interested in the appeal.

(3) Subject to the proviso to paragraph (1) of this regulation, the Minister may, if he is of opinion that the case is of such a nature that it can properly be determined without an oral hearing, dispense with an oral hearing and determine the appeal summarily.

(4) In the event of an oral hearing the Council or any person who has received notice of appeal may appear and take such part in the proceedings as the persons holding the inquiry think proper.

(5) For the purpose of an oral hearing the Minister may appoint an officer or officers of the Ministry of Health or some other person or persons, not exceeding three in number, to hold an inquiry and to draw up a report. The Minister, after taking such report into consideration, shall give his decision, which shall be final and conclusive.

(6) (*a*) A party to an appeal when an oral hearing takes place shall be entitled to appear and be heard either in person or by counsel or solicitor, by any officer or member of any organisation of which he is a member, by any member of his family, or by any friend.

(*b*) A council or other body being a party to any appeal shall be entitled to appear by either a member or their clerk or other officer duly appointed for the purpose or by counsel or solicitor.

(7) A party to an appeal shall not, except with the consent of the Minister or, in the case of an oral hearing, of the person or persons before whom the hearing takes place, be entitled to rely upon any facts or contentions which do not appear to the Minister or to the person or persons holding the inquiry to have been raised before the Committee in the course of the proceedings in respect of which the appeal is brought: Provided that this paragraph shall not apply in the case of a hearing if at least seven days before the hearing notice is given in writing to the Minister or to the person or persons holding the inquiry of any new facts or contentions upon which the party intends to rely.

(8) The Council may, with the consent of the Minister, make such contribution as they think fit, and shall if directed by the Minister make such contribution as he may determine, towards the cost of the appeal incurred by the complainant or by the practitioner or optician.

Provisions of Local Government Act, 1933, to apply

22. The provisions of sub-sections (2), (3) and (5) of section 290 of the Local Government Act, 1933, which relate to the summoning of witnesses, the awarding of costs and other matters, shall apply to any inquiry held by the Minister under the last foregoing regulation as if in sub-section (5) the word "Minister" were substituted for the word "department."

23 & 24 Geo. 5. c. 5.

Procedure on withholding money

23.—(1) If the Minister is satisfied after considering either any report made by the Committee under paragraph (4) of regulation 17 and the decision of the Council thereon or the report of a person or persons hearing an appeal against such decision under paragraph (5) of regulation 21 or any report of the Tribunal after an inquiry under Part IX of these regulations that a practitioner or optician has failed or neglected to comply with the terms of service applicable to him, he may direct the Council to recover such amount as he thinks fit either by deduction from the remuneration of the practitioner or optician or otherwise, and such sum shall be a debt owing by the practitioner or optician to the Council:

Provided that, except in cases in which the facts have already been the subject of an investigation in the course of an appeal made to the Minister, the Minister shall, before directing that any such amount shall be withheld, afford the practitioner or optician concerned a reasonable opportunity of making representations to him on the matter and if he decides to make representations orally the Minister shall appoint a person or persons to hear the case. The Council and the Local Medical Committee or any organisation which the Minister recognises as representative of opticians, as the case may be, shall be entitled to be represented at such hearing and to take such part in the proceedings as the persons appointed to hear the case may think fit.

(2) The persons appointed to hear the oral representations shall be, or include, a person belonging to the same branch of the service as the person making the representations.

PART IX

Inquiries by Tribunal

Interpretation

24. In this Part of these regulations, unless the context otherwise requires, the following expressions have the respective meanings hereby assigned to them:—

" inquiry " means an inquiry held in accordance with the provisions of this Part of these regulations;

" representation " means a representation made to the Tribunal that the continued inclusion of an ophthalmic medical practitioner or optician in any ophthalmic list would be prejudicial to the efficiency of supplementary ophthalmic services;

" complainant " means any person or body making a representation to the Tribunal;

" respondent " means any ophthalmic medical practitioner or optician against whom a representation is made.

Representation and preliminary statement

25.—(1) A representation shall be in writing signed by or on behalf of the complainant and addressed to the clerk of the Tribunal.

(2) The Tribunal may, if they think fit, require the complainant to send them a preliminary statement setting out the alleged facts and grounds on which the representation is based and, where a fact is not within the personal knowledge of the complainant, the source of the information and grounds for the belief of the complainant that the information is true, together with such further particulars as they may think necessary and they may require the preliminary statement to be verified by statutory declaration.

Power to refuse inquiry

26. If it appears to the Tribunal, after due consideration of any representation or of any preliminary statement furnished to them by the complainant, not being a council, that no good cause has been shown why an inquiry should be held, they may refuse to hold an inquiry and shall inform the complainant accordingly.

Notices to be sent in case of inquiry

27.—(1) The Tribunal shall, in all cases where an inquiry is to be held, send the following notices, namely:—

Form 1. (*a*) A notice to the respondent informing him that it is proposed to hold an inquiry as to the representation made by the complainant; and

Form 2. (*b*) A notice to the complainant informing him that it is proposed to hold an inquiry as to the representation made by him and requiring him, within a time specified in the notice, to send to the Tribunal

Form 2a. a concise statement of the alleged facts and grounds on which the representation is based (in this Part of these regulations referred to as " the statement of compláint ") together with a list of all the documents which he proposes to put in evidence:

Provided that where the complainant has sent a preliminary statement to the Tribunal, the Tribunal may, if they think fit, dispense with a statement of complaint and in that case the preliminary statement shall, for the purposes of the inquiry, be treated as the statement of complaint.

(2) The Tribunal may, if they think proper, on the application of the complainant extend the time for sending to them the statement of complaint.

Respondent may admit or deny allegations

Form 3. **28.** The Tribunal shall send to the respondent a copy of the statement of complaint and of the list of documents which the complainant proposes to put in evidence together with a notice informing him that he may, if he so desires, within a time specified in the notice, by a statement in writing addressed to the clerk of the Tribunal, admit or dispute the truth of all or any of the allegations appearing in the statement of complaint.

Amendment of statement of complaint

29. The Tribunal, at any time before the conclusion of the inquiry, may allow the statement of complaint to be amended upon such conditions as they may think just.

Right of respondent to inspect documents

30.—(1) The respondent may, on giving due notice to the complainant, inspect, either personally or by an agent authorised in writing, the documents included in the list sent by the complainant to the Tribunal and the complainant shall give reasonable facilities for the purpose.

(2) The respondent shall be entitled, on making application to the Tribunal, to a copy of any document in that list and the Tribunal may require the complainant to furnish to the clerk of the Tribunal a copy of the document for the respondent's use.

Notice of inquiry to be given

Form 4 **31.**—(1) The Tribunal shall appoint a day for the holding of the inquiry and shall, not less than fourteen days before the appointed day, send notices to the complainant and the respondent informing them of the date, time and place of the inquiry.

