

## SCHEDULE 1

### Minor and consequential amendments

## PART 3

### Consequential amendments to subordinate legislation

#### **The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975**

14. In paragraph 7 of Part 1 of Schedule 1 to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975(1) (excepted professions) for the words “ophthalmic optician” substitute “optometrist”.

#### **The Medicines (Contact Lens Fluids and Other Substances) (Exemption from Licences) Order 1979**

15. In article 1(2) of the Medicines (Contact Lens Fluids and Other Substances) (Exemption from Licences) Order 1979(2) (interpretation), for the definition of “optician” substitute—

““optician” means a person whose name is entered in the register of optometrists maintained under section 7(a) of the Opticians Act 1989;”.

#### **The Medicines (Contact Lens Fluids and Other Substances) (Advertising and Miscellaneous Amendments) Regulations 1979**

16. In article 2(1) of the Medicines (Contact Lens Fluids and Other Substances) (Advertising and Miscellaneous Amendments) Regulations 1979(3) (interpretation), for the definition of “optician” substitute—

““optician” means a person whose name is entered in the register of optometrists or the register of dispensing opticians maintained under section 7 of the Opticians Act 1989;”.

#### **The Medicines (Pharmacy and General Sale – Exemption) Order 1980**

17. In article 1(2) of the Medicines (Pharmacy and General Sale - Exemption) Order 1980(4) (interpretation), for the definition of “registered ophthalmic optician” substitute—

““registered ophthalmic optician” means a person whose name is entered in the register of optometrists maintained under section 7(a) of the Opticians Act 1989;”.

#### **The Sale of Optical Appliances Order of Council 1984**

18. In the Sale of Optical Appliances Order of Council 1984(5)—

(a) in article 1(2)(interpretation), in the definition of “registered blind or partially sighted”, for sub-paragraph (b), substitute—

“(b) in a register maintained by or on behalf of a council constituted under the Local Government (Scotland) Act 1994, or”; and

(b) in article 3 (conditions subject to which a sale is exempt)—

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(1) S.I.1975/1023; the relevant amending instrument is S.S.I. 2003/231.

(2) S.I. 1979/1585.

(3) S.I. 1979/1760.

(4) S.I. 1980/1924.

(5) S.I. 1984/1778.

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- (i) in paragraph (1), for the words “or registered optician” substitute “, registered optometrist or registered dispensing optician”; and
- (ii) in paragraph (2)(a)(i), for the words “ophthalmic optician” substitute “optometrist”.

### **The Rules on the Fitting of Contact Lenses 1985**

**19.**—(1) The Rules on the Fitting of Contact Lenses 1985(6) shall be amended in accordance with the following provisions of this paragraph.

- (2) For the words “ophthalmic optician”, wherever they occur, substitute “optometrist”.
- (3) For the words “ophthalmic opticians”, wherever they occur, substitute “optometrists”.
- (4) In rule 2(a) (interpretation)—
  - (a) for the definition of “appropriate course of instruction”, substitute—

““appropriate course of instruction” means a course of instruction as a dispensing optician or an optometrist provided by an approved training establishment;”;
  - (b) for the definition of “qualified registered optician” substitute—

““qualified registered optometrist or registered dispensing optician” means a registered optometrist or registered dispensing optician who holds an approved qualification, as defined in the Contact Lens (Qualifications etc) Rules 1988 (scheduled to the General Optical Council (Contact Lens (Qualifications etc) Rules) Order of Council 1988) or has been granted certification as a person qualified to fit contact lenses in accordance with the provisions of those Rules;”.
- (5) For rule 3, substitute—

**“3.** A person who—

  - (a) is training as an optometrist or a dispensing optician;
  - (b) is registered in the register of students maintained by the Council in accordance with section 8A of the Act; and
  - (c) falls within one of the classes prescribed by rule 4 of these Rules,

may fit a contact lens provided he does so—

  - (i) in the course of obtaining practical experience; and
  - (ii) under the continuous personal supervision of a qualified registered optometrist or registered dispensing optician or a registered medical practitioner.”.
  - (6) In rule 4—
    - (a) in paragraph (2), for sub-paragraph (b) substitute—

