Opticians Act 1989

1989 CHAPTER 44

PART IV

RESTRICTIONS ON TESTING OF SIGHT, FITTING OF CONTACT LENSES, SALE AND SUPPLY OF OPTICAL APPLIANCES AND USE OF TITLES AND DESCRIPTIONS

28 Penalty for pretending to be registered etc

(1) Any individual—

(a) who takes or uses the title of ophthalmic optician or the title of optometrist when he is not registered in either of the registers of ophthalmic opticians; or

(b) who takes or uses the title of dispensing optician when he is not registered in the register of dispensing opticians; or

(c) who takes or uses the title of registered optician or enrolled optician when he is not registered in any of the registers; or

(d) who takes or uses any name, title, addition or description falsely implying that he is registered in any of the registers; or

(e) who otherwise pretends that he is registered in any of the registers,

shall be liable on summary conviction to a fine of an amount not exceeding level 4 on the standard scale.

(2) On any prosecution for an offence under subsection (1)(d) or (e) above, the taking or use of the title of optician by a person to whom this subsection applies is to be taken to imply that he is registered in one of the registers, but the implication may be rebutted if the defendant proves that he took or, as the case may be, used the title in circumstances where it would have been unreasonable for people to believe, in consequence of his taking or, as the case may be, use of it, that he was in fact registered in one of the registers.

(3) Subject to subsection (4) below, subsection (2) above applies to a person who carries on the business—

(a) of selling optical appliances; or

(b) of supplying optical appliances in pursuance of arrangements made as mentioned in section 27(4) above.

(4) Subsection (2) above does not apply to a person who sells or supplies optical appliances only as mentioned in section 27(5)(a) to (e) above.

(5) Any body corporate—

(a) which takes or uses the title of ophthalmic optician or the title of optometrist when it is not enrolled in the list of bodies corporate carrying on business as ophthalmic opticians; or

(b) which takes or uses the title of dispensing optician when it is not enrolled in the list of bodies corporate carrying on business as dispensing opticians; or

(c) which takes or uses the title of registered optician or enrolled optician when it is not enrolled in either of the lists; or

(d) which takes or uses any name, title, addition or description falsely implying that it is enrolled in either of the lists; or

(e) which otherwise pretends that it is enrolled in either of the lists,

shall be liable on summary conviction to a fine of an amount not exceeding level 4 on the standard scale.

(6) On any prosecution for an offence under subsection (5)(d) or (e) above, the taking or use of the title of optician by a body corporate to which this subsection applies is to be taken to imply that it is enrolled in one of the lists, but the implication may be rebutted if the body corporate proves that it took or, as the case may be, used the title in circumstances where it would have been unreasonable for people to believe, in consequence of its taking or, as the case may be, use of it, that it was in fact enrolled in either of the lists.

(7) Subject to subsection (8) below, subsection (5) above applies to a body corporate which carries on the business—

(a) of selling optical appliances; or

(b) of supplying optical appliances in pursuance of arrangements made as mentioned in section 27(4) above.

(8) Subsection (5) above does not apply to a body corporate which sells or supplies optical appliances only as mentioned in section 27(5)(a) to (e) above.

(9) It is immaterial for the purposes of this section whether a title was used alone or in combination with any other words.