Form 5. (2) The Tribunal shall if they think fit also send to any Council on the ophthalmic list of whose area the name of the respondent appears, notice of the date, time and place of the inquiry and each such Council may appear and take such part in the proceedings at the inquiry as the Tribunal shall think proper.

Power to postpone inquiry

32. The Tribunal may, if they think fit or on the application of either party, postpone the date for the holding of the inquiry.

Power to treat representation as withdrawn in certain cases

33. If the complainant fails, within the time specified in the notice or within any extended period, to send a statement of complaint to the Tribunal or if he fails to comply with any other requirement of this Part of these regulations, the Tribunal may treat the representation as having been withdrawn.

Withdrawal of representation

34.—(1) The complainant may at any time before the inquiry, with the consent of the Tribunal and on such terms as the Tribunal think fit, withdraw the representation by giving notice of withdrawal in writing to the clerk of the Tribunal.

(2) Where the representation has been withdrawn or is treated by the Tribunal as having been withdrawn, the Tribunal shall forthwith inform the respondent that the representation has been withdrawn or is treated as having been withdrawn, as the case may be.

Procedure at inquiry

35. The proceedings shall be held *in camera* unless the respondent has applied for the inquiry to be held in public but otherwise the procedure at the inquiry shall be within the discretion of the Tribunal.

Appearance by representatives

36.—(1) Any council or other body (whether corporate or unincorporate) entitled to appear at the inquiry may appear by their clerk or other officer duly appointed for the purpose or by counsel or solicitor.

(2) The complainant and the respondent shall be entitled to appear and be heard at the inquiry in person or by counsel or solicitor or by any officer or member of any organisation of which he is a member, or by any member of his family or any friend and to call witnesses and to produce other evidence on their behalf.

Provisions of Local Government Act, 1933 *to apply*

37. The provisions of sub-sections (2), (3) and (5) of section 290 of the Local Government Act, 1933, which relate to the summoning of witnesses, awarding of costs and other matters, shall apply to an inquiry held under this Part of these regulations as if in sub-section (5) the word " Tribunal " were substituted for the word " department." 23 & 24 Geo. 5. c. 51.

Power to suspend proceedings in certain cases

38. Where it appears to the Tribunal that the alleged facts on which any representation is based are or may be the subject of investigation by any other tribunal, they may, if they think fit, direct that no further steps shall be taken under this Part of these regulations pending the result of such other investigation.

Power to dispense with oral inquiry

39. Notwithstanding anything in this Part of these regulations, where the grounds on which any representation is based consist solely of an allegation that the respondent has been convicted of a criminal offence and he admits the truth of such allegation, the Tribunal may, with the consent of the respondent, dispense with an oral inquiry and determine the case upon such documentary evidence as may be submitted to them.

Report by Tribunal

40.—(1) At the conclusion of the inquiry the Tribunal shall, as soon as may be, issue a statement under the hand of the chairman containing their findings of fact, the conclusion which they have reached and such directions as they may give under sub-section (3) of section 42 of the Act, and any order they may decide to make with respect to the costs of the parties.

(2) A copy of such statement shall be forwarded by the Tribunal to the Minister, the respondent and the complainant, and the Minister shall send a copy of the statement to such Councils as appear to him to be concerned.

Appeal to Minister

41. The Tribunal shall give notice to the respondent of his right of appeal to the Minister against any direction given by them for the removal of his name from any list, and the right may be exercised by submitting to the Minister a notice of appeal within fourteen days after such notice has been forwarded to the respondent, or within such further time as the Minister may allow.

The notice of appeal shall contain a concise statement of the facts and contentions upon which the appellant intends to rely.

Procedure on appeal

42.—(1) The Minister shall appoint a person to hear the appeal and report thereon to him. He shall also appoint a person belonging to the same branch of the service as the appellant for the purpose of assisting the person hearing the appeal.

The Minister shall consider the report made by the person hearing the appeal and thereafter give his decision and shall send a notice thereof to the appellant, the Tribunal, the complainant and such councils as may appear to him to be concerned.

(2) Regulations 30, 31, 32, 35 and 36 of these regulations shall, with the necessary modifications, apply to the hearing of appeals under this regulation in like manner as to an inquiry.

(3) The appellant may, at any time before the day appointed for the hearing, withdraw the appeal by giving notice of such withdrawal in writing to the Minister.

(4) When an appeal has been withdrawn the Minister shall forthwith confirm the direction of the Tribunal.

Publication of decisions of Tribunal

43. Notice of any decision of the Tribunal or the Minister under section 42 of the Act, or of the imposition or removal of any disqualification imposed by virtue of sub-section (6) of the said section (which provides for the removal from lists in England and Wales of the names of persons who have been disqualified for inclusion in similar lists in Scotland) shall be published by the Minister in such manner as he thinks fit.

PART X

Notices

Service of notices, etc.

44.—(1) Any document which is required or authorised by these regulations to be given to or served on any person may be given or served either—

(*a*) by delivering it to that person; or

(*b*) in the case of the Minister, the Tribunal or any Council, or Committee, by delivering it to their secretary or clerk or by sending it in a prepaid letter, addressed to them at their principal office; or

(*c*) in the case of an ophthalmic medical practitioner or optician, by sending it in a prepaid letter addressed to him at the address given in the list in which he is included; or

(*d*) in any other case, by sending it in a prepaid letter addressed to him at his usual or last known address.

(2) Where a party to an inquiry is represented by a solicitor it shall be a sufficient compliance with this regulation if the document required to be given or served is sent by post to the solicitor at his professional address.

(3) Until the contrary is proved, any document sent as aforesaid shall be deemed to be served at the time at which a letter would be delivered in the ordinary course of post.

Power to dispense with requirements as to notices

45. The Minister or the Tribunal may dispense with any requirements of these regulations respecting notices, applications, documents or otherwise in any case where it appears to the Minister or the Tribunal just and proper to do so.

PART XI

Isles of Scilly

46. In their application to the Isles of Scilly these regulations shall have effect as if—

(*a*) Elsewhere than in regulation 2 and part VIII references to the Executive Council for the Isles were substituted for references to the Ophthalmic Services Committee;

(*b*) In part VIII references to a committee appointed by the said Executive Council for the Isles were substituted for references to Services Committee; and

(*c*) Any further consequential alterations of the regulations were made.

FIRST SCHEDULE

PART I

Terms of Service for Ophthalmic Medical Practitioners

Interpretation

1. In these terms of service, except so far as the context otherwise requires, the expression " the regulations " means the National Health Service (Supplementary Ophthalmic Services) Regulations, 1948, and other words and expressions have the same meaning as in the regulations.

Incorporation of provisions of regulations, etc.

2. Any provisions of the regulations or of the statement prepared under regulation 3 of the regulations affecting the rights and obligations of the practitioner shall be deemed to form part of these terms of service.

