



Opticians Act 1989

1989 CHAPTER 44

PART II

REGISTRATION AND TRAINING OF OPTICIANS

The registers and lists

7 Registers of opticians

The Council shall continue to maintain—

- (a) two registers of ophthalmic opticians, one for the registration of persons engaged or proposing to engage both in the testing of sight and in the fitting and supply of optical appliances and the other for the registration of persons engaged or proposing to engage in the testing of sight, but not in the fitting and supply of optical appliances; and
- (b) a register of dispensing opticians,

each containing the names, addresses and qualifications, and such other particulars as may be prescribed, of all persons who are entitled under the provisions of this Act to be registered in it and who apply in the prescribed manner to be so registered.

8 Qualifications for being registered

(1) Any person who satisfies the Council—

- (a) that he holds a qualification as an ophthalmic optician or dispensing optician for the time being approved by them under section 12 below, being a qualification granted to him after receiving instruction from one or more of the institutions so approved; and
- (b) that he has had adequate practical experience in the work of an ophthalmic or dispensing optician,

shall be entitled to be registered in the appropriate register.

(2) Any person who satisfies the Council—

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- (a) that he holds a qualification as an ophthalmic optician or dispensing optician for the time being recognised by them for the purposes of this subsection, being a qualification granted outside the United Kingdom; and
 - (b) that he has had adequate practical experience in the work of an ophthalmic or dispensing optician; and
 - (c) that he is of good character,shall be entitled to be registered in the appropriate register.
- (3) Any person who on 1st January 1959 was entitled to have his name included in one of the health service ophthalmic lists, and whose name had not at that time been removed from one of those lists by direction of a health service tribunal, shall be entitled to be registered in the appropriate register.
- (4) Any person who on an application made not later than 1st June 1961 satisfied the Council—
 - (a) that on the date of his application he held a qualification as an ophthalmic optician or dispensing optician recognised by them for the purposes of this subsection; and
 - (b) that he had had adequate practical experience in the work of an ophthalmic or dispensing optician; and
 - (c) that he was of good character,shall be entitled to be registered in the appropriate register.
- (5) Any person who on an application made after 1st June 1961 but before this Act came into force satisfied the Council—
 - (a) that on 1st June 1961 he held a qualification such as is mentioned in paragraph (a) of subsection (4) above; and
 - (b) that he had had adequate practical experience in the work of an ophthalmic or dispensing optician; and
 - (c) that he was of good character,shall be entitled to be registered in the appropriate register.
- (6) Any person who on an application made after this Act comes into force satisfies the Council—
 - (a) that on 1st June 1961 he held a qualification such as is mentioned in paragraph (a) of subsection (4) above; and
 - (b) that he has had adequate practical experience in the work of an ophthalmic or dispensing optician; and
 - (c) that he is of good character,shall be entitled to be registered in the appropriate register.
- (7) In the case of a person whose qualifications (including experience) are appropriate for an ophthalmic optician, both registers of ophthalmic opticians and the register of dispensing opticians are appropriate registers for the purposes of this section and, in the case of a person whose qualifications (including experience) are only appropriate for a dispensing optician, the register of dispensing opticians is appropriate for those purposes.
- (8) A person shall not be registered at the same time in more than one register.
- (9) Where the Council have refused to grant an application for registration under subsection (4), (5) or (6) above, the Privy Council, on representations being made

to them, may if they think fit, after considering the representations and after communicating with the Council, order the Council to grant the application.

