EXPLANATORY NOTE

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

These regulations revoke, with a few exceptions, the regulations in force under section 66 (1) of the National Health Service (Scotland) Act, 1947, and reproduce their provisions with necessary drafting alterations and certain minor alterations, mainly of an administrative character.

Regulations 15 (16), 15 (17), 28 (6) and 30 (8) are new.

Regulation 15 (16), consequentially upon the retrospective application of rules made under section 2 of the Superannuation (Miscellaneous Provisions) Act, 1948, confers additional pension rights on persons who have left pensionable employment, to which those rules have become applicable, in order to enter the health service with a preservation of previous pension rights.

Regulation 15 (17) enables the Secretary of State to grant pension rights in respect of previous service to persons formerly subject to local government pension schemes as officers in a hospital transferred to the Secretary of State by the Act of 1947 who were not employed therein on the appointed day but who become or have become employed therein after the appointed day in circumstances in which under the existing regulations they are not entitled to reckon their previous service for pension purposes.

Regulations 28 (6) and 30 (8) enable persons who were transferred to the health service on the appointed day and who exercised an option not to take advantage of the benefits provided by the original regulations now to take advantage of the benefits provided by these regulations.

SUPPLEMENTARY OPHTHALMIC SERVICES

The National Health Service (Supplementary Ophthalmic Services) (Scotland) Amendment Regulations, 1950

1950 No. 1603 (S. 115)

Made - - - -	*27th September*, 1950
Laid before Parliament	*29th September*, 1950
Coming into Operation	*2nd October*, 1950

In exercise of the powers conferred on me by sections 42 and 45 of the National Health Service (Scotland) Act, 1947(a), and of all other powers enabling me in that behalf, I hereby make the following regulations:—

1.—(1) These regulations may be cited as the National Health Service (Supplementary Ophthalmic Services) (Scotland) Amendment Regulations, 1950, and shall come into operation on the second day of October, 1950.

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

2. The National Health Service (Supplementary Ophthalmic Services) (Scotland) Regulations, 1948(c), shall be amended as follows:—

(*a*) In paragraph (1) of Regulation 11 (which provides for the replacement and repair of glasses) the words " and in either case the prescription for the glasses was issued less than two years previously " shall be deleted and there shall be added at the end of that paragraph the following proviso:—

" Provided that the optician may, if he thinks it is necessary, require such a person to have his sight tested before providing such a service

(a) 10 & 11 Geo. 6. c. 27. (b) 52 & 53 Vict. c. 63. (c) S.I. 1948 (No. 1450) I, p. 2571.

and provided further that, in the case of a person under the age of sixteen, the optician shall require that person to have his sight tested unless the prescription for the glasses was issued within the previous twelve months ".

(*b*) In paragraph (1) of Regulation 12 (which provides for charges to be made for replacement and repair of glasses necessitated by lack of care) after the word " shall " there shall be inserted the words:—

" , subject as hereinafter provided,".

(*c*) At the end of paragraph (2) of Regulation 12 there shall be inserted the following proviso:—

" Provided that, if it appears to the Committee from any further representations made by the applicant that the payment of the charges so determined to be payable by him would involve undue hardship, the Committee may apportion the said charges between the applicant and the Council in such proportion as the Committee shall think fit ".

(*d*) In paragraph (2) of Regulation 13 (which provides for the supply or repair of glasses of a special type) the word " standard " shall be deleted and there shall be substituted therefor the word " special ".

(*e*) After paragraph 5 of Part II of the First Schedule (which prescribes the terms of service for ophthalmic opticians) there shall be inserted the following paragraph:—

" 5A. The ophthalmic optician shall not give, promise or offer any gift or reward (whether by way of a share of, or a dividend on, the profits of the business or by way of discount or rebate or otherwise) as an inducement to any person to apply, or in consideration of any person applying, for supplementary ophthalmic services ".

(*f*) In sub-paragraph (1) of paragraph 8 of Part II of the First Schedule the words " medical practitioner " shall be deleted and there shall be substituted therefor the word " optician ".

(*g*) After paragraph 3 of Part III of the First Schedule (which prescribes the terms of service for dispensing opticians) there shall be inserted the following paragraph:—

" 3A. The dispensing optician shall not give, promise or offer any gift or reward (whether by way of a share of, or a dividend on, the profits of the business or by way of discount or rebate or otherwise) as an inducement to any person to apply, or in consideration of any person applying, for supplementary ophthalmic services ".

Dated this 27th day of September, 1950.

Hector McNeil,
One of His Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

EXPLANATORY NOTE

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

These regulations amend the National Health Service (Supplementary Ophthalmic Services) (Scotland) Regulations, 1948, (i) by removing the limitation of the period after their last sight-test within which persons may have their glasses replaced or repaired; (ii) by prohibiting opticians from offering any financial inducement to persons in respect of the provision of supplementary ophthalmic services; and (iii) by enabling a Joint Ophthalmic Services Committee to reduce or waive any charge imposed for the replacement or repair of glasses occasioned by lack of care, where payment would cause undue hardship to the person on whom the charge is imposed.