Standard of service

3. In testing sight in accordance with the provisions of the regulations, the practitioner shall give proper care and attention and where glasses are necessary shall prescribe for them on form No. 1 set out in the third schedule to the regulations.

4. Where a practitioner is of the opinion that a person whose eyes he has examined—

(*a*) does not require glasses, or

(*b*) shows on examination any abnormality of the eyes or otherwise requires treatment outside the scope of the supplementary ophthalmic services, or

(*c*) is not likely to secure a satisfactory standard of vision notwithstanding the application of corrective lenses, or

(*d*) should revisit him with a view to a further examination within six months, he shall so inform his general medical practitioner.

Premises

5.—(1) The practitioner shall provide proper and sufficient consulting and waiting room accommodation and suitable instruments for the testing of sight.

(2) The practitioner on receipt of a written request shall admit any medical practitioner being an authorised officer of the Minister or any authorised member or officer of the Committee at all reasonable times to any consulting or waiting room under the control of the practitioner for the purpose of inspecting the said consulting or waiting room.

Records

6. In each case in which the practitioner tests sight under these regulations, he shall keep proper records and shall, if required to do so, produce such records to any medical practitioner being an authorised officer of the Minister.

Remuneration

7. The practitioner shall not suggest, demand or accept any fee or remuneration otherwise than under the regulations in respect of any supplementary ophthalmic services provided by him:

Provided that nothing in this paragraph shall deprive the practitioner of any right to recover a reasonable charge from any person in respect of loss of remunerative time resulting from the failure of that person without sufficient excuse to keep an appointment, or in respect of a journey at the request of a person to his place of residence.

Deputies, assistants and partners

8.—(1) Save as provided in this paragraph in the case of deputies and assistants, a testing of sight shall be made by a practitioner personally, except where he is prevented by reason of other professional duties, temporary absence from home or other reasonable cause.

(2) A practitioner shall make all necessary arrangements for the testing of sight of any person where he is unable for any of the causes mentioned above to provide the service personally and shall inform the Committee of any standing arrangements for that purpose.

(3) A practitioner shall for the purposes of providing supplementary ophthalmic services employ only a deputy or assistant who is an ophthalmic medical practitioner.

(4) A practitioner shall not, without the consent of the Minister, employ as a deputy or assistant any practitioner who is disqualified under section 42 of the Act for inclusion in the ophthalmic list of the Committee.

(5) A deputy or assistant shall, in addition to signing with his own name any form or other document issued by him under these terms of service, insert therein, if it does not already appear, the name of the practitioner for whom he is acting as deputy or assistant.

(6) A practitioner shall be responsible for all acts and omissions of any practitioner acting as his deputy or assistant in relation to his obligations under these terms of service.

Revision of terms of service

9.—(1) The Committee may, subject to the approval of the Minister, alter the terms of service as from such date as the Minister may approve by giving notice of the proposed alterations to each practitioner.

(2) Except in the case of an alteration which results from the coming into operation of any Act of Parliament or from an amendment of the regulations, or of the statement prepared under regulation 3 of the regulations, the alteration shall not come into operation within a period of three months from the date of the issue of the notice.

Withdrawal from ophthalmic list

10. The practitioner shall be entitled at any time to give notice to the Committee that he desires to withdraw his name from the ophthalmic list and his name shall be removed therefrom at the expiration of three months from the date of such notice or of such shorter period as the Committee may agree:

Provided that if representations are made to the Tribunal under section 42 of the Act that the continued inclusion of a practitioner in the ophthalmic list would be prejudicial to the efficiency of the supplementary ophthalmic services, he shall not, except with the consent of the Minister and subject to such conditions if any as the Minister may impose, be entitled to have his name removed from the list pending the termination of the proceedings on such representations.

Issue of notices to the practitioner

11. Any notice which a Committee is required or authorised by these terms of service to give to the practitioner shall be sufficiently given if it has been addressed to him and sent by post or delivered to or at the address which he has last notified the Committee as being his address.

PART II

Terms of Service for Ophthalmic Opticians

Interpretation

1. In these terms of service, except so far as the context otherwise requires, the expression " the regulations " means the National Health Service (Supplementary Ophthalmic Services) Regulations, 1948, and other words and expressions have the same meaning as in the regulations.

Incorporation of provisions of regulations, etc.

2. Any provisions of the regulations or of the statement prepared under regulation 3 of the regulations affecting the rights and obligations of ophthalmic opticians shall be deemed to form part of these terms of service.

Standard of service

3. In testing sight in accordance with the provisions of the regulations, the ophthalmic optician shall give proper care and attention and where glasses are necessary shall prescribe for them on form No. 1 set out in the third schedule to the regulations.

4. Where an ophthalmic optician is of the opinion that a person whose eyes he has examined—

(*a*) does not require glasses, or

(*b*) shows on examination any abnormality of the eyes or otherwise requires treatment outside the scope of the supplementary ophthalmic services, or

(*c*) is not likely to secure a satisfactory standard of vision notwithstanding the application of corrective lenses, or

(*d*) should revisit him with a view to a further examination within six months,

he shall so inform his general medical practitioner.

5.—(1) In supplying or repairing glasses in accordance with the provisions of the regulations, an ophthalmic optician shall employ proper care and attention and proceed with reasonable expedition.

(2) All glasses supplied by or through an ophthalmic optician shall conform to the types and quality set out in the statement referred to in regulation 3 of the regulations.

Premises

6.—(1) The ophthalmic optician shall provide proper and sufficient consulting, fitting and waiting room accommodation, and suitable instruments for the testing of the sight and the supplying or repairing of glasses.

(2) The ophthalmic optician on receipt of a written request shall admit an authorised officer of the Minister or any authorised member or officer of the Committee at all reasonable times to any such accommodation under the control of the optician for the purpose of inspecting the same.

Records

7. In each case in which the ophthalmic optician tests sight or supplies or repairs glasses under the regulations, he shall keep proper records, and shall, if required to do so produce such records to any authorised officer of the Minister.

Remuneration

8.—(1) The ophthalmic optician shall not suggest, demand or accept any fee or remuneration otherwise than under the regulations in respect of any supplementary ophthalmic services provided by him:

Provided that nothing in this sub-paragraph shall deprive the optician of any right to recover a reasonable charge from any person in respect of loss of remunerative time resulting from the failure of that person without sufficient excuse to keep an appointment, or in respect of a journey made at the request of a person to his place of residence.

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

Inability of an ophthalmic optician to complete service

9. If owing to the death of the person or other cause beyond the control of the ophthalmic optician, the optician is unable to supply the person with glasses which he has undertaken to supply under the regulations he shall notify the Committee in writing and he shall be entitled to such payment as may be approved by the Committee.

Arrangements for the provision of services

10.—(1) Where the name of a person, firm or company is included in the ophthalmic list as an ophthalmic optician in addition to the name of any employee, the person, firm or company shall be jointly responsible with such employee for any supplementary ophthalmic service provided by the employee.

