
STATUTORY INSTRUMENTS

2005 No. 848

The Opticians Act 1989 (Amendment) Order 2005

PART 3

Professional training and development

Insertion of sections 11A and 11B

14. Before section 12 insert—

“Requirement for continuing education and training

11A.—(1) The Council may by rules make a scheme providing for the continuing education and training of—

- (a) registered optometrists and registered dispensing opticians; and
- (b) others who have been but who are not so registered and who seek registration, whether by way of restoration or otherwise.

(2) Such a scheme may in particular—

- (a) impose requirements on persons to whom the scheme applies for continuing education and training;
- (b) provide for a person appointed by the Council (“the administrator”) to administer the scheme;
- (c) specify, or provide for the administrator to specify, the steps which persons to whom the scheme applies are expected to take to ensure they meet requirements imposed under the scheme for continuing education and training;
- (d) specify the procedures which persons to whom the scheme applies must follow in order to satisfy the Council that the requirements imposed upon them under the scheme have been met;
- (e) provide for the Council to impose additional education and training requirements on those persons against whose name in the appropriate register an entry is made in accordance with rules made under section 10(1A) above; and
- (f) include provision for education and training undertaken before the scheme comes into force, or undertaken outside the United Kingdom, to count towards the satisfaction of any requirement imposed in accordance with the preceding provisions of this subsection.

(3) The rules may require the administrator to secure the provision of education and training—

- (a) sufficient in quantity to meet the reasonable needs of persons to whom the scheme applies; and
- (b) of a quality adequate to meet those needs.

- (4) The rules may—
- (a) require persons (“providers”) who seek to provide education and training for persons to whom the scheme applies to apply to the administrator for approval;
 - (b) require the approval of the administrator for any curriculum established for the purpose of meeting the educational and training requirements of persons to whom the scheme applies, and for any lessons or activities provided for such persons;
 - (c) provide for the charging of fees by the administrator for approval by him;
 - (d) set the level of fees required to be paid for approval by the administrator and to provide for the collection of fees due;
 - (e) require the keeping of records by providers and specify the period for which those records must be kept;
 - (f) require records kept by providers to be produced for inspection at such time and such place as may be specified in accordance with the rules;
 - (g) specify the procedures which must be followed by providers seeking approval under the rules; and
 - (h) enable the Council to exercise in specified circumstances any of the administrator’s functions.

Failure to satisfy requirements imposed under a scheme

11B.—(1) If it appears to the registrar that a person has failed to satisfy requirements for continuing education and training imposed upon him under a scheme made by virtue of section 11A above, the registrar may—

- (a) remove from the appropriate register, or refuse to retain in the appropriate register, the registrant’s name; or
- (b) refuse to restore the person’s name to the appropriate register.

(2) If it appears to the registrar that a person has failed to satisfy requirements for additional education and training imposed upon him under a scheme by virtue of section 11A(2)(e) above, the registrar may—

- (a) remove from the appropriate register, or refuse to retain in the appropriate register, the registrant’s entry relating to a specialty or proficiency; or
- (b) refuse to restore the registrant’s entry relating to a specialty or proficiency in the appropriate register.

(3) The registrar must serve on any person whose name or entry he removes from, or whose name he refuses to retain in or restore to, the appropriate register under this section, notice of his decision and the reasons for it.

(4) If the registrar exercises his powers under subsection (1) above, and the person whose name is removed from, or not retained in, or restored to, the appropriate register—

- (a) subsequently satisfies the registrar that he has met the requirements provided for under the scheme as to continuing education and training; and
- (b) meets the other requirements for registration,

the registrar must restore his registration.

(5) If the registrar exercises his powers under subsection (2) above, and the registrant whose entry relating to a specialty or proficiency is removed from, not retained in, or restored to, the appropriate register—

- (a) subsequently satisfies the registrar that he has now met the requirements for additional education and training; and
- (b) meets the other requirements for an entry relating to a specialty or proficiency set out in rules made in accordance with section 10(1A) above,

the registrar must make the entry.

- (6) The Council may make rules as to the procedures to be followed before the registrar—
 - (a) may refuse under this section—
 - (i) to retain in the register the name of a person; or
 - (ii) to retain in the register an entry relating to a specialty or proficiency; or
 - (b) may make a decision whether or not to restore a person's name to the appropriate register or to restore an entry relating to a proficiency or specialty in accordance with this section.”.