“(b) are holders of a qualification granted outside the United Kingdom which is approved under section 12(7) of the Act (education and training);”;
    - (b) for paragraph (4), substitute—

“(4) Persons engaged in a course of instruction provided by an approved training establishment leading to a qualification specified in Appendix A to the Contact Lens (Qualification etc) Rules 1988 (scheduled to the General Optical Council (Contact Lens (Qualifications etc) Rules) Order of Council 1988).”.

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(6) Scheduled to S.I. 1985/856 and amended by rules scheduled to S.I. 1988/1305.

## **The Contact Lens (Qualifications etc) Rules 1988**

**20.**—(1) The Contact Lens (Qualifications etc) Rules 1988(7) shall be amended in accordance with the following provisions of this paragraph.

(2) For the words “registered optician”, wherever they occur, substitute “registered optometrist or registered dispensing optician”.

(3) In rule 2(2), omit the definition of “fitting”.

(4) In rule 3 (qualifications required for fitting of contact lens by a registered optician) at the end, add—

“,

and the fitting of contact lenses is entered in the appropriate register against his name in accordance with rules made under section 10(1A) of the Act (particulars of registrants' specialties or proficiencies).”.

(5) For rule 4, substitute—

### **“Fitting a contact lens under supervision**

**4.** Rule 3 does not prevent a registered optometrist or registered dispensing optician who does not hold a qualification, certification or provisional certification fitting a contact lens if the fitting is carried out under the supervision of a person who does hold such a qualification, certification or provisional certification.”.

(6) For rule 10 (cancellation of certification or provisional certification), substitute—

### **“Cancellation**

**10.**—(1) The Council may cancel any certification or provisional certification granted to a registered optometrist or registered dispensing optician—

- (a) in respect of an application which is subsequently shown to contain false or misleading statements;
- (b) if his name is removed from the register or if he is suspended from the register under section 13F (powers of Fitness to Practise Committee), 13I (power to order immediate suspension etc) or 13J (removal from a register on grounds of fraud or error) of the Act;
- (c) if his entry relating to a specialty or proficiency is removed from the appropriate register under section 13F, 13I or 13J of the Act; or
- (d) if he is the subject of an interim suspension order or interim conditional registration order under section 13L of the Act (interim orders).

(2) Paragraph (1) is without prejudice to the right of a registered optometrist or registered dispensing optician to have his certification or provisional certification renewed on—

- (a) having his name or entry relating to a specialty or proficiency restored pursuant to section 10 (general provisions as to registers) or 13K (restoration of names to a register) of the Act;
- (b) termination of a period of suspension (unless followed by a further period of suspension or erasure); or

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(7) Scheduled to [S.I.1988/1305](#).

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- (c) termination of a period of temporary removal of an entry relating to a specialty or proficiency (unless followed by a further direction for removal whether or not for a specified period).”.
- (7) In rule 12 (fitting of contact lenses in the course of business, and use of titles, etc.)—
  - (a) in paragraph (1), for the words “or who are entitled to fit contact lenses by virtue of these Rules or of Rules made under section 20A(3) of the Act”, substitute “or have an entry for the fitting of contact lenses in the appropriate register in accordance with rules made under section 10(1A) of the Act”; and
  - (b) in paragraph (2)—
    - (i) for the word “enrolled” substitute “registered”, and
    - (ii) for the words “or persons entitled to fit contact lenses by virtue of these Rules or of Rules made under section 20A(3) of the Act”, substitute “or who have an entry for the fitting of contact lenses in the appropriate register in accordance with rules made under section 10(1A) of the Act.”.
- (8) Omit rules 13 and 14.
- (9) For rule 15 (provision of after-care) substitute—

**“Exemption from the duty to provide aftercare**

**15.**—(1) A person is exempted from the duty to provide aftercare under section 27 of the Act (sale and supply of optical appliance) if he is not a person to whom paragraph (2) refers.