(2) The ophthalmic optician shall make all necessary arrangements for the provision of supplementary ophthalmic services to persons to whom he has undertaken to provide such services.

(3) The ophthalmic optician for the purpose of testing sight shall only employ a person who is an ophthalmic optician.

(4) The ophthalmic optician shall not without the consent of the Minister employ for the purposes of supplementary ophthalmic services any person who is disqualified under section 42 of the Act for inclusion in the ophthalmic list of the Committee.

(5) An employee who is an ophthalmic optician whose name is not on the ophthalmic list shall, in addition to signing with his own name any form or other document issued by him under these terms of service, insert therein, if it does not already appear, the name of his employer.

(6) The ophthalmic optician shall be responsible for all acts and omissions of an employee whose name is not included in the ophthalmic list.

(7) " An employee " for the purposes of this paragraph includes a deputy, and in the case of a firm or company any member or director.

Advertising

11.—(1) Except as provided in sub-paragraph (2) of this paragraph an ophthalmic optician shall not advertise either directly or by implication that his name is included in an ophthalmic list or that he provides or is authorised to provide services under the Act.

(2) Nothing in this paragraph shall prohibit the display at any premises at which the optician carries on his business of a notice supplied by the Committee in the following form:

NATIONAL HEALTH SERVICE

Ophthalmic Optician qualified to provide services under the National Health Service Act, 1946,
under contract with the .....
Ophthalmic Services Committee.

(3) For the purposes of this paragraph, the expression " advertise " includes—

(*a*) the publication of a notice in any newspaper or other printed paper issued periodically for public circulation;
(*b*) the issue of circular letters;
(*c*) the use of letter headings, bill or account headings and the like;
(*d*) the publication of booklets, leaflets and pamphlets;
(*e*) canvassing in any form;
(*f*) the making of any public announcement by means of wireless, gramophone records or loudspeaker;
(*g*) the display of any poster, placard, streamer or sign;
(*h*) the exhibition of any film, slide or announcement at a theatre, cinema or other place of public entertainment or resort.

Fair wages

12. An ophthalmic optician shall, in respect of the categories of staff whose wages and conditions of work are approved by the Joint Industrial Council for the Ophthalmic Optical Industry, pay rates of wages and observe conditions not less favourable than those for the time being so approved.

Revision of terms of service

13.—(1) The Committee may, subject to the approval of the Minister, alter the terms of service as from such date as the Minister may approve by giving notice of the proposed alterations to each ophthalmic optician.

(2) Except in the case of an alteration which results from the coming into operation of any Act of Parliament or from an amendment of the regulations, or of the statement prepared under regulation 3 of the regulations the alteration shall not come into operation within a period of three months from the date of the issue of the notice.

Withdrawal from ophthalmic list

14. The ophthalmic optician shall be entitled at any time to give notice to the Committee that he desires to withdraw his name from the ophthalmic list and his name shall be removed therefrom at the expiration of three months from the date of such notice or of such shorter period as the Committee may agree:

Provided that:—

(i) if representations are made to the Tribunal under section 42 of the Act that the continued inclusion of an ophthalmic optician in the ophthalmic list would be prejudicial to the efficiency of the supplementary ophthalmic services, he shall not, except with the consent of the Minister and subject to such conditions if any as the Minister may impose, be entitled to have his name removed from the list pending the termination of the proceedings on such representations.

(ii) An optician shall make satisfactory arrangements for the completion of any service which he has undertaken under the regulations.

Issue of notices to ophthalmic opticians

15. Any notice which a Committee is required or authorised by these terms of service to give to an ophthalmic optician shall be sufficiently given if it has been addressed to him and sent by post or delivered to or at the address which he has last notified the Committee as being his address.

PART III

Terms of Service for Dispensing Opticians

Interpretation

1. In these terms of service, except so far as the context otherwise requires, the expression " the regulations " means the National Health Service (Supplementary Ophthalmic Services) Regulations, 1948, and other words and expressions have the same meaning as in the regulations.

Incorporation of provisions of regulations, etc.

2. Any provisions of the regulations or of the statement prepared under regulation 3 of the regulations affecting the rights and obligations of dispensing opticians shall be deemed to form part of these terms of service.

Standard of service

3. In supplying or repairing glasses in accordance with the provisions of the regulations, a dispensing optician shall employ proper care and attention and proceed with reasonable expedition.

Premises

4.—(1) The dispensing optician shall provide proper and sufficient accommodation and suitable instruments for the supplying or repairing of glasses.

(2) The dispensing optician on receipt of a written request shall admit an authorised officer of the Minister or an authorised member or officer of the Committee at all reasonable times to any fitting or waiting room accommodation under the control of the optician for the purpose of inspecting the accommodation.

Records

5. In each case in which the dispensing optician supplies or repairs glasses under these regulations he shall keep proper records and shall, if required to do so, produce such records to any authorised officer of the Minister.

Remuneration

6.—(1) The dispensing optician shall not suggest, demand or accept any fee or remuneration otherwise than under the regulations in respect of any supplementary ophthalmic services provided by him:

Provided that nothing in this sub-paragraph shall deprive the optician of any right to recover a reasonable charge from any person in respect of loss of remunerative time resulting from the failure of that person without sufficient excuse to keep an appointment, or in respect of a journey made at the request of a person to his place of residence.

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

Inability of a dispensing optician to complete service

7. If owing to the death of the person or other cause beyond the control of the dispensing optician, the optician is unable to supply him with glasses which he has undertaken to supply under the regulations he shall notify the Committee in writing and he shall be entitled to such payment as may be approved by the Committee.

Arrangements for the provision of services

8.—(1) When the name of a person, firm or company is included in the ophthalmic list as a dispensing optician in addition to the name of any employee, the person, firm or company shall be jointly responsible with any such employee for any supplementary ophthalmic service provided by the employee.

(2) The dispensing optician shall make all necessary arrangements for the fitting and supply of glasses to persons to whom he has undertaken to provide them.

(3) The dispensing optician shall not without the consent of the Minister employ for the purposes of supplementary ophthalmic services any person who is disqualified under section 42 of the Act for inclusion in the ophthalmic list of the Committee.

(4) An employee who is a dispensing optician whose name is not on the ophthalmic list shall, in addition to signing with his own name any form or other document issued by him under these terms of service, insert therein if it does not already appear the name of his employer.

(5) The dispensing optician shall be responsible for all acts and omissions of an employee whose name is not included in the ophthalmic list.

(6) " An employee " for the purpose of this paragraph includes a deputy and in the case of a firm or company any member or director.

Advertising

9.—(1) Except as provided in sub-paragraph (2) of this paragraph a dispensing optician shall not advertise either directly or by implication that his name is included in the list of an Ophthalmic Services Committee or that he provides or is authorised to provide services under the Act.

