

SCHEDULE 1

Minor and consequential amendments

PART 1

Minor and consequential amendments to the Opticians Act 1989

- 3.—(1) In section 28 (penalty for pretending to be registered etc.)—
- (a) in subsection (1)—
- (i) in paragraph (a), for the words “ophthalmic optician” substitute “optometrist”, and for the words “either of the registers of ophthalmic opticians” substitute “the register of optometrists”, and
- (ii) for paragraph (c), substitute—
- “(c) who takes or uses the title of registered optometrist when he is not registered in the register of optometrists maintained under section 7 above;
- (cc) who holds himself out as being a student registrant when he is not registered in the register of those undertaking training as optometrists or dispensing opticians maintained under section 8A above;
- (ccc) who holds himself out as having a specialty or proficiency which qualifies for entry in the appropriate register in accordance with rules made under section 10(1A) above but for whom no entry is extant;”;
- (b) in subsection (4), for the words “optical appliances only” substitute “only optical appliances or zero powered contact lenses or both”;
- (c) for subsections (5) and (6), substitute—
- “(5) Any body corporate which—
- (a) takes or uses the title of ophthalmic optician, the title of optometrist, the title of dispensing optician or the title of registered optician when it is not registered;
- (b) takes or uses any name, title, addition or description falsely implying that it is registered;
- (c) otherwise pretends that it is registered,
- shall be liable on summary conviction to a fine of an amount not exceeding level 5 on the standard scale.
- (6) On any prosecution for an offence under subsection (5)(b) or (c) above, the taking or using of the title of optician by a body corporate to which this subsection applies is to be taken to imply that it is registered, but the implication may be rebutted if the body corporate took or, as the case may be, used the title in circumstances where it would have been unreasonable for people to believe, in consequence of its taking or, as the case may be, use of it, that it was in fact registered.”;
- (d) in subsection (7)—
- (i) for the words “subsection (5)” substitute “subsection (6)”, and
- (ii) in paragraphs (a) and (b), after the words “optical appliances” insert “or zero powered contact lenses”; and
- (e) in subsection (8), for the words “Subsection (5)” substitute “Subsection (6)”.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

(2) The amendments made by sub-paragraph (1) do not affect any offence committed before this paragraph comes into force.