
STATUTORY INSTRUMENTS

2005 No. 848

The Opticians Act 1989 (Amendment) Order 2005

PART 2

The Council, its Committees and Registration

Amendment of section 10

11.—(1) Section 10 (general provisions as to the register) is amended as follows.

(2) In subsection (1)—

- (a) omit the words “and lists”;
- (b) in paragraph (a), omit the words “or enrolment” and “or list”;
- (c) for paragraphs (b) and (c), substitute—
 - “(b) providing for—
 - (i) the notification to the Council of any change in the information provided by the registrant to the Council in accordance with rules made under paragraph (c)(ii) below; and
 - (ii) the removal from the appropriate register of the name of the registrant if he fails to notify the Council of any such change;
 - (c) prescribing—
 - (i) a fee to be charged;
 - (ii) information to be provided to the Council; and
 - (iii) the time within which the fee is to be paid and the information provided, for the entry or retention of a name in, or the restoration of a name to, a register;”;
- (d) omit paragraph (d);
- (e) in paragraph (e), for the words “section 12(2) below” substitute “section 12(7)(b) below”;
- (f) for paragraph (f), substitute—
 - “(f) authorising the registrar to refuse to enter or retain a name in, or restore a name to, the appropriate register until the fee prescribed under paragraph (c)(i) has been paid, and the information prescribed under paragraph (c)(ii) and the evidence required by section 10A(3) has been provided, to the Council;
 - (ff) authorising the registrar to remove a person’s name from the appropriate register if he ceases to satisfy the requirements for registration specified in section 8, 8A or 9 above, or ceases to satisfy the requirement to be insured under section 10A(1) below, or fails to pay any fee due or provide any information he is required to provide;”;
- (g) in paragraph (g), omit the words “or lists”.

(3) After subsection (1), insert—

- “(1A) The Council may make rules—
- (a) specifying specialties or levels of proficiency which a registered optometrist or registered dispensing optician may be permitted to register;
 - (b) enabling the registrar to enter in the appropriate register particulars of a registered optometrist’s or registered dispensing optician’s specialties or proficiencies where such requirements as may be prescribed for inclusion of such an entry have been met;
 - (c) enabling the registrar to remove from the appropriate register particulars of a registered optometrist’s or registered dispensing optician’s specialties or proficiencies in such circumstances as may be prescribed;
 - (d) applying with or without modification rules made under subsection (1) above to specialties and proficiencies;
 - (e) specifying the activities or work which may be performed by registered optometrists or registered dispensing opticians whose registration in the appropriate register includes particulars registered in accordance with rules made under paragraph (b) above; and
 - (f) providing that the performing of such activities or work by a registered optometrist or registered dispensing optician whose registration in the appropriate register does not include such particulars shall be treated as adversely affecting a registered optometrist’s or registered dispensing optician’s fitness to practise.”.

(4) In subsection (2), for the words “an ophthalmic or dispensing optician” substitute “a registrant”.

(5) Omit subsections (3) and (4).

(6) At the end of the section, add—

- “(5) The Council may make rules providing for—
- (a) the communication of documents in electronic form to the Council; and
 - (b) the electronic storage of documents communicated to the Council whether or not in electronic form.”.