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**Changes to legislation:** Health and Social Care Act 2012, PART 6 is up to date with all changes known to be in force on or before 23 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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## SCHEDULES

### SCHEDULE 4

#### AMENDMENTS OF THE NATIONAL HEALTH SERVICE ACT 2006

##### PART 6

###### OPHTHALMIC SERVICES

- 54 (1) Section 115 (duty relating to primary ophthalmic services) is amended as follows.
- (2) In subsection (1), for the words from the beginning to “area,” substitute “The Board must exercise its powers so as to secure the provision throughout England”.
- (3) After that subsection insert—
- “(1A) Arrangements made for the purposes of subsection (1) may include arrangements for the performance of a service outside England.”
- (4) For subsection (4) substitute—
- “(4) The Board may (in addition to any other power conferred on it) make such arrangements for the provision of primary ophthalmic services as it considers appropriate; and it may, in particular, make contractual arrangements with any person.
- (4A) Arrangements made for the purposes of subsection (4) may include arrangements for the performance of a service outside England.”
- (5) In subsection (5), for “Each Primary Care Trust” substitute “The Board”.
- (6) Omit subsection (6).
- (7) In subsection (9), in paragraph (b), for “(d)” substitute “(e)”.
- (8) For the cross-heading preceding that section substitute “Duty of the Board in relation to primary ophthalmic services”.

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###### Commencement Information

**II** Sch. 4 para. 54 in force at 1.4.2013 by [S.I. 2013/160](#), [art. 2\(2\)](#) (with [arts. 7-9](#))

- 55 (1) Section 117 (general ophthalmic services contracts: introductory) is amended as follows.
- (2) In subsection (1), for “A Primary Care Trust” substitute “The Board”.
- (3) In subsections (3) and (5), for “the Primary Care Trust” substitute “the Board”.
- (4) In subsection (4), for paragraph (b) substitute—

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“(b) services which are to be performed outside England.”

**Commencement Information**

**I2** Sch. 4 para. 55 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

56 In section 118 (persons eligible to enter into general ophthalmic services contracts), in subsection (1), for “A Primary Care Trust” substitute “The Board”.

**Commencement Information**

**I3** Sch. 4 para. 56 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

57 In section 119 (exclusion of contractors), for “a Primary Care Trust” substitute “the Board”.

**Commencement Information**

**I4** Sch. 4 para. 57 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

58 In section 120 (general ophthalmic services contracts: payments), in subsection (3) (d), for “a Primary Care Trust” substitute “the Board”.

**Commencement Information**

**I5** Sch. 4 para. 58 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

59 In section 121 (general ophthalmic services contracts: other required terms), in subsection (3)(a), for “a Primary Care Trust” substitute “the Board”.

**Commencement Information**

**I6** Sch. 4 para. 59 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

60 (1) Section 123 (persons performing primary ophthalmic services) is amended as follows.

(2) In the following provisions, for “a Primary Care Trust” substitute “the Board”—

- (a) subsection (1), in each place it occurs,
- (b) subsection (3)(j),
- (c) subsection (4)(a), (b) and (d), and
- (d) subsection (7)(a) and (b).

(3) In subsection (2), for paragraph (b) substitute—

“(b) the Board is responsible for an ophthalmic service if it secures its provision by or under any enactment.”

(4) In subsection (3), in paragraph (c), omit the words from “as to” to “, and”.

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**Commencement Information**

**I7** Sch. 4 para. 60 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

61 (1) Section 124 (primary ophthalmic services: assistance and support) is amended as follows.

(2) In subsection (1)—

- (a) for “A Primary Care Trust” substitute “The Board”, and
- (b) at the end insert “or primary ophthalmic services that fall within section 115(4)”.

(3) In subsection (2)—

- (a) for “a Primary Care Trust” substitute “the Board”, and
- (b) for “the Primary Care Trust” substitute “the Board”.

**Commencement Information**

**I8** Sch. 4 para. 61 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

62 (1) Section 125 (Local Optical Committees) is amended as follows.

(2) In subsection (1), for the words from the beginning to “other Primary Care Trusts” substitute “The Board may recognise a committee formed for an area”.

(3) In subsection (3)—

- (a) in paragraph (a), omit “, whether under section 115(4)(a), or”, and
- (b) in paragraph (b), for “the Primary Care Trust” substitute “the Board”.

(4) In subsection (7), for “a Primary Care Trust” substitute “the Board”.

(5) In subsection (10)—

- (a) for “A Primary Care Trust” substitute “The Board”, and
- (b) in paragraphs (a) and (b), for “the Primary Care Trust” substitute “the Board”.

**Commencement Information**

**I9** Sch. 4 para. 62 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing SI 2012/1831 art. 10 by [S.I. 2012/2657 art. 15](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 9 Ch. 1B inserted by [2022 c. 31 s. 96](#)
- s. 102(4)(ba) inserted by S.I. 2019/93, Sch. 1 para. 13(3) (as substituted) by [S.I. 2019/1245 reg. 28](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 105(3A)(3B) inserted by [2013 c. 24 Sch. 14 para. 21](#)
- s. 106(3A)(3B) inserted by [2013 c. 24 Sch. 14 para. 22](#)
- s. 250(2)-(2B) substituted for s. 250(2) by [2022 c. 31 s. 95\(2\)\(a\)](#)
- s. 250(6)-(6D) substituted for s. 250(6) by [2022 c. 31 s. 95\(2\)\(d\)](#)
- s. 251251ZA substituted for s. 251 by [2022 c. 31 s. 95\(3\)](#)
- s. 251C(6A) inserted by [2022 c. 31 s. 95\(4\)\(a\)](#)
- s. 259(1)(aa)(b) substituted for s. 259(1)(b) by [2022 c. 31 s. 98\(b\)](#)
- s. 259(1)(aa) words substituted by [S.I. 2023/98 Sch. para. 17\(11\)\(a\)\(iii\)](#) (This amendment comes in force at the same time as 2022 c. 31, s. 98 comes into force)
- s. 259(10A)(10B) inserted by [2022 c. 31 s. 98\(h\)](#)
- s. 304(5)(ja) inserted by [2022 c. 31 s. 95\(5\)](#)