(2) Nothing in this regulation shall prohibit the display at or on any premises at which the optician carries on his business of a notice supplied by the Committee in the following form—

NATIONAL HEALTH SERVICE

Dispensing Optician qualified to provide services under the National Health Service Act, 1946, under contract with the.....Ophthalmic Services Committee.

(3) For the purposes of this paragraph, the expression " advertise " includes—

(*a*) the publication of a notice in any newspaper or other printed paper issued periodically for public circulation;

(*b*) the issue of circular letters;

(*c*) the use of letter headings, bill or account headings and the like;

(*d*) the publication of booklets, leaflets and pamphlets;

(*e*) canvassing in any form;

(*f*) the making of any public announcement by means of wireless, gramophone records or loudspeaker;

(*g*) the display of any poster, placard, streamer or sign;

(*h*) the exhibition of any film, slide or announcement at a theatre, cinema or other place of public entertainment or resort.

Fair wages

10. A dispensing optician shall, in respect of the categories of staff whose wages and conditions of work are approved by the Joint Industrial Council for the Dispensing Optical Industry, pay rates of wages and observe conditions not less favourable than those for the time being so approved.

Revision of terms of service

11.—(1) The Committee may, subject to the approval of the Minister, alter the terms of service as from such date as the Minister may approve by giving notice of the proposed alterations to each dispensing optician.

(2) Except in the case of an alteration which results from the coming into operation of any Act of Parliament or from an amendment of the regulations, or of the statement prepared under regulation 3 of the regulations the alteration shall not come into operation within a period of three months from the date of the issue of the notice.

Withdrawal from ophthalmic list

12. The dispensing optician shall be entitled at any time to give notice to the Committee that he desires to withdraw his name from the ophthalmic list and his name shall be removed therefrom at the expiration of three months from the date of such notice or of such shorter period as the Committee may agree.

Provided that:—

(i) if representations are made to the Tribunal under section 42 of the Act that the continued inclusion of a dispensing optician in the ophthalmic list would be prejudicial to the efficiency of the supplementary ophthalmic services, he shall not, except with the consent of the Minister and subject to such conditions if any as the Minister may impose, be entitled to have his name removed from the list pending the termination of the proceedings on such representations.

(ii) An optician shall make satisfactory arrangements for the completion of any service which he has undertaken under the regulations.

Issue of notices to dispensing opticians

13. Any notice which a Committee is required or authorised by these terms of service to give to a dispensing optician shall be sufficiently given if it has been addressed to him and sent by post or delivered to or at the address which he has last notified the Committee as being his address.

SECOND SCHEDULE

Form of Application for Inclusion in Ophthalmic List

I. OPHTHALMIC MEDICAL PRACTITIONER

To the Ophthalmic Services Committee for .....

I .....

of .....

being a medical practitioner having the qualifications prescribed for the purpose of section 41 of the National Health Service Act, 1946, undertake under the arrangements for Supplementary Ophthalmic Services to test sight on the terms in operation in the Committee's area, and apply to have my name included in the Ophthalmic List.

Particulars of my usual surgery hours are given below.

Address of Surgery.	*Days and Hours of Attendance.*
.....	.....
.....	.....

I am practising in partnership with .....

of .....

To be completed where appropriate.

I am acting as an assistant to .....

of .....

Signed .....

Central Professional Committee Number .....

Date .....

Form of Application for Inclusion in Ophthalmic List

II. OPHTHALMIC OPTICIANS

To the Ophthalmic Services Committee for .....

I (We) .....

of .....

an ophthalmic optician (or firm or company of ophthalmic opticians) having the qualifications prescribed for the purposes of section 41 of the National Health Service Act, 1946, undertake under the arrangements for Supplementary Ophthalmic Services to test sight and supply glasses on the terms in operation in the Committee's area and apply to have my (our) name(s) included in the Ophthalmic List. My (Our) 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 .....

To be completed where appropriate.

of .....

*The ophthalmic optician(s) having the prescribed qualifications who is (are) in charge at this (these) address(es) is (are)

.....

.....

Signed .....

Central Professional Committee Number .....

Date .....

* To be completed only where application is being made by a firm or company.

Form of Application for Inclusion in Ophthalmic List

III. Dispensing Opticians

To the Ophthalmic Services Committee for .....

I (We) .....

of .....

a dispensing optician (or firm or company of dispensing opticians) having the qualifications prescribed for the purposes of section 41 of the National Health Service Act, 1946, undertake under the arrangements for Supplementary Ophthalmic Services to supply glasses on the terms in operation in the Committee's area and apply to have my (our) name(s) included in the Ophthalmic List.

My (Our) premises and usual hours of service are:—

Address(es) of Premises.	*Days and Hours of Service.*	
	Days	*Hours*
.....	.....	.....
.....	.....	.....

To be completed where appropriate.

I am employed by.....

of .....

*The dispensing optician(s) having the prescribed qualifications who is (are) in charge at this (these) address(es) is (are)

.....

.....

Signed .....

Central Professional Committee Number .....

Date .....

* To be completed only where application is being made by a firm or company.

THIRD SCHEDULE

FORM No. 1.

NATIONAL HEALTH SERVICE
SUPPLEMENTARY OPHTHALMIC SERVICES
SIGHT TESTING AND SUPPLY OF GLASSES

PART I
TO BE COMPLETED BY OR ON BEHALF OF THE APPLICANT

SURNAME (In Block Letters)	MR., MRS., MISS ETC.	NATIONAL REGISTRATION IDENTITY NUMBER
CHRISTIAN NAMES		AGE
PRESENT ADDRESS	PERMANENT HOME ADDRESS (If different from present address)	
NAME AND ADDRESS OF OPTICIAN WHO SUPPLIED PREVIOUS GLASSES (if any)	APPROXIMATE DATE ON WHICH SIGHT WAS LAST TESTED	

PART II
TO BE COMPLETED BY AN OPHTHALMIC MEDICAL PRACTITIONER OR BY AN OPHTHALMIC OPTICIAN AND SENT TO THE OPHTHALMIC SERVICES COMMITTEE AFTER PARTS IV AND V HAVE BEEN COMPLETED

	RIGHT						LEFT				
	Sph.	Cyl.	Axis	Prism	Base		Sph.	Cyl.	Axis	Prism	Base
						DISTANCE					
						READING					

REMARKS

NAME AND ADDRESS OF OPHTHALMIC MEDICAL PRACTITIONER OR OPHTHALMIC OPTICIAN TO WHOM PAYMENT SHOULD BE MADE (rubber stamp or block letters)

THE APPLICANT REQUIRES GLASSES AS PRESCRIBED ABOVE

SIGNATURE OF OPHTHALMIC MEDICAL PRACTITIONER
OR
SIGNATURE OF OPHTHALMIC OPTICIAN [JOINTLY ON HIS OWN BEHALF AND ON BEHALF OF

.....]

