

Classification: Official

Publication reference: PRN00242



General Ophthalmic Mandatory Services Model Contract Variation Notice

Revised: September 2023

General Ophthalmic Mandatory Services Model Contract Variation Notice

Publishing approval number: PRN00242

Version number: 3.0

First published: April 2006

Updated: July 2018

Revised: September 2023

The text of the General Ophthalmic Mandatory Services Model Contract Variation Notice July 2023 has been prepared by Hill Dickinson on behalf of NHS England.

It is prepared on the basis that the numbering adopted in the signed contract follows that used in the model General Ophthalmic Mandatory Services Model Contract dated July 2018.

Equalities and health inequalities statement

"Promoting equality and addressing health inequalities are at the heart of NHS England's values. Throughout the development of the policies and processes cited in this document, we have:

- given due regard to the need to eliminate discrimination, harassment and victimisation, to advance equality of opportunity, and to foster good relations between people who share a relevant protected characteristic (as cited under the Equality Act 2010) and those who do not share it;
- given regard to the need to reduce inequalities between patients in access to, and outcomes from, healthcare services and in securing that services are provided in an integrated way where this might reduce health inequalities."

Dear Sir/Madam

Notice of Variation to your General Ophthalmic Mandatory Services Model Contract dated []

We give you notice under paragraph 33(2) of Schedule 1 to The General Ophthalmic Services Contracts Regulations 2008 (S.I. 2008/2013) that the terms of your General Ophthalmic Mandatory Services Contract dated [] are varied as set out below with effect from *[insert here date on which variations will take effect. Where reasonably practicable this should not be less than 14 days after the date on which this notice is served. This is a regulatory requirement.]*.

These variations are made to reflect changes introduced by the Health and Care Act 2022 and comply with:

- The National Health Service (Primary Ophthalmic Services) (Miscellaneous Amendments and Transitional Provisions) Regulations 2013;
- The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) (Secondary Legislation) Regulations 2016;
- The National Health Service (Coronavirus) (Charges and Further Amendments Relating to the Provision of Primary Care Services During a Pandemic etc.) Regulations 2020; and
- The Health Education England (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023;

which are published on the government website [legislation.gov.uk](https://www.legislation.gov.uk).

For the avoidance of doubt nothing in this notice shall affect accrued rights or liabilities up to the date of the variation.

We request you to acknowledge receipt of this notice by signing and returning the enclosed duplicate of it.

Dated:

Signed:

on behalf of NHS England

Print name:

Wording of Variations

General Variations

1. In clause 113, **replace** both references to “the Board” with “the Commissioner, *NHS England*”.
2. **Replace** all other references to “the Board” with “the Commissioner”.

Clause 1

3. **Insert** the following new definitions:

““integrated care board” means an integrated care board established under Chapter A3 of Part 2 of *the Act*;

“NHS England” means the body corporate established under section 1H of *the Act*”.

4. In the definition of “local authority”, after the words “(Scotland) Act 1994” **insert** the words “, or the council of a county or county borough in Wales;”.

Clause 2

5. Immediately after clause 2.10, **insert** the following new clause:

“2.11 Where under section 65Z5 of *the Act* a relevant body (as defined therein) has arranged for functions exercisable by it to be exercised by or jointly with one or more other bodies, a reference to that relevant body shall, as the context requires, include a reference to the body or bodies exercising the functions in question (and vice versa)”.

Clause 34

6. Immediately after clause 34, **insert** the following new clauses:

- “34A. Where, by virtue of clauses 30 to 34, a person is required to complete or sign any or any part of a sight test form or prescription form, but as a consequence of a disease being, or in anticipation of a disease being imminently—
- 34A.1. pandemic; and
- 34A.2. a serious risk or potentially a serious risk to human health,
- the Secretary of State* has made an announcement to the effect that, in order to assist in the management of the serious risk or potentially serious risk to human health, for the period specified in the announcement, that requirement is to be waived or modified in the manner specified in the announcement, that requirement is waived or is as modified in the specified manner for the specified period.
- 34B. Modifications under clause 34A may include modifications imposing requirements on a person other than the person who, but for the announcement, would be required to complete or sign any or any part of a form.
- 34C. An announcement under clause 34A may be withdrawn or amended at any time.”.

Clause 74

7. Immediately after clause 74.3, **insert** the following new clause:

“Duty as to education and training

- 74A. The Contractor must co-operate with *the Secretary of State* in the discharge of the duty under section 1F of *the Act* (duty as to education and training), or co-operate with *NHS England* where *NHS England* is discharging that duty by virtue of section 97 of the Care Act 2014.”.