
STATUTORY INSTRUMENTS

2005 No. 848

The Opticians Act 1989 (Amendment) Order 2005

PART 5

Further amendments

Fitting of contact lenses

18.—(1) Section 25 (fitting of contact lenses) is amended as follows.

(2) For subsection (1) substitute—

“(1) Subject to the following provisions of this section a person who is not a registered medical practitioner, a registered optometrist or a registered dispensing optician must not fit a contact lens for an individual.

(1A) A registered medical practitioner, a registered optometrist, a registered dispensing optician or a person to whom, by virtue of subsection (2) or (3) below, subsection (1) above does not apply, must not fit a contact lens for an individual unless—

(a) where the duty to give an individual a signed written prescription under section 26(2) below arises, he has the particulars of such a prescription given to the individual within the period of two years ending on the date the fitting begins; and

(b) the fitting begins before any re-examination date specified in that prescription.”.

(3) In subsection (3), for the word “opticians” substitute “optometrists or dispensing opticians”.

(4) In subsection (4), after the words “subsection (1)” insert “or (1A)”.

(5) After subsection (4), add—

“(5) A person to whom this subsection applies who fits a contact lens to an individual must—

(a) on completion of the fitting, provide the individual with a signed, written specification of each lens fitted sufficient to enable the lens to be replicated unless, having carried out the assessment referred to in subsection (9)(a) below, he is of the view that a contact lens is not appropriate; and

(b) provide the individual with instructions and information on the care, wearing, treatment, cleaning and maintenance of the lens.

(6) The obligation to provide a specification or instructions or information under subsection (5) above applies—

(a) if only one person took part in fitting a contact lens for the individual, to that person;

(b) if a series of persons took part in fitting a contact lens for an individual, to the last person to fit a lens.

(7) A specification issued in accordance with subsection (5) above must—

(a) state the period during which the specification remains valid and its expiry date; and

(b) in the case of a specification provided by a registered medical practitioner, contain such particulars as the Secretary of State may specify in regulations.

(8) A specification becomes invalid after its expiry date.

(9) For the purposes of this section and section 27(3A) below, “fitting” a contact lens means—

(a) assessing whether a contact lens meets the needs of the individual; and, where appropriate

(b) providing the individual with one or more contact lenses for use during a trial period,

and “fit” and “fitted” shall be construed accordingly.

(10) In the application of this section to Northern Ireland, for any reference to the Secretary of State there shall be substituted a reference to the Department of Health, Social Services and Public Safety in Northern Ireland.”.

(6) The amendments made by this article do not apply to any fitting which was completed before this article came into force.