SIGNATURE .....

O.S.C. LIST No. .....

DATE .....

PART III
FOR OFFICIAL USE

APPROVED

PLEASE DO NOT DETACH THIS PART OF THE FORM

PART IV
TO BE COMPLETED BY OR ON BEHALF OF THE APPLICANT

MY SIGHT* / THE APPLICANT'S SIGHT* HAS BEEN TESTED TO-DAY

I HAVE NOT* / THE APPLICANT HAS NOT* BEEN SUPPLIED WITH GLASSES SINCE JULY, 1948

SIGNATURE OF APPLICANT ..... DATE .....
(or, in the case of a child or an invalid, the signature of a parent, guardian or other person in charge)

* Delete whichever is not applicable

PART V
TO BE COMPLETED BY THE OPHTHALMIC MEDICAL PRACTITIONER OR THE OPHTHALMIC OPTICIAN

NAME AND ADDRESS OF OPHTHALMIC MEDICAL PRACTITIONER OR OPHTHALMIC OPTICIAN TO WHOM PAYMENT SHOULD BE MADE (rubber stamp or block letters)

I HAVE TESTED THE APPLICANT'S SIGHT AND I ACCORDINGLY CLAIM PAYMENT OF £ : :

SIGNATURE OF OPHTHALMIC MEDICAL PRACTITIONER
OR
SIGNATURE OF OPHTHALMIC OPTICIAN [JOINTLY ON HIS OWN BEHALF AND ON BEHALF OF

.....]

SIGNATURE .....

O.S.C. LIST No. .....

DATE .....

PART VI
FOR OFFICIAL USE

AUTHORISED FOR PAYMENT

Form O.S.C. 1.

PART VII

TO BE COMPLETED BY THE OPTICIAN WHO SUPPLIES THE GLASSES AND SENT TO THE OPHTHALMIC SERVICES COMMITTEE AFTER PART VIII (IF APPLICABLE) AND PART IX HAVE BEEN COMPLETED AS INDICATED BELOW

DETAILS OF THE GLASSES SUPPLIED TO THE APPLICANT TO THE PRESCRIPTION OVERLEAF

DESCRIPTION OF FRAMES (if supplied)

DESCRIPTION OF LENSES

NAME AND ADDRESS OF OPTICIAN TO WHOM PAYMENT SHOULD BE MADE (rubber stamp or block letters)

I HAVE SUPPLIED THE APPLICANT WITH THE GLASSES DESCRIBED ABOVE AND I CLAIM PAYMENT OF £ : : FROM THE OPHTHALMIC SERVICES COMMITTEE. THIS SUM DOES NOT INCLUDE ANY AMOUNT DUE FROM THE APPLICANT.

SIGNATURE OF OPTICIAN [JOINTLY ON HIS OWN BEHALF AND ON BEHALF OF

.....

.....]

SIGNATURE .....

O.S.C. List No. .....

DATE .....

PART VIII

IF GLASSES OF A SPECIAL TYPE ARE SUPPLIED AT THE REQUEST OF THE APPLICANT TO BE COMPLETED (a) BY THE OPTICIAN AND (b) BY OR ON BEHALF OF THE APPLICANT

(a) MY CHARGE TO THE APPLICANT IN addition TO THE CHARGE TO THE OPHTHALMIC SERVICES COMMITTEE IS

£ : : .

SIGNATURE OF OPTICIAN [JOINTLY ON HIS OWN BEHALF AND ON BEHALF OF

.....

.....]

SIGNATURE .....

DATE .....

(b) I EXPRESSLY DESIRED TO BE SUPPLIED WITH GLASSES OF THE SPECIAL TYPE DESCRIBED ABOVE AND I UNDERTAKE TO PAY THE SUPPLIER

£ : :

SIGNATURE OF APPLICANT .....
(or in the case of a child or an invalid, the signature of a parent, guardian or other person in charge)

DATE .....

PART IX

TO BE COMPLETED BY OR ON BEHALF OF THE APPLICANT

I HAVE BEEN* ~~THE APPLICANT HAS BEEN*~~ SUPPLIED WITH THE GLASSES DESCRIBED ABOVE

SIGNATURE OF APPLICANT ..... DATE .....
(or in the case of a child or an invalid, the signature of a parent, guardian or other person in charge)

* Delete whichever is not applicable

PART X

FOR OFFICIAL USE

AMOUNT AUTHORISED		
£ : : .		
AUTHORISED FOR PAYMENT		

THIS PART OF THE FORM TO BE LEFT BLANK

FORM No. 2.

NATIONAL HEALTH SERVICE

SUPPLEMENTARY OPHTHALMIC SERVICES

REPLACEMENT OR REPAIR OF GLASSES WITHIN TWO YEARS OF A SIGHT TEST

PART I

To be completed by or on behalf of the applicant.

Surname (*In block letters*)	Mr. Mrs. Miss etc.	National Registration Identity Number

Christian Names	Age

Present Address	Permanent Home Address (*if different from present address*)

Name and address of optician who supplied the glasses	Approximate date on which sight was last tested.

The loss or damage $\frac{\text{was*}}{\text{was not*}}$ caused by personal carelessness§

Signature of applicant..... Date .....
(or in the case of a child or invalid, the signature of a parent, guardian, or other person in charge)

**Delete if not applicable*

§Notes for the guidance of the Applicant.

You will normally have to pay the cost of replacing or repairing glasses lost or damaged unless you can show, to the satisfaction of the Ophthalmic Services Committee, that the loss or damage was not caused by personal carelessness.

If you admit personal carelessness the optician may proceed at once with the work at your expense.

If you do not admit personal carelessness, the optician cannot proceed at once with the work unless you pay him a deposit equal to the full cost of replacement or repair. The back of the receipt which the optician will give you in acknowledgement of the deposit may be used by you to ask the Ophthalmic Services Committee whether they will refund the amount you have paid. If you do not wish to pay a deposit, the approval of the Committee must be obtained before the work can be undertaken without charge. In this case the optician will ask you for a written statement of the cause of the loss or damage, and he will send your statement with this form to the Ophthalmic Services Committee who will notify you of their decision.

PART II

If glasses of a special type are to be replaced or if parts of a special type are to be fitted at the request of the applicant, to be completed :—

(*a*) by the optician

(*b*) by or on behalf of the applicant

(a) My charge to the applicant, in addition to the charge, if any, to the Ophthalmic Services Committee is £ : : for glasses of a special type replaced or parts of a special type fitted at the request of the applicant.
Signature of optician [jointly on his own behalf and on behalf of

.....]

Signature .....

O.S.C. List No. .....

Date .....

(b) I undertake to pay the optician £ : : for glasses of a special type replaced or parts of a special type fitted at my request.

Signature of applicant (or in the case of a child or invalid, the signature of a parent, guardian or other person in charge)

.....

