



Opticians Act 1989

1989 CHAPTER 44

[^{F1}PART 2A

FITNESS TO PRACTISE

[^{F1}13L. Interim orders

- (1) Where the Fitness to Practise Committee are satisfied that it is necessary for the protection of members of the public or is otherwise in the public interest, or is in the interests of a registrant, for—
 - (a) his registration to be suspended or to be made subject to conditions; or
 - (b) an entry relating to a specialty or proficiency to be removed temporarily or made subject to conditions,the Committee may make an order specified in subsection (2) below.
- (2) The orders specified in this subsection are that—
 - (a) the registrant's registration in the appropriate register shall be suspended (that is to say, shall not have effect), or that an entry relating to a specialty or proficiency of his shall be removed, during such period not exceeding eighteen months as may be specified in the order (an "interim suspension order"); or
 - (b) his registration or entry relating to a specialty or proficiency shall be conditional on his compliance, during such period not exceeding eighteen months as may be specified in the order, with such requirements so specified as the Committee think fit to impose (an "order for interim conditional registration").
- (3) Subject to subsection (9) below, if the Fitness to Practise Committee make an order under subsection (1) above, the Committee—
 - (a) must review that order within the period of six months beginning on the date on which the order was made, and must also, for so long as the order remains in force, further review it—
 - (i) before the end of the period of six months beginning on the date of the immediately preceding decision, or

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- (ii) if after the end of the period of three months beginning on the date of the decision of the immediately preceding review, the person concerned requests an earlier review, as soon as practicable after that request; and
 - (b) may review it if new evidence relevant to the order becomes available after the order is made.
- (4) Where an interim suspension order or an order for interim conditional registration has been made in relation to a person under any provision of this section (including this subsection), the Fitness to Practise Committee may—
 - (a) revoke the order or revoke the condition imposed by the order;
 - (b) vary any condition imposed by the order; or
 - (c) if satisfied that to do so is necessary for the protection of members of the public or is otherwise in the public interest, or is in the interests of that person, replace—
 - (i) an order for interim conditional registration with an interim suspension order having effect for the remainder of the term of the former; or
 - (ii) an interim suspension order with an order for interim conditional registration having effect for the remainder of the term of the former.
- (5) If an order is made under any provision of this section, the registrar shall forthwith serve a notification of the order on the person.
- (6) The Council may apply to the relevant court for an order made by the Fitness to Practise Committee under subsection (1) or (4) above to be extended, and may apply again for further extensions.
- (7) On such an application the relevant court may extend (or further extend) for up to twelve months the period for which the order has effect.
- (8) Any references in this section to an interim suspension order, or to an order for interim conditional registration, include a reference to such an order as extended under subsection (7) above.
- (9) For the purposes of subsection (3) above the first review after the relevant court's extension of an order made by the Fitness to Practise Committee, or after the Fitness to Practise Committee makes a replacement order under subsection (4)(c) above, shall take place—
 - (a) if the order (or the order which has been replaced) had not been reviewed at all under subsection (3) above, within the period of six months beginning on the date on which the relevant court ordered the extension or on which a replacement order under subsection (4)(c) above was made; and
 - (b) if it had been reviewed under the provision, within the period of three months beginning on that date.
- (10) Where an order has effect under any provision of this section, the relevant court may—
 - (a) in the case of an interim suspension order, terminate the suspension, or temporary period of removal in the case of an entry relating to a specialty or proficiency;
 - (b) in the case of an order for interim conditional registration, revoke or vary any condition imposed by the order; or

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- (c) in either case, substitute for the period specified in the order (or in the order extending it) some other period which could have been specified in the order when the Order was made,
and the decision of the relevant court under any application under this subsection shall be final.
- (11) If an order is made in relation to any person under any provision of this section, the Fitness to Practise Committee shall (if the order remains in effect at the time of the hearing of the allegation against the person before the Committee) revoke that order immediately after it has determined the allegation in accordance with section 13F above and rules made under section 23C below.
- (12) The revocation of an interim suspension order or an order for interim conditional registration under subsection (11) shall take effect forthwith.]

Textual Amendments

- F1** Pt. 2A inserted (coming into force in accordance with art. 1(3)-(6) of the amending S.I.) by [The Opticians Act 1989 \(Amendment\) Order 2005 \(S.I. 2005/848\)](#), [art. 16](#) (with [Sch. 2](#))

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Changes and effects yet to be applied to :

- s. 13L(1) words substituted by [2008 c. 14 Sch. 7 para. 38\(2\)\(a\)](#)
- s. 13L(1) words substituted by [2008 c. 14 Sch. 7 para. 38\(2\)\(b\)](#)
- s. 13L(2)(b) words substituted by [2008 c. 14 Sch. 7 para. 38\(3\)](#)
- s. 13L(3) words substituted by [2008 c. 14 Sch. 7 para. 38\(4\)\(a\)](#)
- s. 13L(3) words substituted by [2008 c. 14 Sch. 7 para. 38\(4\)\(b\)](#)
- s. 13L(4) word substituted by [2008 c. 14 Sch. 7 para. 38\(5\)](#)
- s. 13L(6) word substituted by [2008 c. 14 Sch. 7 para. 38\(5\)](#)
- s. 13L(9) word substituted by [2008 c. 14 Sch. 7 para. 38\(6\)](#)
- s. 13L(11) word substituted by [2008 c. 14 Sch. 7 para. 38\(7\)\(a\)](#)
- s. 13L(11) words repealed by [2008 c. 14 Sch. 7 para. 38\(7\)\(c\)](#)[Sch. 15 Pt. 2](#)
- s. 13L(11) words substituted by [2008 c. 14 Sch. 7 para. 38\(7\)\(b\)](#)

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):

- s. 13D(2)(h)(i) inserted by [S.I. 2008/1774 Sch. 2 para. 2](#) (This amendment not applied to [legislation.gov.uk](#). It was due to come into force on the coming into force of s. 44(1) of the Safeguarding Vulnerable Groups Act 2006 (c. 47), see art. 1(4). S. 44(1) was repealed without ever being in force on 10.9.2012 by [2012 c. 9, s. 75\(6\)](#), [Sch. 10 Pt. 5](#); [S.I. 2012/2234, art. 2](#))
- s. 13AA inserted by [2008 c. 14 Sch. 7 para. 30](#)
- s. 23I inserted by [2008 c. 14 Sch. 7 para. 46](#)
- s. 23AA inserted by [2008 c. 14 Sch. 7 para. 39](#)
- s. 23CA inserted by [2008 c. 14 Sch. 7 para. 42](#)