9 List of bodies corporate carrying on business as opticians

- (1) The Council shall continue to maintain—
- (a) a list of bodies corporate carrying on business as ophthalmic opticians; and
 - (b) a list of bodies corporate carrying on business as dispensing opticians,
- each containing the names, principal places of business and such other particulars as may be prescribed of the bodies which are entitled under the following provisions of this Act to be enrolled in it and apply in the prescribed manner to be so enrolled.
- (2) Subject to subsection (3) below, a body corporate shall be entitled to be enrolled in the appropriate list—
- (a) if it satisfies the Council that a majority of its directors are registered opticians or, in the case of a body corporate having only one director, that he is a registered optician;
 - (b) if on 20th November 1957 its name or a name under which it carried on business was included in one of the health service ophthalmic lists or if it subsequently came into existence on the reconstruction of a body corporate entitled to be enrolled by virtue of this paragraph;
 - (c) if it satisfies the Council—
 - (i) that the greater part of its business consists of activities other than the testing of sight and the fitting and supply of optical appliances; and
 - (ii) that so much of its business as consists of the testing of sight is carried on under the management of a registered ophthalmic optician; and
 - (iii) that so much of its business as consists of the fitting and supply of optical appliances is carried on under the management of a registered optician; or
 - (d) if—
 - (i) it is a society registered under the Industrial and Provident Societies Act 1965 or the Industrial and Provident Societies Act (Northern Ireland) 1969; and
 - (ii) it satisfies the Council that so much of its business as consists of the testing of sight, or of the fitting and supply of optical appliances, as the case may be, is carried on under such management as is mentioned in paragraph (c)(ii) and (iii) above.
- (3) A body corporate shall not be entitled to be enrolled by virtue of subsection (2)(b) above if its name, or the name of any body on whose reconstruction it came into existence, or a name under which it or any such body carried on business has at any time—
- (a) been removed from one of the health service ophthalmic lists by direction of a health service tribunal; or
 - (b) been erased from the list maintained under subsection (1) above in consequence of an erasure order.

10 General provisions as to registers and lists

- (1) The Council may make rules with respect to the form and keeping of the registers and lists and the making of entries and alterations in them and, in particular—

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- (a) regulating the making of applications for registration or enrolment or for transfer from one register or list to another, and providing for the evidence to be produced in support of any such application;
 - (b) providing for the notification to the Council of any change in the particulars entitling a person to be registered or a body corporate to be enrolled;
 - (c) prescribing a fee to be charged on the entry of a name in, or the restoration of a name to, the register or list;
 - (d) prescribing a fee to be charged in respect of the retention in the register or list of any name in any year subsequent to the year in which the name was first entered in the register or list;
 - (e) providing for the entry in the register of qualifications (whether or not approved under section 12(2) below) possessed by persons whose names are registered in it and for the removal of such qualifications from the register, and prescribing a fee to be charged in respect of the entry;
 - (f) authorising the registrar—
 - (i) to refuse to enter a name in, or restore it to, the register or list until a fee prescribed for the entry or restoration has been paid; and
 - (ii) to erase from the register or list the name of a person who or body corporate which, after the prescribed notices and warnings, fails to pay the fee prescribed in respect of the retention of that name in the register or list;
 - (g) prescribing anything required or authorised to be prescribed by the provisions of this Act relating to the registers or lists.
- (2) On registering the death of an ophthalmic or dispensing optician a registrar shall send forthwith by post to the registrar of the Council a copy certified under his hand of the entry relating to the death in the register of deaths; and the cost of the certificate and of sending it by post shall be payable by the registrar of the Council to the registrar of births and deaths from whom it is received.
- (3) Rules under this section which provide for the erasure of a name from the register or list on failure to pay a fee shall provide for its restoration to the register or list on the making of the prescribed application in that behalf and on payment of that fee and any additional fee prescribed in respect of the restoration.
- (4) Rules under this section prescribing fees may provide for the charging of different fees in different classes of cases.

11 Publication of registers and lists

- (1) The Council shall cause the registers and lists to be printed and published as often as they think fit.
- (2) Where any of the registers or lists is not published in any year, the Council shall cause any alterations in the entries in that register or list which have been made since its last publication to be printed and published within that year.
- (3) A copy of any of the registers or lists purporting to be printed and published by the Council shall, as altered by any alterations purporting to be printed and published by the Council, be evidence in all proceedings that the individuals specified in that register are registered in it or, as the case may be, that the bodies corporate specified in that list are enrolled in it, and the absence of the name of any individual or body corporate from any such copy of a register or list shall be evidence, until the contrary

is shown, that he is not registered in that register or, as the case may be, that it is not enrolled in that list.

- (4) In the case of an individual or body corporate whose name does not appear in any such copy of a register or list as altered, a certified copy, under the hand of the registrar, of the entry relating to that individual or body corporate in the register or list shall be evidence of the entry.

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.

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

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- (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.