Date .....

PART III

If personal carelessness is admitted or determined, to be completed :—

(a) by the optician

(b) by or on behalf of the applicant

(a) My charge to the applicant for replacements or repairs necessitated by personal carelessness is £ : :
Signature of optician [jointly on his own behalf and on behalf of

.....]

Signature .....

O.S.C. List No. .....

Date. .....

(b) I undertake to pay the optician £ : : for replacements or repairs necessitated by personal carelessness.

Signature of applicant (or in the case of a child or invalid, the signature of a parent, guardian, or other person in charge)

.....

Date. .....

[Please see overleaf

PART IV

To be completed by the optician

PRESCRIPTION (where appropriate)

RIGHT						LEFT				
Sph.	Cyl.	Axis	Prism	Base		Sph.	Cyl.	Axis	Prism	Base
					Distance					
					Reading					

DETAILS OF REPLACEMENTS OR REPAIRS
Description of frames *(if supplied)*

Description of lenses

NAME AND ADDRESS OF OPTICIAN TO WHOM PAYMENT SHOULD BE MADE *(Rubber stamp or block letters)*

PART V

If personal carelessness is not admitted

To be completed by the optician

I submit this form to the Ophthalmic Services Committee for a decision

The applicant has paid £ : : as a deposit*

Signature of optician [jointly on his own behalf and on behalf of .....

.....]

Signature ..... Date .....

O.S.C. List No. ..... *Delete if not applicable*

PART VI

For official use

PART VII

To be completed by the optician

I have supplied the replacements or carried out the repairs described in Part IV above (and I claim payment of £ : : from the Ophthalmic Services Committee. This sum does not include any amount due from the applicant.)†

Signature of optician [jointly on his own behalf and on behalf of .....

.....]

Signature ..... Date .....

O.S.C. List No. ..... †*Delete words in brackets if not applicable*

PART VIII

To be completed by or on behalf of the applicant

The replacements have been supplied or the repairs have been carried out as described in Part IV above.

Signature of applicant ..... Date .....
(or in the case of a child or invalid, the signature of a parent, guardian or other person in charge)

PART IX

For official use

Amount authorised

£ : :

Authorised for payment

FORM NO. 3.

SUPPLEMENTARY OPHTHALMIC SERVICE

Replacement or Repair of Glasses for Schoolchildren

Part I. To be completed by the parent or guardian

Name of child.....

Address .....

National Registration Identity No.....

Cause of loss or damage:—

Signed.....

Date.....

Part II. To be completed by the medical officer or ophthalmic surgeon or other duly authorised officer of the Local Education Authority

To AN OPTICIAN providing Supplementary Ophthalmic Services:

You are authorised to proceed with the $\frac{\text{replacement*}}{\text{repair*}}$ of the glasses of the above named child without seeking the prior approval of the Ophthalmic Services Committee and without asking for the payment of a deposit by the parent or guardian provided you submit this form to the Ophthalmic Services Committee with your claim for payment after completion of the work.

Signature.....

On behalf of.....L.E.A.

Date.....

*Delete whichever is not applicable.

FOURTH SCHEDULE

RULES OF PROCEDURE UNDER REGULATION 17

Procedure

1. Where under the provisions of the regulations any question or matter is required to be investigated by an Ophthalmic Services Committee, the following procedure shall be adopted:—

(*a*) If in the opinion of the chairman of the Committee the statement made by the complainant discloses no prima facie ground of complaint, or is frivolous or vexatious, the clerk of the Committee shall so inform the complainant and shall invite him within seven days to submit a further statement. If no further statement is submitted by the complainant within that period, or if the statement so submitted does not in the opinion of the chairman render a hearing of the case necessary, the case shall be brought before the Committee which shall have power to dispense with a hearing and to report on the matter forthwith.

(*b*) The clerk of the Committee shall, as soon as practicable, send to the chairman of the Committee and to the ophthalmic medical practitioner or optician concerned a copy of the complainant's statement and any ensuing correspondence on the matter.

(*c*) Except in cases dealt with under subparagraph (*a*) without a hearing the clerk shall give to both parties not less than fourteen days' notice of the meeting at which the case will be heard.

(*d*) The chairman may, upon the application of either party, postpone the hearing if he is satisfied that the attendance of the party or any witness on the date fixed for the hearing is not reasonably practicable, or if for any other reason he thinks fit.

(*e*) The complainant may subject to the consent of the chairman withdraw his statement of complaint at any stage of the proceedings.

(*f*) The clerk shall three clear days before the hearing supply to each member of the Committee copies of the statement and the reply, if any, thereto, and of any further correspondence relating to the matter which has taken place between the clerk and either party.

(*g*) Either party shall be entitled to be present at the hearing and to give and call such evidence as the Committee may think relevant to the matters at issue, and may put questions relevant to the matter in dispute to the other party or to any witness called by him, either directly, or, if the Committee so direct, through the chairman of the Committee. Subject as aforesaid, the procedure at the hearing shall be such as the Committee may determine.

(*h*) If either party fails to appear at the hearing, and the Committee are satisfied that his absence is due to illness or other reasonable cause, or if for any other reason the Committee think fit, they may adjourn the hearing.

(*i*) If in the course of a hearing the complainant introduces any issue which in the opinion of the chairman was not sufficiently disclosed in the written statement or statements sent to the respondent, it shall be within the discretion of the chairman to admit or exclude such issue as he thinks fit, but if the issue is admitted, the hearing shall be adjourned if the respondent desires an opportunity of producing further evidence, and desires an adjournment for that purpose.

(*j*) The chairman, one lay member and one professional member shall form a quorum.

Adjourned meetings

2. Where a case has been opened before any Committee and the meeting is adjourned for the purpose of hearing further evidence or of preparing or considering the report, a member of the Committee who was not present at the meeting shall not be entitled to be present or take part in the proceedings at the adjourned meeting, and it shall not be necessary for the clerk to send him notice of such meeting.

Interpretation

3. In these rules, unless the context otherwise requires, the following expressions have the respective meanings hereby assigned to them:—

" chairman " includes a deputy chairman acting in his place.

" lay member " means a member appointed to the Committee by the Council from among the members of the Council other than those appointed by the Local Medical Committee.

" professional member " means a member belonging to the same branch of the service as the respondent.

FIFTH SCHEDULE

FORM 1

Notice to the respondent of intention to hold inquiry

In the matter of a*

and

In the matter of the National Health Service Act, 1946.

To of

Take notice that a representation has been made by of to the Tribunal that your continued inclusion in the list of the Ophthalmic Services Committee of [medical practitioners] [ophthalmic opticians] [dispensing opticians] undertaking to provide supplementary ophthalmic services would be prejudicial to the efficiency of the said services, and that it is proposed to hold an inquiry with respect to the above representation.