(2) The person to whom this paragraph refers is—

- (a) if only one person supplied a contact lens to the person, that person; or
- (b) if more than one person supplied a contact lens to the person, the last person to fit a lens.”.

**The Contact Lens (Specification) Rules 1989**

**21.** In the Contact Lens (Specification) Rules 1989(8), for rule 2 (duty to provide specification), substitute—

**“Duty to provide specification**

**2.** The specification provided under section 25(5) of the Act must include the following particulars—

- (a) the name and address of the individual;
- (b) if the individual has not attained the age of sixteen on the day the specification is issued, his date of birth;
- (c) the name and registration number of the person signing the specification;
- (d) the address from which the person signing the specification practices;
- (e) the name of the practice on whose premises the fitting was done;
- (f) the date the fitting was completed;
- (g) sufficient details of any lens fitted to enable a person who fits or supplies a contact lens to replicate the lens;
- (h) the date the specification expires; and

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(8) Scheduled to S.I. 1989/791.

- (i) such information of a clinical nature as the person fitting the lens considers to be necessary in the particular case.”.

### **The Sight Testing (Examination and Prescription) (No. 2) Regulations 1989**

- 22.** In the Sight Testing (Examination and Prescription) (No. 2) Regulations 1989<sup>(9)</sup>—
- (a) in regulation 2(1) (interpretation), for the definition of “optician” substitute—  
““optometrist” means a registered optometrist.”;
  - (b) for the word “optician”, wherever it occurs, substitute “optometrist”;
  - (c) in regulation 3(1)(b) (examination) at the end add—  
“and  
(iii) if he is referring the patient to a doctor, setting out the reason for the referral.”;
  - (d) in regulation 4 (exceptions to the duty to issue a prescription statement), for the word “opticians” substitute “optometrists”; and
  - (e) in regulation 5(1) (particulars to be included in a prescription or statement), in sub-paragraph (a) at the end add “and such other particulars as may be necessary to enable each lens to be replicated.”.

### **The Prescription Pricing Authority Constitution Order 1990**

**23.** In article 5(e) of the Prescription Pricing Authority Constitution Order 1990<sup>(10)</sup> (constitution of the Pricing Authority), in sub-paragraph (e)(iv), for the words “registered in any of the registers of opticians” substitute “whose name is entered in the register of optometrists or the register of dispensing opticians”.

### **The National Health Service (Service Committees and Tribunal) Regulations 1992**

- 24.** In regulation 2 of the National Health Service (Service Committees and Tribunal) Regulations 1992<sup>(11)</sup> (interpretation) for the definition of “optician” substitute—  
““optician” means—
- (a) in the context of any provision requiring a member of a body constituted under these Regulations to be an optician, an optometrist whose name is registered in the register of optometrists maintained under section 7(a) of the Opticians Act 1989; or
  - (b) in any other context, an optometrist whose name is registered in the register of optometrists maintained under section 7(a) of that Act or a body corporate registered in the register of bodies corporate maintained under section 9 of that Act carrying on business as an optometrist.”.

### **The Testing of Sight by Persons Training as Ophthalmic Opticians Rules, 1993**

- 25.** In the Testing of Sight by Persons Training as Ophthalmic Opticians Rules, 1993<sup>(12)</sup>—
- (a) for the words “ophthalmic optician”, wherever they occur, substitute “optometrist”;
  - (b) for the words “ophthalmic opticians”, wherever they occur in rules 1 to 4, substitute “optometrists”;

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<sup>(9)</sup> S.I. 1989/1230.

<sup>(10)</sup> S.I. 1990/1718.

<sup>(11)</sup> S.I. 1992/664.

<sup>(12)</sup> Scheduled to S.I. 1994/70; relevant amending rules are scheduled to S.I. 1999/2897.

