



# Opticians Act 1989

## 1989 CHAPTER 44

### PART II

#### REGISTRATION AND TRAINING OF OPTICIANS

##### *Training and Qualifications*

#### **12 Approval of training institutions and qualifications**

- (1) The Council may approve for the purposes of this Act any institution (hereafter in this Act referred to as “an approved training institution”) where the instruction given to persons training as opticians appears to the Council to be such as to secure to them adequate knowledge and skill for the practice of their profession.
- (2) The Council may approve for the purposes of this Act any qualification (hereafter in this Act referred to as “an approved qualification”) which appears to the Council to be granted to candidates who reach such a standard of proficiency at a qualifying examination as to secure to them adequate knowledge and skill for the practice of their profession.
- (3) An institution may be approved under this section as suitable for the giving of all, or some part of, the instruction necessary for the training of ophthalmic opticians or of dispensing opticians, or of both, and a qualification may be so approved as suitable to be granted to ophthalmic opticians or to dispensing opticians.
- (4) Where the Council have refused to approve an institution or qualification under this section as suitable for any purpose, the Privy Council, on representations being made to them within one month of the refusal, may, if they think fit, after considering the representations and after communicating with the Council, order the Council to approve the institution or qualification as suitable for that purpose.
- (5) The Council shall from time to time publish a list of approved training institutions and approved qualifications, indicating the purpose for which the approval was granted.

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*Status: This is the original version (as it was originally enacted).*

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### **13 Supervision of training institutions and qualifying examinations**

- (1) It shall be the duty of the Council to keep themselves informed of the nature of the instruction given by any approved training institution to persons training as opticians and of the examinations on the results of which approved qualifications are granted.
- (2) For the purposes of their duty under subsection (1) above the Council may appoint persons to visit approved training institutions and to attend at the examinations held by the bodies which grant approved qualifications.
- (3) No visitor shall interfere with the giving of any instruction or the holding of any examination.
- (4) It shall be the duty of visitors to report to the Council—
  - (a) as to the sufficiency of the instruction given by the institutions visited by them, or of the examinations attended by them; and
  - (b) as to any other matters relating to such institutions or examinations which may be specified by the Council either generally or in any particular case.
- (5) Where it appears to the Council (as a result of a report under subsection (4) above or otherwise)—
  - (a) that—
    - (i) the instruction given by any approved training institution to persons training as opticians; or
    - (ii) the examinations taken by such persons,are not such as to secure the possession by them of adequate knowledge and skill for the practice of their profession; and
  - (b) that for that reason the approval of the institution or qualification in question should be withdrawn,the Council shall give notice in writing to the institution or body of their opinion, sending with the notice a copy of any report on which their opinion is based.
- (6) On the receipt of the notice the institution or body may, within such period (not being less than one month) as the Council may have specified in the notice, make to the Council observations on the notice and any report sent with it or objections to the notice and report.
- (7) As soon as may be after the expiration of the period specified under subsection (6) above the Council shall determine whether or not to withdraw their approval of the institution or qualification, taking into account any observations or objections duly made under that subsection.
- (8) The Council shall give notice in writing of any decision under this section to withdraw approval of an institution or qualification to the institution or body concerned and the decision shall not take effect until the expiration of one month from the date of the giving of the notice or, if during that time that institution or body makes representations with respect to the decision to the Privy Council, until the representations are finally dealt with.
- (9) Where an institution has been approved as suitable for more than one purpose, the Council, instead of entirely withdrawing approval of the institution, may withdraw approval in relation to one or some of the purposes only and references in this section to the withdrawal of approval shall be construed accordingly.

- (10) Where the Council have decided to withdraw approval of an institution or a qualification (whether entirely or to a limited extent), the Privy Council, on representations being made to them within one month from the giving of notice of the decision may, if they think fit, after considering the representations and after communicating with the Council, order the Council to annul the withdrawal of approval or, in the case of an institution approved as suitable for more than one purpose, to withdraw approval in relation to one or some of the purposes only.
- (11) The Council may pay to visitors appointed under this section such fees and such travelling and subsistence allowances, to be paid as part of the expenses of the Council, as the Council may with the approval of the Privy Council determine.