A statement of the alleged facts and grounds on which the above representation is based will be sent to you as soon as possible, and notice of the date appointed for the holding of the inquiry will follow in due course.

A copy of the National Health Service (Supplementary Ophthalmic Services) Regulations, 1948, is enclosed herewith for your information.

Signed

Clerk of the Tribunal.

Dated.....

* State whether respondent is an ophthalmic medical practitioner, ophthalmic optician or dispensing optician.

FORM 2

Notice to complainant of intention to hold inquiry

In the matter of a*

and

In the matter of the National Health Service Act, 1946.

To of

Take notice that it is proposed to hold an inquiry with respect to the representation dated the day of 19 , made by you to the Tribunal to the effect that the continued inclusion of the above-named* in the list of the Ophthalmic Services Committee of [medical practitioners] [ophthalmic opticians] [dispensing opticians] undertaking to provide supplementary ophthalmic services would be prejudicial to the efficiency of the said services.

You are hereby required within days after receipt of this notice to set out on the accompanying form—

(*a*) a concise statement of the alleged facts and grounds on which your said representation is based; and

(*b*) a list of all the documents (if any) which you propose to put in evidence at the inquiry,

and to forward the form to the Clerk of the Tribunal [ ].

Notice of the day appointed for the holding of the inquiry will be sent to you in due course.

A copy of the National Health Service (Supplementary Ophthalmic Services) Regulations, 1948, is enclosed herewith for your information.

Signed

Clerk of the Tribunal.

Dated.....

* State whether respondent is an ophthalmic medical practitioner, ophthalmic optician or dispensing optician.

FORM 2A

Statement of Complaint

In the matter of a*

and

In the matter of the National Health Service Act, 1946.

To the Clerk of the Tribunal, [ ].

The facts and grounds on which the representation made by me with respect to the above-named is based, are as follows:—

[Here set out concise statement of facts and grounds].

The following is a list of all the documents which I propose to put in evidence:—

[Here set out list of documents].

Signed

Dated.....

* State whether respondent is an ophthalmic medical practitioner, ophthalmic optician or dispensing optician.

FORM 3

Notice to respondent of alleged facts and grounds on which representation is based

In the matter of a*

and

In the matter of the National Health Service Act, 1946.

To of

With reference to the representation made by of concerning you (of which representation due notice was given to you dated the day of) I am directed by the Tribunal to send you a copy of the statement of complaint received by the Tribunal from the said setting out the alleged facts and grounds on which the said representation is based, together with a list of all documents proposed to be put in evidence by him.

You may if you so desire, inform the Tribunal, by statement in writing addressed to me at [ ] within days after receipt of this notice, whether you admit or dispute the truth of all or any of the allegations appearing in the statement of complaint.

You are further entitled to inspect any of the documents mentioned in the above list, either personally or by an agent authorised in writing, on giving due notice to the above-named and, by applying to the Tribunal for that purpose, to receive copies of any of the said documents.

Signed

Clerk of the Tribunal.

Dated.....

* State whether respondent is an ophthalmic medical practitioner, ophthalmic optician or dispensing optician.

FORM 4

Notice to complainant or respondent of day appointed for holding of inquiry

In the matter of a*

and

In the matter of the National Health Service Act, 1946.

To of

With further reference to the representation made by you with respect to the above-named [or by of with respect to you.]

Take notice that the Tribunal will on day the day of 19 , at a.m. / p.m. at hold an inquiry to investigate the said representation.

You are hereby informed that if you do not attend on the date at the time and place appointed for the inquiry, the Tribunal may proceed to hold the inquiry in your absence.

Signed

Clerk of the Tribunal.

Dated.....

* State whether respondent is an ophthalmic medical practitioner, ophthalmic optician or dispensing optician.

FORM 5

Notice of inquiry to be sent to any Executive Council which is not the complainant

In the matter of a*

and

In the matter of the National Health Service Act, 1946.

To the Executive Council for

Take notice that a representation has been made by of to the Tribunal to the effect that the continued inclusion of the above-named respondent in the list of the Ophthalmic Services Committee of [medical practitioners] [ophthalmic opticians] [dispensing opticians] undertaking to provide supplementary ophthalmic services would be prejudicial to the efficiency of the said services.

You are hereby informed that an inquiry to investigate the said representation will be held by the Tribunal on day the day of 19 , at p.m. / p.m. at and that you are entitled to appear and take such part in the proceedings as the Tribunal shall think proper.

A copy of the statement of complaint is enclosed for your information.

Signed

Clerk of the Tribunal.

Dated.....

* State whether respondent is an ophthalmic medical practitioner, ophthalmic optician or dispensing optician.

Given under the official seal of the Minister of Health this fifteenth day of June, nineteen hundred and forty-eight.

(L.S.) *Aneurin Bevan,*

Minister of Health.

EXPLANATORY NOTE

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

The regulations provide for the arrangements which Executive Councils through Ophthalmic Services Committees are required to make under Part IV of the National Health Service Act 1946 for the provision of Supplementary Ophthalmic Services. The regulations also provide for disciplinary matters relating to the provision of supplementary ophthalmic services and prescribe the procedure to be followed in the hearing of representations for the removal of medical practitioners, ophthalmic opticians and dispensing opticians providing supplementary ophthalmic services from a list under section 42 of the Act.

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22. TRANSFER OF LOCAL AUTHORITY FUNCTIONS

The National Health Service (Transfer of Local Authority Functions) Regulations, 1948

1948 No. 567

Made - - - -	*19th March,* 1948
Laid before Parliament	*23rd March,* 1948
Coming into Operation	*1st April,* 1948

107775.

The Minister of Health in pursuance of the powers conferred on him by section 69 of the National Health Service Act, 1946(a), hereby makes the following regulations:—

1. These regulations may be cited as the National Health Service (Transfer of Local Authority Functions) Regulations, 1948, and shall come into force on the first day of April, 1948.

2.—(1) In these regulations the following expressions have the meanings hereby assigned to them:—

" the Act " means the National Health Service Act, 1946;

" the Minister " means the Minister of Health;

" Council " means the Common Council of the City of London, the Council of a Metropolitan Borough or the Council of a county district;

" appointed day " means the 5th day of July, 1948.

(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) Subject to the provisions of these regulations there shall on the appointed day be transferred to and vest in the local health authority by virtue of these regulations all property and liabilities held by a Council, or to which a Council is subject, immediately before the appointed day being property or liabilities held or incurred solely for the purpose of carrying out functions which by virtue of the Act are transferred from the Council to the local health authority.

(2) The property and liabilities transferred as aforesaid shall include the unexpended balances of any loans raised by the Council solely for the said purpose and any sinking fund established by the Council in connection with any such loan.

(3) The local health authority and the Council may agree that, in lieu of a transfer of a loan, the local health authority shall from time to time

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(a) 9 & 10 Geo. 6. c. 81. (b) 52 & 53 Vict. c. 63.