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- (c) for the word “institution”, wherever it occurs, substitute “establishment”; and
- (d) in rule 4 (classes of persons training as ophthalmic optometrists)—
  - (i) for paragraphs (a) and (b), substitute—
    - “(a) persons who are undertaking training at an approved training establishment for the purpose of satisfying section 8(1)(a) or 8(2A)(a) of the Act;
    - (b) persons who are obtaining practical experience in the work of an optometrist under the supervision of a registered medical practitioner or a registered optometrist for the purpose of satisfying section 8(1)(b) or 8(2A) of the Act”, and
  - (ii) in paragraph (d), after the word “examination” insert “or assessment”.

#### **The Family Health Services Appeal Authority Regulations 1995**

**26.** In regulation 7(1) of the Family Health Services Appeal Authority Regulations 1995(**13**) (disqualification for appointment), in sub-paragraph (i)(iv), for the words “ophthalmic optician” substitute “optometrist”.

#### **The Prescription Only Medicines (Human Use) Regulations 1997**

- 27.** In the Prescription Only Medicines (Human Use) Regulations 1997(**14**)—
- (a) in regulation 1(2) (citation, commencement and interpretation), for the definition of “registered ophthalmic optician” substitute—

““registered optometrist” means a person whose name is registered in the register of optometrists maintained under section 7(a) of the Opticians Act 1989;”;
  - (b) for the words “registered ophthalmic optician”, wherever they appear, substitute “registered optometrist”, and for the words “registered ophthalmic opticians”, wherever they appear, substitute “registered optometrists”.

#### **The Primary Care Trusts (Consultation on Establishment, Dissolution and Transfer of Staff) Regulations 1999**

**28.** In regulation 1(2) of the Primary Care Trusts (Consultation on Establishment, Dissolution and Transfer of Staff) Regulations 1999(**15**) (interpretation), in the definition of “health care professional” for sub-paragraph (d) substitute—

- “(d) an optometrist or a dispensing optician whose name is entered in a register under section 7 of the Opticians Act 1989;”.

#### **The Rules relating to Injury or Disease of the Eye, 1999**

- 29.** In the Rules relating to Injury or Disease of the Eye, 1999(**16**)—
- (a) for the words “registered optician”, wherever they occur, substitute “registered optometrist or registered dispensing optician”; and
  - (b) in rule 7, for the words “dispensing optician” substitute “registered dispensing optician” and for the words “ophthalmic optician” substitute “registered optometrist”.

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(13) S.I. 1995/622.

(14) S.I. 1997/1830.

(15) S.I. 1999/2337.

(16) Scheduled to S.I. 1999/3267.

### **The Primary Care Trusts (Membership, Procedure and Administration Arrangements) Regulations 2000**

**30.** In regulation 5(5) of the Primary Care Trusts (Membership, Procedure and Administration Arrangements) Regulations 2000(**17**) (disqualification for appointment: chairman and non-officer members), for sub-paragraph (d) substitute—

- “(d) an optometrist or a dispensing optician whose name is entered in a register maintained under section 7 of the Opticians Act 1989;”.

### **The General Social Care Council (Appointments and Procedure) Regulations 2001**

**31.** In regulation 4(7) of the General Social Care Council (Appointments and Procedure) Regulations 2001(**18**) (disqualification for appointment), for sub-paragraph (d) substitute—

- “(d) an optometrist or a dispensing optician whose name is entered in a register maintained under section 7 of the Opticians Act 1989;”.

### **The General Optical Council Election Scheme 2001**

**32.** In the General Optical Council Election Scheme 2001(**19**)—

- (a) for the words “ophthalmic optician”, wherever they occur, substitute “optometrist”;
- (b) for the words “ophthalmic opticians”, wherever they occur, substitute “optometrists”; and
- (c) in paragraph 3(i), for “ophthalmic or dispensing opticians” substitute “optometrists or dispensing opticians”.

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(17) S.I. 2000/89.

(18) S.I. 2001/1744.

(19) Scheduled to S.I. 2001/3057.